

**REPORT OF THE DIVISIONAL OFFICER  
LICENSING, FOOD & SAFETY**

**General Licensing Committee - 8 January 2016**

**TOWN POLICE CLAUSES ACT 1847  
APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE VEHICLE  
LICENCE, REGISTRATION MARK DF55 CCV  
MR AMRINDER SINGH PATWAL**

**1. INTRODUCTION**

- 1.1 An application for the grant of a hackney carriage vehicle licence has been received from Mr Patwal. The vehicle is a black Mercedes Vito Registration Mark DF55 CCV and is capable of carrying 7 passengers.
- 1.2 At the General Licensing Committee of 17<sup>th</sup> 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 This vehicle was previously licensed with the City & County of Swansea from new in February 2006 until the licence expired in December 2014. The vehicle was first registered on the 15<sup>th</sup> February 2006 and is therefore 9 years and 11 months old.

**3. CURRENT APPLICATION**

- 3.1 On 23<sup>rd</sup> November 2015 Mr Patwal requested that the Licensing Division inspect a black Mercedes Vito, vehicle registration mark DF55 CCV with a view to licensing the vehicle as a hackney carriage.
- 3.2 On 30<sup>th</sup> November 2015 the vehicle passed the Council inspection and an inspection by Licensing Officers. The mileage recorded at this time was 291,467 miles.

**4. THE VEHICLE HISTORY**

- 4.1 Mr Patwal has provided an up to date vehicle history check but has not provided full service history for the vehicle. Licensing Officers can confirm that the vehicle whilst licensed with the Authority between 2006 and 2014 that no issues were recorded against the vehicle.
- 4.2 The available MOT history check for the vehicle registration DF55 CCV is as follows:

DATE OF MOT	RECORDED MILEAGE
12 <sup>th</sup> June 2007	Passed M.O.T however no recorded mileage available
13 <sup>th</sup> June 2008	Passed M.O.T however no recorded mileage available
8 <sup>th</sup> June 2009	Passed M.O.T however no recorded mileage available
14 <sup>th</sup> June 2010	168,553
24 <sup>th</sup> June 2011	211,109
19 <sup>th</sup> June 2012	251,719
4 <sup>th</sup> July 2013	279,398
6 <sup>th</sup> November 2016	291,458

**5. CURRENT CONSIDERATIONS**

- 5.1 A check of the vehicle file held from when the vehicle was licensed with the Authority has confirmed that there are no discrepancies in respect of the vehicles mileage when compared to the vehicle inspection sheets.
- 5.2 As the vehicle has passed the council's inspections, Members are asked to consider whether the Mercedes Vito, vehicle registration mark DF55 CCV is suitable for licensing as a hackney carriage vehicle in Swansea.

**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 Patwal, Members determine whether to:

- i) grant the application made by Mr Patwal to grant the hackney carriage vehicle licence in respect of the Mercedes Vito vehicle registration mark DF55 CCV; or
- ii) refuse the application made by Mr Patwal to grant the hackney carriage vehicle licence in respect of the Mercedes Vito vehicle registration mark DF55 CCV giving full reasons for this decision.

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

Background Papers:	Licence Application
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