

REPORT OF THE DIVISIONAL OFFICER
LICENSING, FOOD & SAFETY
GENERAL LICENSING COMMITTEE - 12 FEBRUARY 2016

TOWN POLICE CLAUSES ACT 1847
APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE VEHICLE
LICENCE, REGISTRATION MARK CY10 MYK
MR NEIL GALLAGHER

1. INTRODUCTION

- 1.1 An application for the grant of a hackney carriage vehicle licence has been received from Mr Gallagher. The vehicle is a black Ford Tourneo Registration Mark CY10 MYK and is capable of carrying 8 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 The vehicle was first registered on the 30th June 2010 and is therefore 5 years and 7 months old.

3. CURRENT APPLICATION

- 3.1 On 7th January 2016 Mr Gallagher requested that the Licensing Division inspect a black Ford Tourneo, vehicle registration mark CY10 MYK with a view to licensing the vehicle as a hackney carriage.
- 3.2 On 14th January 2016 the vehicle attended CTU for inspection. The vehicle passed the inspection and the mileage recorded at this time was 159,115 miles.

4. THE VEHICLE HISTORY

- 4.1 Mr Gallagher has provided a part service history for the vehicle and an up to date vehicle history check.

- 4.2 The available MOT history check for the vehicle registration CY10 MYK is as follows:

DATE OF MOT	RECORDED MILEAGE
26th June 2013	73,248 miles
24th June 2014	112,890 miles
14th July 2015	156,160 miles

5. **CURRENT CONSIDERATIONS**

- 5.1 As the vehicle has passed the council's inspections, Members are asked to consider whether the Ford Tourneo, vehicle registration mark CY10 MYK 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 Gallagher, Members determine whether to:

- i) grant the application made by Mr Gallagher for a hackney carriage vehicle licence in respect of the Ford Tourneo, vehicle registration mark CY10 MYK; or
- ii) refuse the application made by Mr Gallagher for a hackney carriage vehicle licence in respect of the Ford Tourneo vehicle registration mark CY10 MYK 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
