

REPORT OF THE DIVISIONAL OFFICER
LICENSING, FOOD & SAFETY
TO THE GENERAL LICENSING COMMITTEE
9TH OCTOBER 2015

TOWN POLICE CLAUSES ACT 1847
APPLICATION FOR THE SUBSTITUTION AND RENEWAL OF A
HACKNEY CARRIAGE VEHICLE
LICENCE, REGISTRATION MARK SF53 BBJ
MR STEVEN WILLIAMS

1. INTRODUCTION

- 1.1 An application for the substitution and renewal of a hackney carriage vehicle licence has been received from Mr Williams. The vehicle is a black Peugeot Expert Registration Mark SF53 BBJ and is capable of carrying 7 passengers.
- 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. BACKGROUND

- 2.1 On 18th March 2015 Mr Williams telephoned the Licensing Division and informed an Officer that his hackney carriage vehicle, a black Peugeot Expert vehicle registration mark SA58 UKT had just gone on fire whilst parked outside his home. This vehicle was first registered on 21st October 2008 and is therefore 6 years and 11 months old. The hackney carriage vehicle licence expired on 30th September 2015.
- 2.2 Mr Williams has kept the Licensing Office up to date in respect of the progress of his insurance claim and his intentions to replace the fire damaged vehicle.

3. CURRENT APPLICATION

- 3.1 On 26th August 2015 Mr Williams attended the Civic Centre and requested that the Licensing Section inspect a black Peugeot Expert, vehicle registration mark SF53 BBJ with a view to licensing the vehicle as a replacement for his fire damaged vehicle.

During the inspection the following faults were recorded with the vehicle presented:

- * Front bonnet required repair;
- * Rear off side brake light flickering when the indicator is working;
- * General appearance of the vehicle;
- * Rear door hinges;
- * Off side parking mirror not secure;
- * Interior of the vehicle requires valeting;
- * Window catch on the off side rear door;
- * No seat belt for rear double flip down seat;
- * No internal door handles to the inside of both near and off side rear doors;
- * Unable to use the wheelchair user strap extension;
- * Floor covering in drivers foot well.

3.2 On 15th September 2015 the vehicle, SF53 BBJ attended for a Council inspection and the following faults were recorded:

- * Rear engine oil leak;
- * Near side rear door not closing tight;
- * Spare wheel flat and wrong size.

3.3 On 16th September 2015 the vehicle, SF53 BBJ passed the Council inspection and a subsequent Licensing Officer's inspection as all faults had been rectified. The mileage recorded at this time was 242,286 miles.

3.4 On 23rd September 2015 the Licensing Section noted that the recorded mileage on the vehicle was 242,286 miles at the time of the last MOT documentation in July 2015 and the Council tests carried out in September 2015. Mr Williams was contacted by an Officer regarding the recorded mileage of 242,286 miles and requested that the vehicle speedo be checked and confirmed in working order.

3.5 Mr Williams has now confirmed that the vehicle speedo sensor had been faulty but this had now been repaired.

3.6 On 28th September 2015 the vehicle was presented at the Civic Centre and the speedo and meter was checked by a Licensing Officer. Both the speedo and the meter were correct.

4. THE VEHICLE HISTORY

4.1 The vehicle, SF53 BBJ was first registered on 11th September 2003 and is therefore 12 years and 1 month old.

4.2 Mr Williams has provided an up to date vehicle history check but has not provided full service history for the vehicle, however telephone confirmation has been received in the Licensing Division from an

Officer in Pembroke Council that the vehicle was licensed as a hackney carriage vehicle with their Authority from May 2013 to May 2015.

- 4.3 The available MOT history check for the vehicle registration SF53 BBJ is as follows:

DATE OF MOT	RECORDED MILEAGE
12/08/2005	45,471 miles
19/09/2006	65,000 miles
11/06/2007	82,212 miles
06/02/2008	92,022 miles
05/02/2009	113,704 miles
12/03/2009	116,659 miles
28/09/2009	132,298 miles
28/08/2010	153,298 miles
28/09/2011	169,667 miles
02/10/2012	190,039 miles
09/05/2013	197,769 miles
28/04/2014	229,777miles
17/07/2015	242,286 miles

5. **CURRENT CONSIDERATIONS**

- 5.1 Members are therefore being asked to consider whether the Peugeot Expert, vehicle registration mark SF53 BBJ is suitable for licensing as a hackney carriage vehicle in Swansea.
- 5.2 Due to the issues identified in the report and in order to assist Members in reaching their decision the vehicle will be available for inspection at the Guildhall on Friday 9th October 2015.

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

- 6.1 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.

7. **CURRENT HACKNEY CARRIAGE VEHICLE POLICY**

7.1 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.

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

7.3 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;

7.4 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.

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

7.6 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.

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

8.1 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.

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

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

9. **RECOMMENDATION**

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

- i) grant the application made by Mr Williams to substitute and renew the hackney carriage vehicle licence in respect of the Peugeot Expert vehicle registration mark SF53 BBJ; or
- ii) refuse the application made by Mr Williams to substitute and renew the hackney carriage vehicle licence in respect of the Peugeot Expert vehicle registration mark SF53 BBJ 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:	Aled Gruffydd
