

**Report of the Divisional Officer  
Licensing, Food & Safety**

**General Licensing Committee - 25 April 2014**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976  
APPLICATION TO LICENCE A PRIVATE HIRE VEHICLE,  
FORD MONDEO, REGISTRATION MARK YS10 BXR  
MR DAVID HANCOCK**

**1.0 INTRODUCTION**

- 1.1 An application to licence a private hire vehicle has been received from Mr David Hancock. The vehicle is a white Ford Mondeo, Registration Mark YS10 BXR and is capable of carrying 4 passengers.

**2.0 BACKGROUND**

- 2.1 On 31st March 2014, Mr Hancock submitted an application to licence a white Ford Mondeo, registration Mark YS10 BXR.
- 2.2 Mr Hancock was at the time the holder of private hire vehicle licence PH 4216 which expired on 31st March 2014, that same day. This vehicle licence was issued in respect of a white Ford Focus, registration mark CV02 WUO. The vehicle was 14 years old and the mileage on the last Council vehicle test showed 161,281 miles.
- 2.3 This vehicle was an older vehicle than the vehicle presented today and Mr Hancock has provided a letter to the Licensing Committee confirming that this vehicle was 'off the road with serious mechanical issues'. A copy of Mr Hancock's letter is attached as Appendix A.
- 2.4 Mr Hancock had previously intended to substitute the vehicle he wishes to licence today onto private hire vehicle licence PH4216 but was unable to present the vehicle in time to be considered by the Licensing Committee before the licence had expired. The vehicle is now before you for a grant of a new vehicle licence.

**3.0 RELEVANT ISSUES**

- 3.1 The vehicle Mr Hancock now wishes to licence, registration mark YS10 BXR was first registered on 11th June 2010 and is therefore 3 years and 10 months old. The vehicle passed the Council's inspection on the 19th March 2014 and the mileage recorded at this time was 71,787 miles.

3.2 Council's current age policy states:

*“vehicles will not be accepted for licensing on the first occasion after 2 years from the date of first registration. Vehicles purchased from new will be re-licensed on merit.*

*If a vehicle when first licensed is any age up to 2 years from date of first registration it will be re-licensed on merit until it is 6 years old”.*

3.3 The vehicle does not meet the Council's current age policy and requires consideration by the General Licensing Committee on the merit of this application.

3.4 In addition to this matter the vehicle Mr Hancock wishes to licence has previously been involved in an accident which resulted in the vehicle being categorised as, 'Category D vehicle damage'. Mr Hancock has confirmed to a Licensing Officer that the vehicle sustained accident damage resulting in mechanical issues and an engine control unit problem.

3.5 An Experian vehicle data check made against this vehicle has confirmed that the vehicle was assessed on the 18th August 2011 and was categorised as Category D vehicle damage or 'write off' by the Insurers.

3.6 A 'Category D' damaged vehicle or as it is more commonly known as, a Category D write off is where an insurance company deem that the vehicle is repairable, but:

- the repair costs can be significant compared to the vehicle value; or
- the parts required may not be available in an acceptable timescale; or
- the insurer chooses not to repair for economic reasons which may include excessive storage costs while waiting long lead times for parts.

3.7 This vehicle passed an MOT inspection on the 25th November 2013.

3.8 Members are therefore being asked to consider whether the Ford Mondeo vehicle, Registration Number YS10 BXR is suitable for licensing as a private hire vehicle in Swansea.

3.9 In order to assist Members in reaching their decision the vehicle will be available for inspection at the Civic Centre on Friday 25th April 2014.

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

4.1 The Department for Transport published its Best Practice Guidance in March 2010 to assist local authorities in England and Wales that have responsibility for the regulation of the taxi and private hire vehicle (PHV) trades. 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.”*

5.0 **LEGISLATION RELATING TO THE LICENSING OF PRIVATE HIRE VEHICLES**

5.1 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...

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 the Road Traffic (Consequential Provisions) Act 1988, s 4, Sch 3, para 16 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."
  
- 5.2 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.
  
- 5.3 The City and County of Swansea private hire vehicle conditions state:

*Condition 5 "vehicles will not be accepted for licensing on the first occasion after 2 years from the date of first registration. Vehicles purchased from new will be re-licensed on merit. If a vehicle when first licensed is any age up to 2 years from date of first registration it will be re-licensed on merit until it is 6 years old".*

## **6.0 RECOMMENDATION**

- 6.1 It is recommended that after careful consideration of the detail of this report and hearing from Mr Hancock, Members determine whether to:
  - a. grant the application made by Mr Hancock to licence the Ford Mondeo vehicle registration mark YS10 BXR as a private hire vehicle and that this licence is renewed on merit; OR
  
  - b. refuse the application made by Mr Hancock to licence the Ford Mondeo vehicle registration mark YS10 BXR as a private hire vehicle, giving reasons why it is considered unsuitable under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

### **The Licensing Committee's instructions are requested.**

Background Papers:	Licence Application
Contact Officer:	Richard Jenkins
Extension:	5600
Legal Contact:	Lyndsay Thomas