

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

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
APPLICATION TO LICENCE A PRIVATE HIRE VEHICLE, FORD FOCUS,
REGISTRATION MARK WA59 AEL
MR STEVEN WILLIAMS

1. INTRODUCTION

- 1.1 An application for a private hire vehicle licence has been received from Mr Steven Williams. The vehicle does not comply with the current licensing criteria set by City & County of Swansea due to its age.
- 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 Williams wishes to apply for a private hire licence for a White Ford Focus. The vehicle was first registered on 1st September 2009 and is therefore 6 years and 1 month old. The registration mark of the vehicle is WA59 AEL and is capable of carrying 4 passengers.

Inspections and Documents

- 2.2 The vehicle passed the Council's inspection at CTU on 16th September 2015 and the mileage recorded at this time was 160,463 miles.
- 2.3 Mr Williams has supplied dates of service checks carried out together with the recorded mileage on these dates from March 2009 to September 2013 and Service History up to 128,208 miles. Mr Williams has also supplied an up to date vehicle history check for the vehicle which is satisfactory.

- 2.4 The available MOT history check for the vehicle registration WA59 AEL is as follows:

DATE OF MOT	RECORDED MILEAGE
19/09/2013	128936
29/10/2013	129031
15/05/2015	159923

- 2.5 The vehicle was also inspected by a Licensing Officer on 15th September 2015 at the Civic Centre where it was noted that a window handle was required for the rear off side door.
- 2.6 The vehicle was again inspected by a Licensing Officer on 28th September 2015 whereupon it was noted that a new window handle had been fitted and is now a satisfactory standard for licensing as a private hire vehicle.
- 2.7 Members are therefore being asked to consider whether the Ford Focus, Registration Number, WA59 AEL is suitable for licensing as a private hire vehicle.

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

- 3.1 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."

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

- 4.1 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

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.
- 4.2 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. **RECOMMENDATION**

- 5.1 It is recommended that after careful consideration of the detail of this report and hearing from Mr Williams, Members determine whether to:
- a. Grant Mr Williams a Private Hire Vehicle licence in respect of the Ford Focus, registration mark WA59 AEL and that this licence is renewed on merit. OR
 - b. Refuse Mr Williams a Private Hire Vehicle licence in respect of the Ford Focus, registration mark WA59 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: Kath Thomas
Extension: 5600
Legal Contact: Aled Gruffydd