

REPORT TO	ON
GENERAL LICENSING COMMITTEE	11 July 2017



Jan 2017

TITLE	AUTHOR	Agenda item No.
REQUEST FOR AN EXEMPTION FROM THE COUNCIL'S AGE POLICY IN RESPECT OF A PRIVATE HIRE VEHICLE	PETER HAYWOOD	4

1. PURPOSE OF THE REPORT

A report on a request for the Council to depart from its published age policy and continue to licence the following Private Hire Vehicle - a black Chrysler 300C registration mark MA07 DXR.

2. RECOMMENDATIONS

The Committee is requested to

- 2.1 determine whether it wishes to depart from its current Licensing Policy and continue to licence the black Chrysler 300C registration mark MA07 DXR, even though it falls outside the stated age limits.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Clean, green and safe	X	Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	

4. BACKGROUND TO THE REPORT

- 4.1 Mr and Mrs Holland of 4 Greystock Close, Bamber Bridge PR5 6YS jointly hold Private Hire Operators Licence PHO004. They trade as "Chauff / Air" and one of the two vehicles on their fleet is a black Chrysler 300C vehicle registration mark MA07 DXR.
- 4.2 This vehicle was first registered in the United Kingdom with DVLA on 15th March 2007; it is therefore virtually 10 years and 4 months old. It has been licensed with this authority since 2010, and has been considered as an "executive vehicle". Its current licence is due to expire on 31 August 2017.
- 4.3 Members of the General Licensing Committee agreed at their meeting on 9 June 2015 that the vehicle should be granted a 2 year extension from 1 September 2015; at that time it would have been 8 years old and needed the agreement of members to continue to be licensed beyond this age. The minutes record that this decision was subject to the vehicle continuing to pass the 6 monthly roadworthiness test.

4.4 Section 7.8 of the Council’s current Licensing Policy (Appendix 1) continues to state that the prescribed age limit for such vehicles is 8 years, and the agreement of members will therefore be needed once more if the vehicle is to continue to be licensed. In accordance with the wording of section 7.8 of the Licensing Policy, Mr and Mrs Holland have requested that the Committee consider allowing the vehicle to remain licensed for executive Private Hire work (Appendix 2).

4.5 Mr and Mrs Holland have been asked to make this vehicle available for the Committee’s inspection.

5. HISTORY

5.1 Prior to the introduction of a Council Policy on vehicle age limits, the Borough’s licensed vehicle fleet was by and large unregulated, apart from the requirement for a roadworthiness test every six months. However, the council reviewed vehicle conditions following increasing concerns expressed by members of the public and councillors regarding the standard and quality of the vehicles licensed by it. As a result, to improve vehicle standards, the council decided that it was appropriate to introduce a limit on the age of vehicles it would licence.

5.2 The Council, in looking at applications to re-licence older vehicles, would need to use flexibility so that the authority did not fetter its discretion or act unreasonably. However, the Council has not readily departed from this policy apart from in exceptional circumstances.

5.3 Members may wish to take into consideration the relevant factors listed in Appendix 1, including whether the vehicle is in “exceptional condition”.

5.4 The Committee in light of the above is asked to consider Mr and Mrs Holland’s request.

6. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

6.1 Comments of the Statutory Finance Officer

There are no financial issues arising from this report.

6.2 Comments of the Monitoring Officer

The relevant legislation states that a local authority shall not grant a private hire vehicle licence unless it is satisfied amongst other things as to the suitability to its size, condition, safety and comfort. Furthermore, the Committee, should consider the council’s licensing policy and any reasons for departures from the policy must be recorded.

<p>Other implications:</p> <ul style="list-style-type: none"> • Risk • Equality • HR 	<p>The Committee should be aware of the need to protect the public. On the other hand, Committee should also be aware of the applicant’s right of appeal to the Magistrates’ Court should it be decided to refuse the licence.</p> <p>None</p> <p>None</p>
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8. BACKGROUND DOCUMENTS (or there are no background papers to this report)

Appendix 1 – extract from current Licensing Policy
Appendix 2 – request for Committee to hear matter

Appendix 1

Licensing Policy

Relevant extract relating to Private Hire vehicles

7.8 Vehicle Age Limits

The Council operates an age policy in respect of licensed vehicles and since its introduction, the travelling public of South Ribble have benefitted from more reliable vehicles which are fitted with better safety features and are more environmentally friendly.

The Council will where appropriate, issue Private Hire Licences to:

- a) Saloon/estate vehicles which are no older than 4 years, when first presented for licensing,
- b) Larger mpv's minibuses other wheelchair accessible vehicles which are no older than 6 years, when first presented for licensing.

Vehicles in (a) above, which have been continuously licensed by South Ribble, will no longer be eligible for renewal once they are 8 years old.

Vehicles in (b) above, which have been continuously licensed by South Ribble, will no longer be eligible for renewal once they are 12 years old.

In order to ensure that the Council does not fetter its discretion, a vehicle proprietor retains the right to apply to licence a vehicle which falls outside the Council's age criteria.

All such applications will be referred to the next scheduled General Licensing Committee for consideration. The Committee will take into account factors including, but not restricted to:

- The make and model of the vehicle
- The exceptional condition of the vehicle, including the bodywork and interior passenger accommodation
- The mileage
- The service history
- Details of all repairs undertaken throughout the vehicles life
- Details of all replacement parts fitted throughout the vehicles life
- Whether any particular contracts rely on the specific use of the vehicle.

The Committee will not take into account the personal or financial circumstances of a proprietor when considering a departure from this policy.

Each case will be determined on its own individual merits and any departures from this policy will be in exceptional circumstances only and will be recorded along with the reasons such a departure. Any departure from the policy will not create a precedent for future decisions.

Appendix 2

Request from Chauff/Air

From: dorothy holland [<mailto:alldot1@blueyonder.co.uk>]

Sent: 05 June 2017 09:38

To: Licensing <Licensing@southribble.gov.uk>

Subject: Committee Meeting

Dear Members of the Committee

[deleted]

Finally, we would sincerely hope that the oldest of our vehicles , the Chrysler being in excellent condition, could possibly have its life extended by a further 2 years. This car has been well looked after, is large and spacious offering our corporate clients a great deal of comfort and anonymity in leather seating which many customers say feels like sitting in an armchair.

We know the Committee is a fair and just body of people as they have been in the past towards us.

We await with great anticipation and bated breath for the next Committee meeting in July.

Regards

Allan and Dorothy Holland Chauff/air