

Bath & North East Somerset Council

MEETING:	Licensing (Taxi, Street Trading & Miscellaneous) Sub-Committee	AGENDA ITEM NUMBER	9
MEETING DATE:	Tuesday 3rd May 2011		
TITLE:	Approval of Vehicle for Private Hire – Mr Waldemar Wyrwol		
WARD:	All		
LIKELY TO BE TAKEN IN PUBLIC SESSION			
List of attachments to this report:			
Annex A – Application Form.			
Annex B – Extract From Private Hire Licence Conditions.			

1 THE ISSUE

- 1.1 This report invites the Sub Committee to consider whether or not to approve an Peugeot 407 vehicle for use as a Private Hire Vehicle. The vehicle falls outside of the age requirements as stipulated in the current Private Hire vehicle licence conditions.

2 RECOMMENDATION

- 2.1 That the Committee determine the issue.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising from this report

4 THE REPORT

Relevant Legislation

- 4.1 Section 80 of the Local Government (Miscellaneous Provisions) Act 1976 defines a private hire vehicle as 'a motor vehicle constructed or adapted to seat [fewer than nine passengers], other than a hackney carriage or public service vehicle [or a London cab] [or tramcar], which is provided for hire with the services of a driver for the purpose of carrying passengers.
- 4.2 Section 48 (1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that 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 believe that the vehicle is a Hackney Carriage;
- (iii) in a suitable mechanical condition;
- (iv) safe; and
- (v) comfortable

- 4.3 Section 48 (2) of the Local Government (Miscellaneous Provisions) Act 1976 provides that 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 the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.
- 4.4 Section 48 (7) of the Local Government (Miscellaneous Provisions) Act 1976 provides that 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.

Application Details

- 4.5 In July 2000 Bath and North East Somerset Council's Housing and Public Protection Committee adopted the current Private Hire General Conditions which are applicable to all Private Hire Vehicle licences issued by Bath and North East Somerset Council.
- 4.6 Mr Wyrwol has submitted an application for a Private Hire Vehicle licence in respect of an Peugeot 407. (A copy of the application form is produced at Annex A).
- 4.7 The vehicle was first registered on the 16th January 2006 and at the time of application had registered 98,000 miles.

- 4.8 The current Private Hire licence conditions state that *“The vehicle must normally be less than two years old when licensed by the Council”* and further states *“A licence might not be renewed for a vehicle over 7 years old”*.
- 4.9 Officers have been given permission by the Council’s Executive Member to exercise discretion when approving vehicles that are over two years old but not more than five years old at the time of application.
- 4.10 Mr Wyrwol’s vehicle has never previously been licensed and at the time of this application five years and 3 months old.
- 4.11 The vehicle has been visually inspected by an officer of the Licensing Section who has concluded that the interior and exterior is in excellent overall condition.
- 4.12 The relevant extract from the current standard Private Hire Vehicle licence conditions is produced at Annex B.
- 4.13 The vehicle will be available for members to inspect on the day of the meeting should they so wish to do so.

Contact person	John Dowding Senior Licensing Officer ☎ 01225 477689.
Background papers	Licensing File.