

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

**General Licensing Committee - 25 April 2014**

**TOWN POLICE CLAUSES ACT 1847  
APPLICATION TO SUBSTITUTE A HACKNEY CARRIAGE VEHICLE  
MERCEDES VITO, REGISTRATION MARK TF07 WJV  
SWANSEA MOTOR CONTRACTS LTD – MR MARK CUTAJAR**

**1.0 INTRODUCTION**

1.1 An application to substitute a vehicle on to an existing hackney carriage licence has been received from Mr Mark Cutajar of Swansea Motor Contracts Ltd. The vehicle is a black Mercedes Vito, Registration Mark TF07 WJV and is capable of carrying 8 passengers.

**2.0 BACKGROUND**

2.1 The existing licensed vehicle, plate number HC 5019, registration mark R610 ULH is a black Metro Cab licensed to carry 5 passengers. This vehicle is now 16 years and 5 months old and the mileage recorded on its last inspection on the 11<sup>th</sup> October 2013 was 410,910 miles.

2.2 The vehicle Mr Cutajar wishes to substitute onto this licence is 6 years and 8 months. The vehicle passed the Council's inspection on the 8<sup>th</sup> April 2014 and the mileage recorded at this time was 250,997 miles.

2.3 Mr Cutajar has confirmed that his existing vehicle has broken down and he is having difficulty in obtaining spare parts for the old car.

2.4 Members are therefore asked to determine the suitability of the black Mercedes Vito, registration mark TF07 WJV for licensing as a hackney carriage vehicle in Swansea.

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

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

3.1 The Department for 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 licence 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.*

4.0 **CURRENT HACKNEY CARRIAGE VEHICLE POLICY**

4.1 The Council's current policy in relation to hackney carriage vehicles requires that vehicles will not be accepted for licensing on the first occasion unless brand new. All vehicles will be re-licensed on merit.

4.2 The policy was adopted by Swansea City Council in March 1985 and by the City and County of Swansea in 1996.

4.3 The reasons for the adoption of the policy were:

- i. So that the local authority could be confident as to the accident history of the relevant vehicles;
- ii. it was envisaged that if the vehicle were a new vehicle its proprietor would be more committed to maintaining higher standards of the vehicle as a result of the higher investment made.
- iii. The policy was intended to ensure that the vehicle was not already 'tired' before it was licensed, so it was more likely to be able to withstand the rigors demanded of a hackney carriage;

4.4 Since the adoption of the policy the mechanical standards, interior of the vehicles and their external appearance have improved. The improvements have been of general benefit to the public and also the image of the hackney carriage trade in Swansea.

4.5 The Council's age policy has been challenged since it's implementation by way of Judicial Review in 1995.

4.6 The decision of the High Court at this time was to dismiss the application on the basis that the evidence provided showed that the policy had the full support of the hackney carriage trade in Swansea and that the policy was carefully considered, and had reasonable objectives to protect the safety of hackney carriages and the comfort and convenience of those who travel in them.

5.0 **PREVIOUS PROPOSAL TO ALLOW THE LICENSING OF SECOND HAND HACKNEY CARRIAGE VEHICLES**

5.1 In December 2008 the Licensing Committee considered a request from

a hackney carriage proprietor to allow licence holders to purchase second hand vehicles to replace vehicles that have been damaged and can no longer be used as a licensed vehicle as a result.

5.2 The decision of the Licensing Committee was that any individual requests would be considered on merit should they arise.

5.3 Since that decision a number of requests have been considered by Committee.

6.0 **RECOMMENDATION**

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

- a) grant the application made by Mr Cutajar of Swansea Motor Contracts Ltd to substitute the Mercedes Vito, Registration Mark TF07 WJV onto the hackney carriage vehicle licence HC 5019;  
or
- b) refuse the application made by Mr Cutajar of Swansea Motor Contracts Ltd to substitute the Mercedes Vito, Registration Mark TF07 WJV onto the hackney carriage vehicle licence HC 5019 giving full reasons for this decision.

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

Background Papers:	Licence Application
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