

CITY AND COUNTY OF SWANSEA

NOTICE OF MEETING

You are invited to attend a Special Meeting of the

GENERAL LICENSING COMMITTEE

At: Committee Room 3A, Guildhall, Swansea

On: Friday, 27 May 2016

Time: 10.00 am

Chair: Councillor Penny Matthews

Membership:

Councillors: A C S Colburn, D W Cole, A M Cook, J P Curtice, P Downing, V M Evans, P Lloyd, K E Marsh, H M Morris, C L Philpott and T H Rees

AGENDA

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- 1 Apologies for Absence.
- 2 Disclosures of Personal and Prejudicial Interest.
www.swansea.gov.uk/disclosuresofinterests
- 3 Local Government (Miscellaneous Provisions) Act 1976 -
Application to Licence a Restricted Private Hire Vehicle, Audi A4
(HF51 RGX) - Mr M Benjamin. 1 - 6
- 4 Local Government (Miscellaneous Provisions) Act 1976 -
Application to Licence a Restricted Private Hire Vehicle - Rover 45
(VA54 KXT) - Mr M Benjamin. 7 - 12
- 5 Local Government (Miscellaneous Provisions) Act 1976 -
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- 6 Request for Authorisation to Grant Vehicle Applications Outside
of Current Age Criteria. 19 - 24



Patrick Arran

Head of Legal and Democratic Services

Friday, 20 May 2016. Contact: Democratic Services - Tel: (01792) 636923

REPORT OF THE DIVISIONAL OFFICER
LICENSING, FOOD & SAFETY
TO THE SPECIAL GENERAL LICENSING COMMITTEE
27th MAY 2016

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
APPLICATION TO LICENCE A RESTRICTED PRIVATE HIRE VEHICLE,
AUDI A4, REGISTRATION MARK HF51 RGX
MR MATTHEW BENJAMIN

1. INTRODUCTION

- 1.1 An application for a restricted private hire vehicle licence has been received from Mr Matthew Benjamin. The vehicle does not comply with the current licensing criteria set by City & County of Swansea due to its age. Mr Benjamin wishes to use the restricted private hire vehicle, if licensed, for the purposes of school transport only.
- 1.2 At the General Licensing Committee of 17th December 2014, Members agreed that any vehicle that does not comply with the current licensing criteria and/or is over 5 years continue to be considered by Committee. However, in future Members of the General Licensing Committee would not inspect the vehicle. The vehicle would be inspected by Licensing Officers prior to the Licensing Committee and Members would consider a written report.

2. RELEVANT CONSIDERATIONS

The Vehicle

- 2.1 Mr Benjamin wishes to apply for a restricted private hire vehicle licence for a Grey Audi A4. The vehicle was first registered on 8th November 2001 and is therefore 14 years and 6 months old. The registration of the vehicle is HF51 RGX and is capable of carrying 4 passengers.

The Purpose

- 2.2 It is proposed that the vehicle will be used for School Transport Only.

Inspections and Documents

- 2.3 The vehicle passed the Council's inspection at CTU on 6th May 2016 and the mileage recorded at this time was 144, 754 miles.
- 2.4 Mr Benjamin has supplied an up to date vehicle history check.

2.5 MOT history check for vehicle registration HF51 RGX :

Date of MOT	RECORDED MILEAGE
30 th September 2015	140,034
15 th October 2014	133,760
1 st October 2013	120,724
3 rd October 2012	108,322
31 st October 2011	98,007
30 th September 2010	83,461
18 th September 2009	66,639
3 rd October 2008	48,815
5 th November 2007	44,552
7 th November 2006	39,961

- 2.6 A Licensing Officer also inspected the vehicle on 29th April 2016 at the Central Transport Unit where the vehicle was considered to be of suitable standard for licensing as a restricted private hire vehicle.

3. **CURRENT LICENSING CRITERIA**

- 3.1 The Council's current age criteria states:

“ Vehicles will not be accepted for licensing on the first occasion after 5 years from the date of first registration. Vehicles will be relicensed on merit.”

- 3.2 Members are therefore being asked to consider whether the Audi A4, Registration Number, HF51 RGX is suitable for licensing as a restricted private hire vehicle.

4. **RESTRICTED PRIVATE HIRE VEHICLES**

- 4.1 In 2008 the creation of the 'restricted private hire licence' came about as a result of a change in legislation that removed the 'contract exemption' contained in section 75 of the Local Government (Miscellaneous Provisions) Act 1976.

- 4.2 The contract exemption previously permitted the use of a vehicle, under a contract for hire of more than seven days, to operate legally without the need for the operator or the driver of the vehicle to be licensed.
- 4.3 The restricted vehicle licence has since been issued for a number of vehicles for the purposes of school contract, airport travel and executive hire. Restricted vehicle licences were introduced in response to the change in legislation to allow those vehicles that were affected by the removal of the contract exemption, to carry on their existing business and not be adversely affected. These vehicles did not comply with this Council's policy for private hire vehicles in design or age and therefore could not be licensed as such.
- 4.4 The conditions attached to restricted vehicle licences issued ensured existing businesses could be licensed and continue with their normal operations without affecting their livelihood or creating undue expense. In particular restrictions were not applied in relation to the age or colour of the vehicles to be licensed.

5. **THE DEPARTMENT FOR TRANSPORT TAXI AND PRIVATE HIRE
VEHICLE LICENSING: BEST PRACTICE GUIDANCE: MARCH
2010**

- 5.1 The Department of Transport published its Best Practice Guidance in March 2010. This states:

“It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.”

6. **LEGISLATION RELATING TO THE LICENSING OF PRIVATE HIRE
VEHICLES**

- 6.1 The powers relating to the licensing of private hire vehicles are contained in Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 which states:

“Licensing of private hire vehicles”

48 (1) Subject to the provisions of this part of this Act, a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to

use the vehicles as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied –

- (a) that the vehicle is –
 - (i) suitable in type, size and design for use as a private hire vehicle;
 - (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
 - (iii) in a suitable mechanical condition;
 - (iv) safe; and
 - (v) comfortable
 - (b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988, and shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the council.
- (2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this sub-section, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates’.
- (3) In every vehicle licence granted under this section there shall be specified—
- (a) the name and address of—
 - (i) the applicant; and
 - (ii) every other person who is a proprietor of the private hire vehicle in respect of which the licence is granted, or who is concerned, either solely or in partnership with any other person, in the keeping, employing or letting on hire of the private hire vehicle;
 - (b) the number of the licence which shall correspond with the number to be painted or marked on the plate or disc to be

exhibited on the private hire vehicle in accordance with subsection (6) of this section;

- (c) the conditions attached to the grant of the licence; and
 - (d) Such other particulars as the district council consider reasonably necessary.
- (4) Every licence granted under this section shall –
- (a) be signed by an authorised officer of the council which granted it;
 - (b) relate to not more than one private hire vehicle; and
 - (c) remain in force for such period not being longer than one year as the district council may specify in the licence.
- (5) Where a district council grant under this section a vehicle licence in respect of a private hire vehicle they shall issue a plate or disc identifying that vehicle as a private hire vehicle in respect of which a vehicle licence has been granted.
- (6) (a) Subject to the provisions of this Part of this Act, no person shall use or permit to be used in a controlled district as a private hire vehicle in respect of which a licence has been granted under this section unless the plate or disc issued in accordance with subsection (5) of this section is exhibited on the vehicle in such manner as the district council shall prescribe by condition attached to the grant of the licence.
- (b) If any person without reasonable excuse contravenes the provisions of this subsection he shall be guilty of an offence.
- (7) Any person aggrieved by the refusal of a district council to grant a vehicle licence under this section, or by any conditions specified in such a licence, may appeal to a magistrates' court.

6.2 It is evident from section 48 above that the Council are not under a duty to issue a licence once an application has been made, they have discretion. Section 48(1)(a) and (b) also includes specific situations where a council must not grant a licence.

7. RECOMMENDATION

7.1 It is recommended that after careful consideration of the detail of this report and hearing from Mr Benjamin, Members determine whether to:

- a. Grant Mr Benjamin a restricted Private Hire Vehicle licence in respect of the Audi A4, registration mark HF51 RGX and that this licence is renewed on merit. OR
- b. Refuse Mr Benjamin a restricted Private Hire Vehicle licence in respect of the Audi A4, registration mark HF51 RGX giving reasons why it is not considered suitable under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing Committee's instructions are requested.

Background Papers: Licence Application and General Licensing Committee Report of 17th December 2014
Contact Officer: Richard Jenkins
Extension: 5600
Legal Contact: Lyndsay Thomas

REPORT OF THE DIVISIONAL OFFICER
LICENSING, FOOD & SAFETY
TO THE SPECIAL GENERAL LICENSING COMMITTEE
27th MAY 2016

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
APPLICATION TO LICENCE A RESTRICTED PRIVATE HIRE VEHICLE,
ROVER 45, REGISTRATION MARK VA54 KXT
MR MATTHEW BENJAMIN

1. INTRODUCTION

- 1.1 An application for a restricted private hire vehicle licence has been received from Mr Matthew Benjamin. The vehicle does not comply with the current licensing criteria set by City & County of Swansea due to its age. Mr Benjamin wishes to use the restricted private hire vehicle, if licensed, for the purposes of school transport only.
- 1.2 At the General Licensing Committee of 17th December 2014, Members agreed that any vehicle that does not comply with the current licensing criteria and/or is over 5 years continue to be considered by Committee. However, in future Members of the General Licensing Committee would not inspect the vehicle. The vehicle would be inspected by Licensing Officers prior to the Licensing Committee and Members would consider a written report.

2. RELEVANT CONSIDERATIONS

The Vehicle

- 2.1 Mr Benjamin wishes to apply for a restricted private hire vehicle licence for a Blue Rover 45. The vehicle was first registered on 9th February 2005 and is therefore 11 years and 3 months old. The registration of the vehicle is VA54 KXT and is capable of carrying 4 passengers.
- 2.2 Mr Benjamin has stated that the vehicle is licensed with Powys County Council where the licence is due to expiry on the 31st October 2016. If this application is successful today, the current licence with Powys County Council will be surrendered.

The Purpose

- 2.3 It is proposed that the vehicle will be used for School Transport Only.

Inspections and Documents

- 2.4 The vehicle passed the Council's inspection at CTU on 6th May 2016 and the mileage recorded at this time was 128, 188 miles.
- 2.5 Mr Benjamin has supplied an up to date vehicle history check.

2.6 MOT history check for vehicle registration VA54 KXT :

Date of MOT	RECORDED MILEAGE
26 th October 2015	122,600
29 th April 2015	117,329
24 th October 2014	111,685
8 th May 2014	107,728
24 th October 2013	102,782
24 th October 2012	83,933
12 th October 2011	64,571
17 th May 2010	58,142
20 th May 2009	39,890
31 st March 2008	26,268

- 2.7 A Licensing Officer also inspected the vehicle on 29th April 2016 at the CTU where the vehicle was considered to be of suitable standard for licensing as a restricted private hire vehicle.

3. **CURRENT LICENSING CRITERIA**

- 3.1 The Council's current age criteria states:

“ Vehicles will not be accepted for licensing on the first occasion after 5 years from the date of first registration. Vehicles will be relicensed on merit.”

- 3.2 Members are therefore being asked to consider whether the Rover 45, Registration Number, VA54 KXT is suitable for licensing as a restricted private hire vehicle.

4. **RESTRICTED PRIVATE HIRE VEHICLES**

- 4.1 In 2008 the creation of the 'restricted private hire licence' came about as a result of a change in legislation that removed the 'contract exemption' contained in section 75 of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.2 The contract exemption previously permitted the use of a vehicle, under a contract for hire of more than seven days, to operate legally without the need for the operator or the driver of the vehicle to be licensed.

- 4.3 The restricted vehicle licence has since been issued for a number of vehicles for the purposes of school contract, airport travel and executive hire. Restricted vehicle licences were introduced in response to the change in legislation to allow those vehicles that were affected by the removal of the contract exemption, to carry on their existing business and not be adversely affected. These vehicles did not comply with this Council's policy for private hire vehicles in design or age and therefore could not be licensed as such.
- 4.4 The conditions attached to restricted vehicle licences issued ensured existing businesses could be licensed and continue with their normal operations without affecting their livelihood or creating undue expense. In particular restrictions were not applied in relation to the age or colour of the vehicles to be licensed.
5. **THE DEPARTMENT FOR TRANSPORT TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE: MARCH 2010**
- 5.1 The Department of Transport published its Best Practice Guidance in March 2010. This states:
- "It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old."*
6. **LEGISLATION RELATING TO THE LICENSING OF PRIVATE HIRE VEHICLES**
- 6.1 The powers relating to the licensing of private hire vehicles are contained in Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 which states:
- "Licensing of private hire vehicles"**
- 48 (1) Subject to the provisions of this part of this Act, a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicles as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied –

- (a) that the vehicle is –
 - (i) suitable in type, size and design for use as a private hire vehicle;
 - (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
 - (iii) in a suitable mechanical condition;
 - (iv) safe; and
 - (v) comfortable
 - (b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988, and shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the council.
- (2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this sub-section, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates’.
- (3) In every vehicle licence granted under this section there shall be specified—
- (a) the name and address of—
 - (i) the applicant; and
 - (ii) every other person who is a proprietor of the private hire vehicle in respect of which the licence is granted, or who is concerned, either solely or in partnership with any other person, in the keeping, employing or letting on hire of the private hire vehicle;
 - (b) the number of the licence which shall correspond with the number to be painted or marked on the plate or disc to be exhibited on the private hire vehicle in accordance with subsection (6) of this section;
 - (c) the conditions attached to the grant of the licence; and

- (d) Such other particulars as the district council consider reasonably necessary.
- (4) Every licence granted under this section shall –
 - (a) be signed by an authorised officer of the council which granted it;
 - (b) relate to not more than one private hire vehicle; and
 - (c) remain in force for such period not being longer than one year as the district council may specify in the licence.
- (5) Where a district council grant under this section a vehicle licence in respect of a private hire vehicle they shall issue a plate or disc identifying that vehicle as a private hire vehicle in respect of which a vehicle licence has been granted.
- (6)
 - (a) Subject to the provisions of this Part of this Act, no person shall use or permit to be used in a controlled district as a private hire vehicle in respect of which a licence has been granted under this section unless the plate or disc issued in accordance with subsection (5) of this section is exhibited on the vehicle in such manner as the district council shall prescribe by condition attached to the grant of the licence.
 - (b) If any person without reasonable excuse contravenes the provisions of this subsection he shall be guilty of an offence.
- (7) Any person aggrieved by the refusal of a district council to grant a vehicle licence under this section, or by any conditions specified in such a licence, may appeal to a magistrates' court.

6.2 It is evident from section 48 above that the Council are not under a duty to issue a licence once an application has been made, they have discretion. Section 48(1)(a) and (b) also includes specific situations where a council must not grant a licence.

7. RECOMMENDATION

- 7.1 It is recommended that after careful consideration of the detail of this report and hearing from Mr Benjamin, Members determine whether to:
- a. Grant Mr Benjamin a restricted Private Hire Vehicle licence in respect of the Rover 45, registration mark VA54 KXT and that this licence is renewed on merit. OR
 - b. Refuse Mr Benjamin a restricted Private Hire Vehicle licence in respect of the Rover 45, registration mark VA54 KXT giving reasons why it is not considered suitable under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing Committee's instructions are requested.

Background Papers: Licence Application and General Licensing Committee Report of 17th December 2014
Contact Officer: Richard Jenkins
Extension: 5600
Legal Contact: Lyndsay Thomas

REPORT OF THE DIVISIONAL OFFICER
LICENSING, FOOD & SAFETY
TO THE SPECIAL GENERAL LICENSING COMMITTEE
27th MAY 2016

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
APPLICATION TO LICENCE A RESTRICTED PRIVATE HIRE VEHICLE,
SKODA OCTAVIA, REGISTRATION MARK Y721 RRP
MR MATTHEW BENJAMIN

1. INTRODUCTION

- 1.1 An application for a restricted private hire vehicle licence has been received from Mr Matthew Benjamin. The vehicle does not comply with the current licensing criteria set by City & County of Swansea due to its age. Mr Benjamin wishes to use the restricted private hire vehicle, if licensed, for the purposes of school transport only.
- 1.2 At the General Licensing Committee of 17th December 2014, Members agreed that any vehicle that does not comply with the current licensing criteria and/or is over 5 years continue to be considered by Committee. However, in future Members of the General Licensing Committee would not inspect the vehicle. The vehicle would be inspected by Licensing Officers prior to the Licensing Committee and Members would consider a written report.

2. RELEVANT CONSIDERATIONS

The Vehicle

- 2.1 Mr Benjamin wishes to apply for a restricted private hire vehicle licence for a Silver Skoda Octavia. The vehicle was first registered on 17th July 2001 and is therefore 14 years and 10 months old. The registration of the vehicle is Y721 RRP and is capable of carrying 4 passengers.
- 2.2 Mr Benjamin has stated that the vehicle was previously licensed with Powys County Council where the licence was surrendered on the 21st March 2016.

The Purpose

- 2.3 It is proposed that the vehicle will be used for School Transport Only.

Inspections and Documents

- 2.3 The vehicle passed the Council's inspection at CTU on 29th April 2016 and the mileage recorded at this time was 129, 589 miles.
- 2.4 Mr Benjamin has supplied an up to date vehicle history check.

2.5 MOT history check for vehicle registration Y721 RRP :

Date of MOT	RECORDED MILEAGE
17 th December 2015	125,390
27 th May 2015	118,962
21 st November 2014	116,268
30 th April 2014	113,160
25 th October 2013	113,087
3 rd July 2012	110,191
11 th July 2011	105,115
4 th June 2010	97,219
8 th June 2009	88,149
17 th June 2008	79,875
21 st June 2007	67,427
20 th June 2006	56,133

- 2.6 A Licensing Officer also inspected the vehicle on 29th April 2016 at the Central Transport Unit where the vehicle was considered to be of suitable standard for licensing as a restricted private hire vehicle.

3. **CURRENT LICENSING CRITERIA**

- 3.1 The Council's current age criteria states:

“ Vehicles will not be accepted for licensing on the first occasion after 5 years from the date of first registration. Vehicles will be relicensed on merit.”

- 3.2 Members are therefore being asked to consider whether the Skoda Octavia, Registration Number, Y721 RRP is suitable for licensing as a restricted private hire vehicle.

4. **RESTRICTED PRIVATE HIRE VEHICLES**

- 4.1 In 2008 the creation of the 'restricted private hire licence' came about as a result of a change in legislation that removed the 'contract exemption' contained in section 75 of the Local Government (Miscellaneous Provisions) Act 1976.

- 4.2 The contract exemption previously permitted the use of a vehicle, under a contract for hire of more than seven days, to operate legally without the need for the operator or the driver of the vehicle to be licensed.
- 4.3 The restricted vehicle licence has since been issued for a number of vehicles for the purposes of school contract, airport travel and executive hire. Restricted vehicle licences were introduced in response to the change in legislation to allow those vehicles that were affected by the removal of the contract exemption, to carry on their existing business and not be adversely affected. These vehicles did not comply with this Council's policy for private hire vehicles in design or age and therefore could not be licensed as such.
- 4.4 The conditions attached to restricted vehicle licences issued ensured existing businesses could be licensed and continue with their normal operations without affecting their livelihood or creating undue expense. In particular restrictions were not applied in relation to the age or colour of the vehicles to be licensed.

5. **THE DEPARTMENT FOR TRANSPORT TAXI AND PRIVATE HIRE
VEHICLE LICENSING: BEST PRACTICE GUIDANCE: MARCH
2010**

- 5.1 The Department of Transport published its Best Practice Guidance in March 2010. This states:

"It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old."

6. **LEGISLATION RELATING TO THE LICENSING OF PRIVATE HIRE
VEHICLES**

- 6.1 The powers relating to the licensing of private hire vehicles are contained in Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 which states:

"Licensing of private hire vehicles"

48 (1) Subject to the provisions of this part of this Act, a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicles as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied –

- (a) that the vehicle is –
 - (i) suitable in type, size and design for use as a private hire vehicle;
 - (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
 - (iii) in a suitable mechanical condition;
 - (iv) safe; and
 - (v) comfortable
 - (b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988, and shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the council.
- (2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this sub-section, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates’.
- (3) In every vehicle licence granted under this section there shall be specified—
- (a) the name and address of—
 - (i) the applicant; and
 - (ii) every other person who is a proprietor of the private hire vehicle in respect of which the licence is granted, or who is concerned, either solely or in partnership with any other person, in the keeping, employing or letting on hire of the private hire vehicle;
 - (b) the number of the licence which shall correspond with the number to be painted or marked on the plate or disc to be exhibited on the private hire vehicle in accordance with subsection (6) of this section;
 - (c) the conditions attached to the grant of the licence; and

- (d) Such other particulars as the district council consider reasonably necessary.
 - (4) Every licence granted under this section shall –
 - (a) be signed by an authorised officer of the council which granted it;
 - (b) relate to not more than one private hire vehicle; and
 - (c) remain in force for such period not being longer than one year as the district council may specify in the licence.
 - (5) Where a district council grant under this section a vehicle licence in respect of a private hire vehicle they shall issue a plate or disc identifying that vehicle as a private hire vehicle in respect of which a vehicle licence has been granted.
 - (6) (a) Subject to the provisions of this Part of this Act, no person shall use or permit to be used in a controlled district as a private hire vehicle in respect of which a licence has been granted under this section unless the plate or disc issued in accordance with subsection (5) of this section is exhibited on the vehicle in such manner as the district council shall prescribe by condition attached to the grant of the licence.
 - (b) If any person without reasonable excuse contravenes the provisions of this subsection he shall be guilty of an offence.
 - (7) Any person aggrieved by the refusal of a district council to grant a vehicle licence under this section, or by any conditions specified in such a licence, may appeal to a magistrates' court.
- 6.2 It is evident from section 48 above that the Council are not under a duty to issue a licence once an application has been made, they have discretion. Section 48(1)(a) and (b) also includes specific situations where a council must not grant a licence.

7. RECOMMENDATION

- 7.1 It is recommended that after careful consideration of the detail of this report and hearing from Mr Benjamin, Members determine whether to:
- a. Grant Mr Benjamin a restricted Private Hire Vehicle licence in respect of the Skoda Octavia, registration mark Y721 RRP and that this licence is renewed on merit. OR
 - b. Refuse Mr Benjamin a restricted Private Hire Vehicle licence in respect of the Skoda Octavia, registration mark Y721 RRP giving reasons why it is not considered suitable under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing Committee's instructions are requested.

Background Papers: Licence Application and General Licensing Committee Report of 17th December 2014
Contact Officer: Richard Jenkins
Extension: 5600
Legal Contact: Lyndsay Thomas

REPORT OF THE DIVISIONAL OFFICER
LICENSING, FOOD & SAFETY
TO THE SPECIAL GENERAL LICENSING COMMITTEE
27th May 2016

REQUEST FOR AUTHORISATION TO GRANT VEHICLE APPLICATIONS
OUTSIDE OF CURRENT AGE CRITERIA

1.0 Background

1.1 At the General Licensing Committee of 17th December 2014, Members agreed that any vehicle that does not comply with the current licensing criteria and/or is over 5 years old continue to be reported to Committee for decision by Committee. Members also agreed that for future reports Members of the General Licensing Committee would not inspect the vehicles and would make their decision based on a written report from officers. A copy of the previous report is attached at Appendix A.

2.0 Current Position

2.1 Since the decision made at the General Licensing Committee on the 17th December 2014, 30 vehicle applications have been considered by the General Licensing Committee where the vehicles have not complied with the age criteria and have been over 5 years old.

2.2 26 of these vehicles were granted a licence based on a written report from officers.

2.3 4 of the vehicles were refused a licence following inspection by Members as the vehicles did not meet the required standards.

2.4 As Members will note the majority of the vehicle applications referred to the General Licensing Committee are granted based on a written report from officers that confirms the vehicles are considered to be suitable for licensing. In view of this Members are requested to consider authorising officers to grant vehicle licences for any vehicle that does not meet the Council's current age criteria subject to the vehicle meeting all other relevant application/licensing criteria.

2.5 Where there are any concerns in respect of a vehicle presented for licensing, officers will continue to refer the application to the General Licensing Committee for decision following inspection of the vehicle concerned.

3.0 RECOMMENDATIONS

3.1 It is recommended that:

- i) Members authorise officers of the Licensing Section to grant vehicle licences in respect of vehicle applications that do not comply with the Council's current age criteria for licensing vehicles subject to the vehicle meeting all other relevant application/licensing criteria.

The Licensing Committee's instructions are requested.

**Background Papers: Special General Licensing Committee
 20th June 2014 and 17th December 2014**
Contact Officer: Yvonne Lewis
Extension: 5600
Legal Contact: Lyndsay Thomas

REPORT OF THE DIVISIONAL OFFICER
LICENSING, FOOD & SAFETY
TO THE GENERAL LICENSING COMMITTEE
17th DECEMBER 2014

REQUEST FOR AUTHORISATION TO GRANT VEHICLE APPLICATIONS
OUTSIDE OF CURRENT AGE CRITERIA

1.0 Background

- 1.1 As Members will be aware, authorisation was given to licensing officers on 20th June 2014 to grant vehicle applications outside of the current age criteria, as long as the vehicle met all other required licensing criteria, had passed the Council's inspection test and was under 5 years old. A copy of the previous report is attached at Appendix A.
- 1.2 Due to the increasing number of applications of this nature, the General Licensing Committee on 14th November 2014 requested that consideration be given to authorising licensing officers to grant vehicle licences for any vehicle outside of the current age criteria.
- 1.3 In addition a number of vehicles have been reported for Committee decision as they do not comply with the condition that requires them to be specially adapted for the use for school transport purposes. This condition states:

“An application to licence a restricted private hire vehicle for school transport purposes will only be considered for a new contract that requires a vehicle of a certain type or design that would not be licensed as a hackney carriage or private hire vehicle. Schools transport officers will be consulted on all applications received”

2.0 Current Position

- 2.1 Since the decision made at the Special General Licensing Committee on the 20th June 2014, a further 15 vehicle applications have been presented for consideration to the General Licensing Committee as the vehicles have not complied with the age criteria and/or the requirement to be specially adapted.
- 2.2 14 of these vehicles were granted a licence on their individual merit following inspection by Members of the Committee. One vehicle was refused at Committee but this vehicle did not comply with other criteria namely that the vehicle was left hand drive and lacked seatbelts in the vehicle. In total 41 licences have been granted for vehicles that do not meet the current age criteria.

- 2.3 Following a discussion at the General Licensing Committee on 22nd August 2014, officers now request an up to date vehicle history check and full service history where available.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that :

i) Members authorise officers of the Licensing Section to grant vehicle licences in respect of vehicle applications that do not comply with the current age criteria for licensing vehicles subject to:

- a) the vehicle passing the Council's inspection;
- b) submission of an up to date vehicle history check;
- c) submission of the full service history for the vehicle where available;

and

- d) the vehicle meeting all other application criteria;

and

ii) the condition that requires restricted private hire vehicles to be specially adapted for school transport purposes be removed.

The Licensing Committee's instructions are requested.

Background Papers:	Special General Licensing Committee 20th June 2014
Contact Officer:	Yvonne Lewis
Extension:	5600
Legal Contact:	Kath Clague

REPORT OF THE DIVISIONAL OFFICER
LICENSING, FOOD & SAFETY
TO THE GENERAL LICENSING COMMITTEE
20TH JUNE 2014

REQUEST FOR AUTHORISATION TO GRANT VEHICLE APPLICATIONS
OUTSIDE OF CURRENT AGE CRITERIA

1.0 Background

- 1.1 As Members will be aware, increasing numbers of applications are being reported to the General Licensing Committee for decision as they do not comply with the Council's current licensing criteria relating to the type and age of vehicles.

2.0 Current Position

- 2.1 Existing vehicle licence criteria dictate the standards of vehicle required by the local authority before consideration of a licence. Such documents ensure that a proprietor has clear guidance prior to making an informed choice of the type of vehicle to purchase. It is important however, that local authorities do not strictly apply these criteria and that all applications for a licence are dealt with on their individual merit.
- 2.2 Currently, hackney carriage vehicles must be brand new before a licence is granted or replaced.
- 2.3 Current criteria for licensing private hire and restricted private hire vehicles state that vehicles will not be accepted for licensing on the first occasion more than two years after the first date of registration. Those vehicles purchased from new will be re-licensed on merit but if a vehicle when first licensed is of any age up to two years old from date of first registration it will be re-licensed on merit until it is six years old.
- 2.4 During the period June 2013 to May 2014, 27 vehicle applications were presented for consideration by the General Licensing Committee due to the type and age of the vehicle not complying with current conditions.
- 2.5 All of the 27 vehicles were granted a licence on their individual merit following inspection by Members of the Committee.

3.0 Proposal

- 3.1 An increasing number of applications to licence and to replace existing vehicles that do not comply with the Council's current age criteria are being received by the Licensing Section with many more expected over the next few weeks. In view of this and as all applications to licence an older vehicle reported to Licensing Committee in the previous 12 months have been granted, it is proposed that officers of

the Licensing Section be authorised to grant such applications under delegated powers . This authorisation only to apply in circumstances where the application complies with all licensing criteria with the exception of the age of the vehicle. The vehicle must also pass the Council's inspection.

- 3.2 Vehicle applications received that do not comply with other current licensing criteria will be reported to the General Licensing Committee for inspection and consideration.

4.0 RECOMMENDATIONS

- 4.1 It is recommended that Members authorise officers of the Licensing Section to grant vehicle licences in respect of vehicle applications that do not comply with the current age criteria for licensing vehicles, subject to the vehicle passing the Council's inspection and meeting all other application criteria.

The Licensing Committee's instructions are requested.

Background Papers: None
Contact Officer: Yvonne Lewis
Extension: 5600
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