

**BRIDGEND COUNTY BOROUGH COUNCIL**

**REPORT TO LICENSING SUB COMMITTEE**

**19 NOVEMBER 2019**

**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 There is no direct link to the Corporate Plan / Other Corporate Priorities.

**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 Paul Brain T/a Peyton Travel of Bridgend to licence a Renault Master Minibus vehicle registration number PO61 FKB as a hackney carriage vehicle to seat 8 persons.
- 4.2 The vehicle was first registered at the DVLA on 4 January 2012.
- 4.3 The application falls outside the Hackney Carriage Vehicle Policy approved by the Licensing Committee. The vehicle is wheelchair accessible. For Members' information a service report for the vehicle has been submitted dated 21 June 2013 with the mileage recorded at 21559, the 27 February 2015 at 42277, 7 October 2017 at 61739 and 24 January 2019 at 79419.
- 4.4 The MOT status of the vehicle shows that the vehicle has no Vehicle Type Approval. The Vehicle Certification Agency classifies vehicles using a number of type approval categories. The normal type approval required for a passenger carrying vehicle is M1; Vehicles designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the driver's seat. The lack of a Type approval can indicate that the vehicle has been converted at some point in its history from a goods van to a passenger vehicle.

There are no specific regulations covering the conversion of vans into passenger carrying vehicles. However, Regulation 100 of The Road Vehicles (Construction & Use) Regulations 1986 (SI 1986 No. 1078) will apply. This requires:

- a motor vehicle, and all its parts and accessories
- the number of passengers carried, and the manner in which any passengers are carried in or on a vehicle
- the weight, distribution, packing and adjustment of the load of a vehicle

to be at all times such that no danger is caused, or is likely to be caused, to any person in or on a vehicle or on a road. This means that the conversion work must allow passengers to be carried safely.

The current Council guidelines require that an applicant submit satisfactory evidence that the conversion has been carried out to safe and approved performance standards. The current recommended certification is for the vehicle to have undergone a voluntary Individual Vehicle Approval (IVA). This means that the Driver and Vehicle Standards Agency (DVSA) carry out an inspection of the vehicle and, if it passes the technical standards, a Certificate of Compliance is issued.

- 4.5 Mr Brain has provided the following information from the vehicle converter company concerning the conversion of the vehicle: “Renault Master – VF6MFF4BR45808198 – PO61 FKB

“We have found records to show we converted the vehicle in 2012.

We installed 2 Winga seats and 5 Defender/Titan III seats. The seats were installed with headrests.

The seats we installed were tested to M1 conditions

Further to the seats, Portaramp Easyramp, set of Unwin Wheelchair tie downs and occupant restraint system.

We have no further information on our electronically held records and have been unsuccessful in locating the paper file. All vehicles built during this time confirmed to either our Low Volume Type Approval (LVTA) which followed our conformity of production, or to the Standard Vehicle Assessment (SVA) which was performed by VOSA. Unfortunately we have no record of which approval route was followed in this instance, but the vehicle would have been built to one of them.”

#### 4.6 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 2.2.5) A relaxation of the policy will also be considered in exceptional circumstances for applications relating to the first licensing of private hire vehicles. The Council does not seek to limit or define a particular vehicle which is suitable but will adhere to the minimum standards for the size of seats and legroom etc which are available on request. Irrespective of the age of the vehicle it must be capable of satisfying the general licensing conditions and be fit for purpose as a private hire vehicle in terms of passenger safety and comfort. Each application will be reported to the Licensing Sub-Committee for determination on its merits having regard to the following criteria:*

- That the vehicle presented is in an exceptional condition in relation to its exterior and interior appearance with no evidence of defects, chips, marks or other evidence of unreasonable wear and tear or damage.*
- That the vehicle presented offers an exceptional standard of safety and comfort for passengers in terms of features offered for example ABS, passenger airbags and ability to meet current requirements on emissions testing.*
- That the application includes evidence that the vehicle has been serviced at the intervals recommended by the manufacturer and at an approved garage. Other relevant documentations such as an MOT certificate should also be provided.*

## **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 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

## **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.

**Kelly Watson**  
**HEAD OF LEGAL AND REGULATORY SERVICES**

**Date 13 November 2019**

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**Background documents**

Hackney Carriage Vehicle Application  
Hackney Carriage Vehicle Policy Guidelines