

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO LICENSING SUB COMMITTEE

21 July 2015

### REPORT OF THE ASSISTANT CHIEF EXECUTIVE LEGAL AND REGULATORY SERVICES

#### APPLICATION TO LICENCE HACKNEY CARRIAGE VEHICLE

##### **1. Purpose of Report.**

- 1.1 To ask the sub-committee to consider the application to grant a licence for a hackney carriage vehicle.

##### **2. Connection to Corporate Improvement Plan / Other Corporate Priority.**

- 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. These applications are referred to Licensing Sub-Committee for determination.

##### **4. Current situation / proposal.**

- 4.1 Application is made by Jamshad Iqbal, to licence a Vauxhall Vectra vehicle registration number FP07 USG as a hackney carriage vehicle to seat 4 persons. The date of first registration of the vehicle is 6 June 2007. A previous licence expired on 25 June 2015. The applicant has submitted a letter of explanation at Appendix A.
- 4.2 The vehicle was previously licensed with Bridgend County Borough Council from 11 June 2007 onwards. Members are requested to note that Mr Iqbal failed to renew his licence on time in 2013 and the matter was referred to Sub-Committee for determination. On 25 June 2013 a Sub-Committee resolved as follows:

“We have considered your application to register FP07 USG .. and having considered our policy and having inspected your vehicle, we are happy to grant your vehicle a licence on the basis of exceptional circumstances and interior quality of the car. “

It was highlighted however, that the actual mileage was higher than that shown on the instrument panel of the vehicle. The last test certificate submitted prior to the Sub-Committee meeting (11 December 2012) showed that the mileage of the vehicle was 205958. The mileage on the date of the Sub-Committee was 80,594. Enquiries made with the Department for Transport confirmed that as a new speedometer had been installed because of instrument failure, it was not necessary to inform anyone that the mileage had been reset. It was however, necessary for the owner to make it clear that the actual mileage of the vehicle is higher than that

shown on the instrument panel. The last recorded vehicle test for this vehicle was undertaken on 25 February 2015 was 129,177.

4.3 The vehicle is submitted for consideration under the Council's Hackney Carriage Vehicle Policy.

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:

“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. (2.1)

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 vehicle does not fall within the published guidelines for relaxing the policy e.g. being wheelchair accessible, so this case must be dealt with on its merits. (2.2)

Applicants are reminded that if they fail to make application to renew an existing licence before the expiry date any subsequent application must be treated as one of grant. Any relaxation of current policies will only be granted in very exceptional circumstances. The responsibility for making an application rests solely with the licence holder. All applications of this type will normally be reported to the Licensing Sub-Committee for determination. (2.5)

4.4.1 This case is referred to the Licensing Sub-Committee as the vehicle falls outside the vehicle policy for the first licensing of a hackney carriage.

**5. Effect upon Policy Framework & 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. Financial Implications.**

7.1 None for the Authority. The Applicant has purchased the vehicle and paid the application fee.

## **8. Recommendation.**

- 8.1 The Sub-Committee is asked to determine the application having regard to the information contained within this report.

**Andrew Jolley**  
**Assistant Chief Executive Legal and Regulatory Services**  
**15 July 2015**

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### **Background documents**

Hackney Carriage Vehicle Application Form  
Hackney Carriage Policy Guidelines  
Vehicle Testing History  
Letter from Applicant  
Sub-Committee Decision record