



Cyngor **Abertawe**
Swansea Council

**Report of the Licensing and
Food & Safety Manager
General Licensing Committee
13TH September 2019**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
REQUEST TO DETERMINE THE SUITABILITY OF A MERCEDES E
CLASS, 2200CC DIESEL VEHICLE FOR LICENSING AS A RESTRICTED
PRIVATE HIRE VEHICLE - MR DAVID JONES**

1. Introduction

1.1 A request, in principle, has been received from Mr David Jones of Birchgrove Mini Travel Ltd for Members to determine the suitability of a Black, Mercedes E class, 2200cc diesel engine vehicle, for licensing as restricted private hire vehicle to carry three passengers.

1.2 Mr Jones wishes to use this vehicle, if licensed, as a restricted private hire vehicle, for executive hire only, for special occasions, which include weddings, birthday parties and school proms.

2. Powers Relating to 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 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 vehicle 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

General Licensing Committee Request to Determine the Suitability of a Vehicle for Licensing as a Restricted Private Hire Vehicle 13th September 2019

- believe that the vehicle is a hackney carriage;
 - (iii) in a suitable mechanical condition;
 - (iv) safe; and
 - (v) comfortable;
 - (b) 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.”
- 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 a discretion. Section 48(1)(a) & (b) also includes specific situations where a Council must not grant a licence.
- 2.3 Members’ attention is drawn to the fact that the legislation refers to receipt of an application. The request currently being considered is a general request relating to the suitability of a type of vehicle and does not refer to a specific application. Section 48 is of relevance however in considering the request as a specific application will follow if Members determine that the vehicle is suitable.
- 3. Type of Vehicle**
 - 3.1 It must be noted that there is no such thing as a purpose-designed private hire vehicle; unlike a hackney carriage where, “London-style” cabs are available. Section 48(1) (a) of the Local Government (Miscellaneous Provisions) Act 1976, detailed in paragraph 2.1 above does however lay down certain criteria which must be satisfied before a Council can licence a vehicle as a private hire vehicle.
 - 3.2 The first consideration is whether the vehicle is “suitable in type, size and design” In accordance with Section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976 also detailed in paragraph 2.1 above, this Authority has in place conditions which are attached to a private hire vehicle licence and specify the standards a vehicle must comply with. These conditions relate to issues such as the number of doors a vehicle must have, minimum sizes for internal dimensions,

General Licensing Committee Request to Determine the Suitability of a Vehicle for Licensing as a Restricted Private Hire Vehicle 13th September 2019

engine capacity, signage etc. (A copy of the conditions is attached at Appendix A).

4. Mercedes 220 Coupe

- 4.1 Mr Jones of Birchgrove Mini travel Ltd recently presented a Mercedes E class 220 coupe at the Central Transport Unit. This vehicle was inspected by the Council Inspector and it was noted that it was capable of carrying 3 passengers.
- 4.2 Members are being asked to consider the suitability of the vehicle as it only has one door either side of the vehicle. This does not meet the requirements of the private hire vehicle conditions which state “**All vehicles must be right hand drive and have 2 door each side of the vehicle. All passengers shall have access to a door capable of being opened from inside the vehicle.**”

5. Conclusions

- 5.1 The powers relating to the licensing of private hire vehicles contained in Section 48 of the 1976 Act are clear that a Council shall not grant a licence unless they are satisfied that the vehicle is suitable in type, size and design, not of such a design and appearance as to lead any person to believe that the vehicle is a hackney carriage, in a suitable mechanical condition, safe and comfortable.
- 5.2 The Mercedes 220 Coupe does not meet one of the requirements of the existing restricted private hire vehicle conditions as the vehicle only has 1 door each side of the vehicle.
- 5.3 A Mercedes 220 Coupe Vehicle will be available for Members to inspect at the Guildhall on Friday 13th of September 2019.

6 Recommendation

- 6.1 It is **recommended** that the Committee, after viewing the vehicle and having regard to the information outlined in the report, determine whether the vehicle is suitable for licensing as a Restricted private hire vehicle with Swansea Council.

The Licensing Committee’s instructions are requested

General Licensing Committee **Request to Determine the Suitability of a Vehicle for Licensing as a Restricted Private Hire Vehicle** **13th September 2019**

Background Papers: Licence Application
Contact Officer: Alec Dubens
Extension: 5122
Legal Contact: Craig Davies