

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Licensing Sub-Committee	
MEETING DATE:	Thursday 6 <sup>th</sup> December 2018	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	CONSIDERATION OF VEHICLE SUITABILITY TO BE LICENSED AS A PRIVATE HIRE VEHICLE – Mr AN	
WARD:	ALL	
OPEN PUBLIC SESSION		
List of attachments to this report: Annex A – Application Form. Annex B – Standard Private Hire Vehicle Licence Conditions. Annex C - Policy on Hackney Carriage and Private Hire Licensing Standards.		

## **1 THE ISSUE**

- 1.1 This report invites the Licensing Sub-Committee to consider whether or not a vehicle that is over 5 years old is suitable to be licensed as a private hire vehicle.
- 1.2 The policy adopted by the Council requires each application be dealt with on its own merits and where applications fall outside the general policy they should be referred to the Licensing Sub-Committee for determination.
- 1.3 The policy adopted by the Council requires that the vehicle shall normally be less than 5 years old when first licensed by the Council. Any vehicle presented for licensing which is older than 5 years at the date of the application will be referred to the relevant Council Licensing Sub-Committee for determination.

## **2 RECOMMENDATION**

- 2.1 That the Sub-Committee determine the issue.

### **3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 3.1 There are no resource implications arising from this report. There is a non-refundable fee of £111 for this application.

### **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

- 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 to 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.

- 4.5 In January 2014 the Council's Licensing Committee adopted the current policy on Hackney Carriage and Private Hire Licensing Standards –Drivers, Vehicles and Operators. (The Policy is produced at Annex C).

- 4.6 In January 2014 the Council's Licensing Committee adopted a set of standard licence conditions applicable to all Private Hire vehicle licenses issued in Bath & North East Somerset. (The conditions are produced at Annex B)

## **5 THE REPORT**

- 5.1 The applicant applied for the grant of a Private Hire vehicle licence on the 26<sup>th</sup> September 2018. (A copy of the application form is produced at Annex A).
- 5.2 The application is for a Skoda Superb which was first registered on the 27<sup>th</sup> April 2012. At the time of application the vehicle was 6 years and five months old.
- 5.3 The current policy on Hackney Carriage and Private Hire Licensing Standards – Drivers, Vehicles and Operators states *“That all vehicles will normally be less than five years old when first licensed”*.
- 5.4 The standard conditions attached to the grant of a Private Hire Vehicle licence state *“The vehicle shall normally be less than five years old when first licensed by the Council. Any vehicle presented for licensing which is older than 5 years at the date of application will be referred to the relevant Council Licensing Sub-Committee for determination”*.
- 5.5 The vehicle was previously licensed as a Private Hire vehicle with this authority from the 5<sup>th</sup> February 2014 until the 17<sup>th</sup> May 2018.
- 5.6 On the 17<sup>th</sup> May 2018 the applicant replaced this vehicle with a newer vehicle registered in 2018 and the Skoda Superb ceased to be licensed with this authority. However, the applicant wishes to re-licence the Skoda Superb so that it can continue to be used as a private hire vehicle.
- 5.7 At the time of writing this report the vehicle has covered 147,136 miles according to an MOT certificate issued on the 3<sup>rd</sup> September 2018.
- 5.8 The vehicle will be available for inspection by members on the day of the meeting should they so wish.

## **6 RATIONALE**

- 6.1 Each application for a licence will be considered on its own merits and in line with the current Policy on Hackney Carriage and Private Hire Licensing Standards. This application is for a Private Hire vehicle licence in respect of a vehicle which cannot comply with the standard licence conditions attached to the grant of a Private Hire vehicle licence in B&NES. Consequently, this matter is referred to the Licensing Sub Committee for consideration.

## **7 OTHER OPTIONS CONSIDERED**

- 7.1 None

## 8 CONSULTATION

- 8.1 The Council's Monitoring Officer (Director of Legal & Democratic) and Section 151 Officer (Director of Finance) and Information Governance Officer have all had the opportunity to input to this report and have cleared it for publication..

## 9 RISK MANAGEMENT

- 9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

<b>Contact person</b>	John Dowding 01225 477689
<b>Background papers</b>	Licensing File
<b>Please contact the report author if you need to access this report in an alternative format</b>	