

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB COMMITTEE

25 SEPTEMBER 2018

REPORT OF THE HEAD OF LEGAL AND REGULATORY SERVICES

APPLICATION TO LICENCE HACKNEY CARRIAGE VEHICLE

1. Purpose of report

- 1.1 The purpose of this report is to ask the sub-committee to consider an application to grant a licence for a hackney carriage vehicle.

2. Connection to corporate improvement objectives/other corporate priorities

- 2.1 None

3. Background

- 3.1 It is the duty of the Local Authority to determine applications made under the Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847. Applications which fall outside the policy guidelines are referred to a Licensing Sub-Committee for determination.

4. Current situation/proposal

- 4.1 Application is made by Peyton Travel Limited, to licence a Renault Master LM35 DCI 100 vehicle registration number BX61 GFV as a hackney carriage vehicle to seat 8 persons. The vehicle is presented as a Wheelchair accessible vehicle fitted with an electric tail lift.

- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 9 January 2012.

- 4.3 The application falls outside the Hackney Carriage Vehicle Policy and is over the age set for Wheelchair accessible vehicles approved by the Licensing Committee. For Members' information a service history has been provided as follows 8 March 2013 with mileage recorded 24965, 19 April 2015 with the mileage recorded 49002, 25 March 2017 with mileage recorded 74355 and 21 February 2018 with milage recorded 81211. An enforcement officer viewed the vehicle on 14 September 2018 and the vehicle was presented in good condition with the mileage at 89,113. The configuration of the vehicle for wheelchair use is as a seven seater plus 1 wheelchair.

4.4 Policy Guidelines

The vehicle policy applicable to this application was approved by the Licensing Committee on 10 March 2008. The relevant extract from the policy is as follows:

“(Policy 2.1) Applications for the first licensing of a hackney carriage or private hire vehicle should be submitted to the Council within 14 days of the first registration of

the vehicle at the DVLA. The mileage at the time of application should be no greater than 500 miles. The applicant may be the second or a subsequent registered keeper but the applicant must demonstrate that there is no more than 14 days between the first registration and transfer to the applicant's name. Applications will normally be dealt with under the Scheme of Delegation to Officers.

(Policy 2.2) Applications for the first licensing of vehicles falling outside the above policy guidelines will normally be refused but a relaxation of the policy may be considered in exceptional circumstances. The general guidelines for relaxation of the policy are as follows but each case will be dealt with on its merits:

(Policy 2.2.3) In order to ensure that customers can hire taxis with the minimum delay and inconvenience, the policy may be relaxed to allow the licensing of wheelchair accessible hackney carriage or private hire vehicles up to three years old on application, provided that a full service history and safety certification, including a satisfactory conversion certification is provided with the application and the vehicle can satisfy the general licensing requirements. Applications of this type will normally be dealt with under the Scheme of Delegation to Officers.

(Policy 2.2.4) The licensee of any vehicle licensed under the Council's special policy for wheelchair accessible vehicles must ensure that the vehicle is wheelchair accessible at all times and carry such ramps etc that are necessary. The maximum seating capacity of the vehicle will be specified in the licence and must include provision for at least one wheelchair."

(Policy 2.4) All applicants should be satisfied that they can meet all current policy requirements before submitting an application and are advised that they submit an application which falls outside the above policy guidelines at their own risk. Acceptance of an application does not infer that it will be granted. Applicants are strongly advised not to purchase a vehicle or make any other financial commitment until the application is determined."

5. Effect upon policy framework and procedure rules

5.1 None

6. Equality Impact Assessment

6.1 This vehicle is for wheelchair use. There are no other implications in relation to age; disability; gender and transgender; race; religion or belief and non-belief; sexual orientation.

7. Well-being of Future Generations (Wales) Act 2015 implications

7.1 Prevention: The Council is a regulatory body with responsibility for the safety of vehicles, drivers and operators through pre-licensing guidelines and checks, vehicle and driver testing and ongoing compliance and enforcement. Each case will be determined on its merits.

Collaboration: pre-licensing checks and testing are subject to internal and external agency input for example, Home Office, Disclosure and Barring Services, Joint Fleet Services.

8. Financial implications

8.1 None for the authority

9. Recommendation

9.1 The Sub-Committee is asked to determine the application having regard to the information contained within this report. If Members are minded to grant the application, it must be subject to the production prior to the grant of the licence of a valid LOLER certificate in relation to the tail lift operation, as well as at the required intervals thereafter. In addition, the configuration of the vehicle is recommended to be subject to a condition requiring 7 seats plus one wheelchair.

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Background documents

Hackney Carriage Vehicle Application
Hackney Carriage Vehicle Policy Guidelines