Purpose of Report
1.1 To obtain the sub-committee’s decision in respect of an application for a private hire vehicle licence.

Executive Summary
2.1 This report sets out the background to the issue and invites the sub-committee to determine the application.

Appendices
3.1 Appendix 1 – Application Form
3.2 Appendix 2 – Supporting Information

Proposed Action:
4.1 The sub-committee is invited to RESOLVE to determine whether the private hire vehicle licence should be granted

Background
5.1 Vista Limousines has applied to licence a vehicle as a private hire vehicle. A copy of the application form is included within Appendix 1.
5.2 The vehicle is a Lincoln Town Car Stretch Limousine. The vehicle does not meet the council policy in relation to age requirements and tinted windows, but exceptions are permitted for special occasion vehicles. The vehicle also has side facing seats, for which there is no listed exception.

Discussion
6.1 The vehicle was first registered on 1 January 2004, so is over 15 years old. The council’s operational policy and conditions governing Taxi and private hire licensing provides at section 21 of Appendix B:
“Vehicles shall be no older than 5 years from the first day of registration on the initial application to the Borough Council of Wellingborough for a Private Hire Vehicle Licence. The first date of registration will be as shown on the vehicle registration document, which may not necessarily be the first date it is registered with the DVLA (e.g. may previously have been registered abroad.) An exemption will be allowed at the discretion of the Licensing Manager for Executive or Special Occasion vehicles used on an infrequent basis.”

6.2 The vehicle has privacy glass to the windows and side facing seats. The council’s operational policy and conditions governing taxi and private hire licensing provides at section 1 of Appendix E:

“1.1 Special Occasion Vehicles (including stretched limousines and all other specialist vehicles) shall not be used for every day private hire use. The vehicle shall meet with the Conditions of Licensing relating to private hire vehicles (Appendix B) with the exception that the vehicle:

A. may be left hand drive;

B. may not have side facing seats;

C. may have tinted or privacy glass, in the passenger compartment only, provided that it complies with the requirements of current Road Vehicles (Construction and Use) Regulations;

D. that all seats be fitted with approved seat belts that comply with all relevant road traffic legislation.

6.3 The applicant has provided supporting information in relation to their application and this is attached within Appendix 2.

6.4 The operational policy requires council provided identification plates to be securely fixed to the outside rear of the vehicle. It also requires all private hire vehicles to display at least two permanently affixed door signs, bearing the prescribed words “PRIVATE HIRE VEHICLE ADVANCED BOOKINGS ONLY”. The applicant has indicated within the supporting information that they are likely to request an exemption from these requirements. The policy does allow exemptions from these requirements for vehicles used exclusively for chauffeur, executive, airport transfer, special event, school transport or similar specialist (non circuit) work.

6.5 The applicant has also indicated that the vehicle currently has small signs on both wings and the boot of the vehicle, displaying the company name and phone number. It should be noted that council policy states within section 15.6 of Appendix B;
“Where a vehicle holds an exemption from the requirement to display door signs, the licensee may apply to have one small discreet sign of a design and type approved by the council on the rear of the vehicle displaying the company name only. This one approved panel must not exceed 10cm by 10cm.”

6.6 The current door and boot signs would not therefore be permitted under the policy.

6.7 The licensing authority’s key objective is ensuring public safety. The council policies reflect this overriding concern. Members will need to decide whether to allow the permitted breaches to council policy in relation to the age of the vehicle; privacy glass; display of the identification plate; and display of door signage, as long as all conditions are met for the permitted exemptions. Members will also need to determine whether there are sufficient grounds to divert from council policy in relation to the vehicle having side facing seats.

7 Legal Powers

7.1 Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 provides that:

48(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 subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.

7.2 Members are reminded that in order to satisfy Article 6(1) of the Human Rights Act 1998 they should give written reasons for decisions refusing or revoking licences. Reasons need not be fully detailed, but must be sufficiently clear to enable the recipient to exercise any statutory right of appeal or assess whether there are grounds for challenging the decision by way of judicial review. Any person aggrieved by a decision of a district council under the Local Government (Miscellaneous Provisions) Act 1976 may appeal to a Magistrate’s Court.

8 Financial and Value For Money Implications

8.1 There are no such implications arising from this report.
9 Risk Analysis
9.1 Normally a risk table is completed for any report setting out a proposed course of action. This is not appropriate here so the table has not been completed.

10 Implications for Resources
10.1 Officer time in giving effect to the decision of the Sub-Committee.

11 Implications for Stronger and Safer Communities
11.1 There are no such implications arising from this report.

12 Implications for Equalities
12.1 There are no such implications arising from this report.

13 Author and Contact Officer
   Amanda Wilcox, Principal Health Protection Manager

14 Consultees
   Matt O'Donnell, Team Leader Health Protection
   Philippa Bright, Licensing Officer

15 Background Papers
15.1 None
BOROUGH COUNCIL OF WELLINGBOROUGH

TOWN POLICE CLAUSES ACT, 1947, PUBLIC HEALTH ACT 1875 AND
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
TRANSPORT ACT 1985

This form must be completed on both sides and the declaration signed by the applicant and submitted to the Licensing Manager.

APPLICATION FOR A LICENCE FOR A PRIVATE HIRE VEHICLE

Current Fee For Private Hire Vehicle Licence - £194.00 - For new vehicles payment must be made by telephoning the licensing section and paying by Credit or Debit card. Telephone 01933 231966/231950

<table>
<thead>
<tr>
<th>Full name of applicant</th>
<th>Address including postcode</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Telephone No.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

PARTICULARS OF VEHICLE

<table>
<thead>
<tr>
<th>Full Name of Registered Keeper:</th>
<th>Address of Registered Keeper:</th>
</tr>
</thead>
<tbody>
<tr>
<td>VISTA LIMOUSINE</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Full date of Registration</th>
<th>Registration No.:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st JANUARY 2004</td>
<td>V885 EPN</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Make &amp; Model:</th>
<th>Colour:</th>
</tr>
</thead>
<tbody>
<tr>
<td>LIMOUSINE</td>
<td>SILVER / BLACK ROOF</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chassis No.:</th>
<th>Engine Size:</th>
</tr>
</thead>
<tbody>
<tr>
<td>ILF 81W 5YY 746271</td>
<td>4.600 C C</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of seats for passengers</th>
<th>Number of existing licence, if renewal:</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Particulars of Vehicle Insurance:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Insurance Company: AXA INSURANCE UK PLC</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Certificate Number:</th>
<th>Date of issue</th>
<th>Date of Expiry</th>
</tr>
</thead>
<tbody>
<tr>
<td>ASD44623560000152</td>
<td>5/12/2014</td>
<td>2/11/2019</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Extent of Cover:</th>
</tr>
</thead>
<tbody>
<tr>
<td>PASSENGER'S FOR HIRE AND REWARD</td>
</tr>
</tbody>
</table>

THERE MUST BE CURRENT AND ADEQUATE INSURANCE ON THE VEHICLE. PLEASE PRODUCE THE INSURANCE CERTIFICATE OR COVER NOTE. IN THE CASE OF WHEELCHAIR ACCESSIBLE HACKNEY CARRIAGES THE APPROPRIATE CERTIFICATE MUST BE PRODUCED, TO ENSURE THAT THE VEHICLE COMPLIES WITH THE COUNCIL'S POLICY. PRODUCE A VALID MOT CERTIFICATE IF APPLICABLE. NEW VEHICLES – PLEASE PROVIDE THE V5 DOCUMENT. ONLY ORIGINAL CERTIFICATES ARE ACCEPTABLE.

DECLARATION

I declare that the information I have given is true to the best of my knowledge and belief. I am aware that it is an offence punishable by fine and imprisonment to make a false declaration and authorise you to take any necessary steps to verify the information. I further declare to abide by any conditions made by the Borough Council of Wellingborough covering Hackney Carriages and Private Hire Vehicles.

Date: 6th MARCH 2019  Signature of Applicant: .....  Please turn over and complete
**Private Hire Vehicle Check**

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Office Use Only.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Must be less than 5 years old at date of first licence application - no vehicle shall be more than 5 years old from the first date of registration, as shown on the registration document, on initial application for a licence</td>
<td>Date of first Registration: <em>26 JANUARY 2004</em></td>
</tr>
<tr>
<td>Engine size ≥1400cc or ≥90BHP or equivalent</td>
<td>Engine size: <em>4.6 4.6 4.6 cc</em></td>
</tr>
<tr>
<td>Vehicle Modification – have any modifications been carried out to this vehicle after the date of manufacture, or variations from the manufacturers standard build.</td>
<td>Yes/No</td>
</tr>
<tr>
<td>a) 4 door saloon car with seating for at least 4 adult passengers with at least 4 side opening doors</td>
<td>Yes/No</td>
</tr>
<tr>
<td>b) 5 door estate or hatchback with seating for at least 4 adult passengers with at least 4 side opening doors</td>
<td>Yes/No</td>
</tr>
<tr>
<td>c) MPV with seating for between 4 and 8 adult passengers with at least 3 side opening doors</td>
<td>Yes/No</td>
</tr>
<tr>
<td>d) Minibus type vehicle with seating for between 4 and 8 adults at least 3 side opening doors</td>
<td>Yes/No</td>
</tr>
<tr>
<td>Private Hire vehicles cannot be yellow in colour and must not have the appearance of a London style cab or Hackney Carriage.</td>
<td>Colour of Vehicle: <em>SILVER/BLACK</em></td>
</tr>
<tr>
<td>Wheelchair Accessible: if yes – does the vehicle access and fixings meet the requirements set out in Section 5 of Appendix B – Private Hire Vehicles</td>
<td>Yes/No</td>
</tr>
<tr>
<td>Windows that allow clear vision of the driver and passengers from outside the vehicle (not privacy glass)</td>
<td>Yes/No</td>
</tr>
<tr>
<td>One fully operational seat belt for each passenger to be carried</td>
<td>Yes/No</td>
</tr>
<tr>
<td>At least one 1kg dry powder of foam fire extinguisher that conforms to BS EN3 1996, has a gauge, and is marked with the vehicle registration or licence number and held in a secure bracket in the vehicle</td>
<td>Yes/No</td>
</tr>
<tr>
<td>A first aid kit in a sealed container marked with the vehicle registration or licence number</td>
<td>Yes/No</td>
</tr>
<tr>
<td>Spare wheel</td>
<td>Yes/No</td>
</tr>
<tr>
<td>Replacement bulb kit marked with the vehicle registration or licence number</td>
<td>Yes/No</td>
</tr>
<tr>
<td>Door signage approved by Licensing Manager (if signage required)</td>
<td>Yes/No</td>
</tr>
<tr>
<td>Which operator do you take bookings from:</td>
<td><em>VISTA LIMOUSINES &amp; EVENTS LTD</em></td>
</tr>
</tbody>
</table>

I confirm that the vehicle I am applying for to be licensed as a Private Hire Vehicle meets the requirements identified above and all other requirements as set out in the Borough Councils Operational Policy and Licence Conditions of 2012.

I understand that failure to meet these standards or to apply for a licence on the basis of misleading information is an offence and may result in the licence being suspended or revoked, and possible further formal action being taken against me.

Signed: ...

Print Name: ...

Date: *26/11/2009*
DCS/MS
6th March 2019

Wellingborough Licensing
Borough Council of Wellingborough
Trafalgar House, Sanders Park
Sanders Road
Finedon Road Industrial Estate
WELLINGBOROUGH, Northamptonshire NN8 4FR

Dear Sir or Madam,

Please find attached an application for our Lincoln Town Car Stretch Limousine registration V885 EPN.

The limousine was manufactured in the USA in 2000 and the VIN begins with 1L1 which indicates that it was a correctly built limousine approved by the Ford Motor Company. (This is been evidenced with the attached copy of a section from the “World Manufacturer Identifiers” which may be found in its entirety at https://www.fleet.ford.com/resources/ford/general/pdf/maintenance/vin-decoder/VIN2000.pdf) It was first registered in the UK on 1st January 2004.

We purchased this limousine in 2015 and after some initial remedial work we obtained a Private Hire Licence for it with High Peak Borough Council with whom it has been licenced for the last three and a half years. We maintain it to a high standard and continuously work to enhance its appearance.

As it is a high cost Special Occasion Vehicle it has covered a small number of miles in relation to its age and we would request that this is taken into consideration when assessing our application. I have also included its MOT history from the Government website for the time we have owned it which shows the last four tests have passed with no advisories.

We would very much appreciate it if you would consider licencing this limousine since, as is usually the case with American built stretched limousines, this one also does have side facing seats which I note is an exception in appendix E of your Licencing Conditions. Apart from weddings for which no licence is required this limousine is in high demand for school proms, ladies’ days, theatre visits,
birthday cruise gifts, and corporate hire, amongst others for which we will require a private hire licence as we wish to operate within all legal tolerances.

Taking cognizance of this we currently do have a large order book and an even larger number of enquiries with quotations having been raised into 2023. These documents can be offered for your inspection if so required.

As mentioned earlier this limousine has been licenced for the last three and a half years with High Peak Borough Council with no issues.

Limousines with side facing seats that carry more than eight passengers are issued with a PSV licence by VOSA and I believe that this indicates that a limousine with side facing seats is safe to operate. I note that there are two other limousine companies operating in the Wellingborough Borough that advertise limousines with side facing seats; I am assuming therefore that they are licenced with VOSA rather than Wellingborough Borough Council.

Should the Licencing sub-committee agree to licence this limousine then we would also request exemption from displaying identification plates and door signs. It should be noted that at present this limousine has small signs on both front wings and the boot that display the word “Vista” and telephone number for which we would appreciate your input.

Please do not hesitate to contact me should you require any further information regarding this limousine.

Yours faithfully

David C Smith
Joint Managing Director

Encs.
V885EPN LINCOLN TOWN CAR

Colour Silver

Fuel type LPG

Date registered 31 December 2000

MOT valid until 10 October 2019

Get an MOT reminder when the vehicle’s MOT is near its time for renewal. (Opens in a new Window) by email or text.

If you think the MOT expiry date or any of the vehicle details are wrong, contact DVSA.

Check mileage recorded at test, MOT expiry date, defects and advisories

Date tested 11 October 2018

Pass

Mileage 126,985 miles

MOT test number 8196 0141 8240

Test location

View test location

Expiry date 10 October 2019

The MOT test changed on 20 May 2018

Defects are now categorised according to their severity – dangerous, major, and minor. Find out more

Date tested 28 March 2018

Pass

Mileage 124,825 miles

MOT test number 2805 4918 4317

Test location
View test location

Expiry date 27 March 2019
Date tested 14 March 2017
Pass
Mileage 122,169 miles
MOT test number 2678 4801 1786
Test location
View test location

Expiry date 13 March 2018
Date tested 6 October 2016
Pass
Mileage 121,127 miles
MOT test number 2802 6624 3740
Test location
View test location

Expiry date 5 October 2017
Date tested 22 March 2016
Pass
Mileage 119,508 miles
MOT test number 1631 2611 9181
Test location
View test location

Expiry date 21 March 2017
Advisory notice item(s)
• Exhaust has a minor leak of exhaust gases general corrosion (7.1.2)
• Nearside Rear Rear wheel bearing has slight play and end float (2.6.2)

What are advisories?

Date tested 7 October 2015

Pass

Mileage 117,901 miles

MOT test number 1004 0110 1749

Test location

View test location

Expiry date 6 October 2016

Advisory notice item(s)

• battery loose
• Nearside Exhaust has a minor leak of exhaust gases silencer to pipework (7.1.2)
• Nearside Track rod end ball joint has slight play close to max wear limit (2.2.B.1f)
• Offside Track rod end ball joint has slight play close to max wear limit (2.2.B.1f)
• Nearside inner track rod end running close to suspension bolt. min clearance

What are advisories?

Date tested 6 August 2015

Pass

Mileage 117,656 miles

MOT test number 6669 1821 5219

Test location

View test location

Expiry date 5 August 2016

Advisory notice item(s)

• Front Brake pad(s) wearing thin (3.5.1g)
• Nearside Rear Shock absorber has a light misting of oil (2.7.3)
What are advisories?

**Date tested 6 August 2015**

Fail

**Mileage 117,656 miles**

**MOT test number 3597 5801 5416**

**Test location**

View test location

**Reason(s) for failure**

- Battery insecure (1.9.1)
- Battery leaking electrolyte (1.9.1)
- Offside Front Anti-roll bar linkage ball joint dust cover excessively deteriorated so that it no longer prevents the ingress of dirt (2.4.G.2)
- Brake fluid warning lamp illuminated (3.6.G.2)

**Advisory notice item(s)**

- Brake hydraulic reservoir fluid close to minimum level (3.6.G.1b)
- Front Brake pad(s) wearing thin (3.5.1g)
- Nearside Rear Shock absorber has a light misting of oil (2.7.3)

What are failures and advisories?