

**REPORT OF THE DIVISIONAL OFFICER**  
**LICENSING, FOOD & SAFETY**  
**GENERAL LICENSING COMMITTEE - 11 MARCH 2016**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**  
**APPLICATION TO LICENCE A PRIVATE HIRE VEHICLE, FORD TRANSIT,**  
**REGISTRATION MARK BX10 LFB**  
**MR DAVID JOHN JONES (BIRCHGROVE MINI TRAVEL LTD)**

**1. INTRODUCTION**

- 1.1 An application for a private hire vehicle licence has been received from Mr David Jones of Birchgrove Mini Travel Ltd. 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 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. RELEVANT CONSIDERATIONS**

**The Vehicle**

- 2.1 Mr Jones wishes to apply for a private hire vehicle licence for a White Ford Transit. The vehicle was first registered on 1<sup>st</sup> June 2010 and is therefore 5 years and 9 months old. The registration of the vehicle is BX10 LFB and is capable of carrying 7 passengers.
- 2.2 Mr Jones has stated that the vehicle was previously a vehicle owned by the Police.

**Inspections and Documents**

- 2.3 The vehicle passed the Council's inspection at CTU on 23<sup>rd</sup> February 2016 and the mileage recorded at this time was 106,601 miles.
- 2.4 Mr Jones has supplied dates of service checks carried out together with the recorded mileage on these dates from 9<sup>th</sup> November 2010 to 2<sup>nd</sup> September 2015 and an up to date vehicle history check.

2.5 MOT history check for vehicle registration BX10 LFB:

Date of MOT	RECORDED MILEAGE
29 <sup>th</sup> April 2015	93,085
12 <sup>th</sup> May 2014	72,465
21 <sup>st</sup> May 2013	56, 461

2.6 A Licensing Officer also inspected the vehicle on 23<sup>rd</sup> February 2016 at the Civic Centre where the vehicle was considered to be of suitable standard for licensing as a private hire vehicle.

3. **CURRENT LICENSING CRITERIA**

3.1 The Council's current age criteria states:

*"5. Vehicles will not be accepted for licensing on the first occasion after 5 years from the date of first registration. Vehicles will be relicensed on merit."*

3.2 Members are therefore being asked to consider whether the Ford Transit, Registration Number, BX10 LFB is suitable for licensing as a private hire vehicle.

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

4.1 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."*

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

- 5.1 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.

5.2 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.

**6. RECOMMENDATION**

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

- a. Grant Mr Jones a Private Hire Vehicle licence in respect of the Ford Transit, registration mark BX10 LFB and that this licence is renewed on merit. OR
- b. Refuse Mr Jones a Private Hire Vehicle licence in respect of the Ford Transit, registration mark BX10 LFB 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 17<sup>th</sup> December 2014  
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