

REPORT OF THE DIVISIONAL OFFICER
LICENSING, FOOD & SAFETY
TO THE GENERAL LICENSING COMMITTEE
6th MARCH 2015

TOWN POLICE CLAUSES ACT 1847
APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE VEHICLE
LICENCE – LONDON TAXI TX11, REGISTRATION MARK SN53 KFW
MR QAMAR SAEED KANWAR

1. **INTRODUCTION**

- 1.1 An application for the grant of a hackney carriage vehicle licence has been received from Mr Kanwar. The vehicle is a black London Taxi Registration Mark SN53 KFW and is capable of carrying 5 passengers.

2. **BACKGROUND**

- 2.1 The vehicle was first registered on 3rd November 2003 and is therefore 11 years and 4 months old.
- 2.2 This vehicle was before the Licensing Committee on 21st December 2012 when Members approved an application to substitute the vehicle onto hackney carriage vehicle licence HC 5028. This licence expired on 31st December 2014 and was held by the previous proprietor, Mr Martin Griffiths.
- 2.4 On 21st January 2015, Mr Kanwar purchased the London Taxi vehicle registration mark SN53 KFW and submitted an application for the grant of a hackney carriage vehicle licence on the 22nd January 2015.
- 2.5 On 23rd January 2015 the vehicle SN53 KFW failed the Council's inspection. The faults recorded on the inspection sheet were:
- Near side front ball joint defective;
 - Off side front ball joint defective;
 - Rear of rear spring eyes worn on near and off side (bushes);
 - Engine oil leak;
 - Near side rear indicator defective.
- 2.6 On 26th January 2015 the vehicle passed the Council's inspection and the mileage recorded at this time was 73,088 miles.
- 2.7 On 4th February 2015 the vehicle SN53 KFW attended at the Civic Centre and was inspected by Licensing Officers. Defects were noted

by officers and photographs were taken of the vehicle.
The photographs are attached at Appendix A.

- 2.8 The defects noted were:
- * Near side of rear bumper covered in black tape and not secure to the body of the vehicle;
 - * Bottom of near side front door covered with black tape;
 - * Bolt missing to secure the wheelchair ramp to the vehicle;
 - * Corrosion of the vehicle body where rear back door closes;
 - * Seat belt receiver for rear flip down seat held together with tape;
 - * Corrosion on wheel arches and on bottom of nearside front and off side rear doors
 - * Windows on both front doors not working.

2.9 Members are therefore asked to determine the suitability of the black London Taxi TX11 vehicle registration mark SN53 KFW for licensing as a hackney carriage vehicle in Swansea.

2.10 In order to assist Members in reaching their decision the vehicle will be available for inspection at the Civic Centre on Friday 6th March 2015.

3. **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.

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. **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. **RECOMMENDATION**

- 6.1 It is recommended that after careful consideration of the detail of this Report, inspecting the vehicle and hearing from Mr Kanwar, Members determine whether to:
 - a) grant the application made by Mr Kanwar to licence the London Taxi TX11 vehicle registration mark SN53 KFW as a hackney carriage ; or

- b) refuse the application made by Mr Kanwar to licence the London Taxi TX11 vehicle registration mark SN53 KFW as a hackney carriage giving full reasons for this decision.

The Licensing Committee's instructions are requested.

Background Papers:	Licence Application
Contact Officer:	Kath Thomas
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Legal Contact:	Kath Clague
