

Report of the Assistant Director of Place and Strategic Growth

Application For Private Hire Vehicle Licence

1 Purpose of Report

- 1.1 To obtain the Committee's decision in respect of an application for a private hire vehicle licence.

2 Executive Summary

- 2.1 This report sets out the background to the issue and invites the Sub-Committee to determine the application.

3 Appendices

- 3.1 Appendix 1 – Application Form
3.2 Appendix 2 – Supporting Information
3.3 Appendix 3 – V5 Certificate

4 Proposed Action:

- 4.1 The Sub-Committee is invited to RESOLVE to determine whether the private hire vehicle licence should be granted**

5 Background

- 5.1 Mr Zouheir Hajri 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 black Seat Ibiza. The vehicle does not meet the council policy in relation to engine capacity.

6 Discussion

- 6.1 The vehicle has an engine capacity of 1,199cc, 75BHP. The Council's Operational Policy and Conditions Governing Taxi and Private Hire Licensing provides at paragraph 1.9 of Appendix B:

The engine capacity shall be not less than 1,400cc, or 90BHP or equivalent (exemptions will be considered at the discretion of the Licensing Manager for smaller modern economical two seater cars).

- 6.2 The applicant has taken the car to a garage to undertake work to increase the engine capacity from 75BHP to 100BHP to meet licensing requirements.

- 6.3 Licensing officers use the DVLA V5 certificate as a way of assessing the engine capacity. The applicant has sent a letter to the DVLA requesting that the certificate is altered to reflect the changes to engine capacity. A copy of this request is included within Appendix 2. It is understood that a reply has not yet been received. The current V5 certificate shows the engine capacity as being 1199cc and is attached as Appendix 3.
- 6.4 The Committee will need to determine whether the works undertaken to the vehicle now mean that the vehicle is compliant with licensing requirements, despite the engine capacity shown on the V5 certificate. It is unclear whether this is a permanent change to the vehicle, so this will need to be considered.
- 6.5 The applicant has not yet submitted the vehicle to the council approved garage for the required vehicle check, so the vehicle would need to attend the garage and pass this test before a licence could be granted.
- 6.6 The Licensing Authority's key objective in vehicle licensing is to ensure public safety and comfort. The council policies reflect these overriding concerns. Members will need to determine whether there are sufficient grounds to divert from council policy in relation to engine capacity for this vehicle.

7 Legal Powers

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

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 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 [F100Part 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

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

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14 Consultees

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15 Background Papers

- 15.1 None

