

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 Andrew Thomas, Brynmenyn, Bridgend to licence a Dacia Logan MCV Ambiance DCI registration number CK64 WTP as a hackney carriage vehicle to seat 4 persons.
- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 28 January 2015. Mr Thomas acquired the vehicle on 4 August 2019.
- 4.3 The application falls outside the Hackney Carriage Vehicle Policy approved by the Licensing Committee. The vehicle is not wheelchair accessible.
- 4.4 For Members' information a service report has been provided showing the following:

Date of Service	Mileage Recorded
22 June 2015	17934
19 July 2016	29460
3 January 2017	38216
3 October 2019	48211

- 4.5 Mr Thomas has produced a MOT Pass Certificate for a test undertaken on 4 October 2019 with the mileage at 48310 miles.
- 4.5 Mr Thomas advised that this vehicle had previously been licensed by this authority as a hackney carriage. The test certificates provided when the vehicle attended Joint Fleet Services are held on archive file and show the following:

Date of Test	Mileage Recorded
5 August 2015	24356
5 February 2016	48994
5 August 2016	72560
3 February 2017	96584
5 February 2018	141406

- 4.6 The date of expiry of the last licence issued is 5 February 2019. However the vehicle was suspended in August 2018 for non-attendance at a six monthly test and the licence subsequently lapsed.
- 4.7 Mr Thomas verbally confirmed to an officer that he acquired the vehicle in a damaged state (water) and undriveable but subsequently installed a Engine Control Unit (ECU) which led to the re-programming of the Odometer between August 2019 and October 2019. He is aware of the previous records held and wishes to proceed with the application.
- 4.8 However, there are also discrepancies in the mileage prior to Mr Thomas acquiring the vehicle, namely at the time the service took place in July 2016 compared with the test undertaken at Fleet Services in August 2016. The relevant records are set out in Appendix A.
- 4.9 The vehicle is the subject of an outstanding manufacturer's recall set out in Appendix B.
- 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 2.2.5) 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 not 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