



Cyngor **Abertawe**
Swansea Council

**Report of the Licensing and
Food & Safety Manager
General Licensing Committee
13th March 2020**

Local Government (Miscellaneous Provisions) Act 1976 – Request in Principal to Licence a Private Hire Vehicle – Driving Miss Daisy Ltd

1.0 Request

- 1.1 Driving Miss Daisy is promoted as a companion and driving service. A brochure detailing the company operation is attached at **Appendix A** to this report.
- 1.2 A request in principal has been received from Miss Cherry Simmonds, Director of Operations, Driving Miss Daisy Ltd, to licence blue rear wheelchair accessible vehicles as private hire vehicles in Swansea.
- 1.3 It is proposed that the vehicles would also display a white daisy on the front bonnet, a white daisy on each front door, below the windows, details of the company and telephone number on both rear doors below the windows, white daisies on each rear panel and white daisies and signage on the rear of the vehicle.
- 1.4 The proposed vehicles and signage will therefore not comply with the Council's existing licensing criteria in respect of the colour and the guidelines for advertising.

2.0. Legislation Relating To The Licensing Of Private hire Vehicles

- 2.1 The powers relating to the licensing of private hire vehicles are contained in Section 48 of the Local Government (Miscellaneous Provisions) Act 1976:

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.

2.2 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.

3.0 Existing Private Hire Vehicle Conditions/Criteria

- 3.1 The Council has developed a highly visible, readily identifiable fleet, which caters for all elements of the community and in relation to private hire vehicles the following conditions are relevant to this request:

Condition 9. *All vehicles must be coloured white;*

Condition 25. *Vehicle plates and stickers must be securely fixed to the vehicle. The vehicle plate is to be fixed to the bumper bar or boot lid/rear door between centre line and the offside of the vehicle. Stickers must be affixed to the front near and offside doors of the vehicle. The plate and stickers must be kept clearly visible at all times. The vehicle plate must be returned to the Council on expiry of the licence.*

Condition 27. *All private hire vehicles must display signs, stating the company name and telephone number, and they must be securely fixed to the vehicle adjacent to the door stickers displaying the licence number of the vehicle.*

- h. Any advertisement approved shall be placed on the back passenger doors only, below the windows. All "identification signs" displaying the company details, must be displayed on the front door of the vehicle only, below the window and must not obscure the sign displaying the licence number of the vehicle. Any company logo, advertising the Operator's or Proprietor's own taxi or private hire business, which has been approved in accordance with the guidelines may be displayed on the front bonnet, rear of the vehicle and/or the back passenger doors only."*

4.0 Issues for Consideration/concerns

- 4.1 Officers have discussed and explained with a representative of Driving for Miss Daisy, that the Authority has a well established colour policy for both hackney carriage and private hire vehicles.

A proposal was suggested by officers, that the company comply with the existing private hire vehicle colour of white;

- to display their logo of a white daisy on a blue background on the front bonnet;
- to place the Council's licence door decal on each front door;
- to display the details of the company and telephone number on a blue background on both rear doors below the windows; and

- to place a white daisy on a blue background on the rear of the vehicle alongside the company logo/details.

This proposal was declined by the company for consideration.

- 4.2 The proposal is that the use of the vehicles will not be restricted but a full private hire service, open to all members of the public.
- 4.3 As Members are aware, the Council currently requires that all hackney carriages are black and private hire vehicles are white. This colour requirement is unique to Swansea Council and has been in place for hackney carriages since before Local Government Reorganisation (LGR) in 1996 and since 1998 in respect of private hire vehicles.
- 4.4 These requirements were originally brought in as a measure to ensure public safety so that the public can readily identify that such vehicles are licensed and therefore safe to use.
- 4.5 The existing colour policy is also supported by both the hackney carriage and private hire trades in Swansea.
- 4.6 The existing colour policy is now well established and is of assistance to officers of South Wales Police and Licensing Officers of the council for enforcement purposes.
- 4.7 The existing colour policy is frequently promoted for the benefit of schools, colleges, University and the general public by way of literature and local radio.
- 4.8 Officers consider that the introduction of a blue coloured vehicle for use as a private hire vehicle will potentially undermine and be detrimental to the existing, well established colour requirements that were introduced as a public safety measure and accepted by the trade.
- 4.9 Members may wish to note that a request 'in principal' does not carry a right to appeal under section 48 or section 52 of the Local Government (Miscellaneous Provisions) Act 1976.

5.0 Recommendation

5.1 It is recommended that Members after careful consideration of the report and hearing from representatives of Driving Miss Daisy:

- Approve the request in principal and exempt the applications from Driving Miss Daisy from Condition number 9 by permitting the vehicles to be blue in colour exhibiting white daisies. Or
- Refuse the request in principal, giving full reasons for this decision.

The Licensing Committee's instructions are requested.

Background Papers:	Licence Application
Contact Officer:	Kath Thomas
Extension:	5600
Legal Contact:	Craig Davies