



Cyngor **Abertawe**
Swansea Council

**Report of the Licensing and
Food & Safety Manager
General Licensing Committee
14th December 2018**

**Local Government (Miscellaneous Provisions) Act
1976 – Application for the Grant of a Licence for a
Restricted Private Hire Vehicle, Nissan NV200 –
Registration Mark NK12 FHW**

1.0 Introduction

- 1.1 An application for the grant of a restricted private hire vehicle licence has been received from Mr Wayne Harris of PW & EK Harris Taxi Hire Ltd. The vehicle does not comply with the current licensing criteria set by the City and County of Swansea due to the engine capacity. Mr Harris wishes to use the restricted private hire vehicle, if licensed, for the purposes of school transport.

2.0 Relevant Considerations

- 2.1 The vehicle is a blue Nissan NV200 and was first registered on 1st May 2012 and is 6 years and 7 months old. The registration mark of the vehicle is NK12 FHW and is capable of carrying 6 passengers.
- 2.2 The engine capacity of the vehicle is 1461cc.
- 2.3 It is proposed that the vehicle will be used for School Transport purposes only.
- 2.4 The vehicle has attended and passed a pre-application vehicle check and an application for a restricted private hire vehicle licence was submitted together with proof of insurance, MOT and V5. The vehicle also attended and passed an inspection at the Central Transport Unit on 26th September 2018. The mileage recorded at this time was 105,006 miles.

3.0 Current Licensing Criteria – Engine Capacity

3.1 The Council's current requirement in relation to engine capacity states:

“The engine capacity of the vehicle shall not be less than 1500cc.”

3.2 Members are therefore being asked to consider whether the Nissan NV200, Registration Mark NK12 FHW is considered suitable for licensing as a restricted private hire vehicle as the engine capacity of the vehicle is 1461cc.

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.

A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably

- (2) 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 Harris, Members determine whether to:

- a. Grant Mr Harris a restricted Private Hire Vehicle licence in respect of the Nissan NV200, registration mark NK12 FHW and that this licence is renewed on merit. OR
- b. Refuse Mr Harris a restricted Private Hire Vehicle licence in respect of the Nissan NV200, registration mark NK12 FHW 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
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