

Meeting of:	<b>Public Protection Licensing Committee</b>
Date of Meeting:	<b>Thursday, 17 October 2019</b>
Relevant Scrutiny Committee:	Homes and Safe Communities
Report Title:	Application to waive age policy guidelines for first licensing of private hire vehicles
Purpose of Report:	To determine an application for the grant of two vehicles which fall outside the current age policy guidelines approved by the Public Protection Committee
Report Owner:	Director of Environment and Housing
Responsible Officer:	Miles Punter
Elected Member and Officer Consultation:	None
Policy Framework:	This is a matter for decision by the Public Protection Licensing Committee.
Executive Summary:	<p>The Public Protection Committee has adopted age policy guidelines covering the first licensing of hackney carriage and private hire vehicles. These applications falls outside the policy.</p>

## **Recommendations**

1. To receive the applications received from C J Contract Travel for two vehicles, AE06 GXM and MX55 HDK which are minibus type wheelchair accessible vehicles with tail lifts.
2. To determine whether to grant the request to waive the Vale of Glamorgan Council's Age Policy Guidelines in respect of these applications.
3. To consider any representations made by C J Contract Travel.
4. To provide a statement of reasons if minded to depart from the policy.
5. Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 applies to this case as set out below.

## **Reasons for Recommendations**

1. To advise Members of the options open to them.

### **1. Background**

- 1.1 At the Public Protection Licensing Committee meeting on 2 July 2019, the Committee considered a review of the Age Policy Guidelines for the first licensing of hackney carriage and private hire vehicles. However, no change was made to the policy in respect of the category of vehicles termed Class Two, i.e. Wheelchair accessible Minibus Type vehicles with an automated tail lift. The policy for this type of vehicle is that they must be under 10 years old at the time of first licensing. Vehicles of this type are issued with a four month licence which means that they are tested more frequently to MOT standards.

The applications below fall outside these criteria and are therefore reported to Committee for determination.

### **2. Key Issues for Consideration**

- 2.1 C J Contract Travel has submitted two applications for the grant of private hire vehicle licences as follows:

AE06 GXM, an Iveco Irisbus Diesel which was first registered at the DVLA on 1 April 2006 (13 years 5 months). The vehicle is fitted with a tail lift. A Certificate has been provided under the LOLER regulations confirming that the tail lift has been examined and meets the current regulations (expiry 17/12/2019).

The vehicle was tested at Fleet Services on 3 October 2019, a copy of the MOT pass certificate is attached at Appendix A.

- 2.2** MX55 HDK, a Ford Transit 330 MWB Diesel, was first registered at the DVLA on 14 October 2005 (13 years 11 months). The vehicle is fitted with a tail lift. A Certificate has been provided under the LOLER regulations confirming that the tail lift has been examined and meets the current regulations (valid to 8 October 2019).

This vehicle was tested at Fleet Services on 3 October 2019, and a copy of the MOT pass certificate/record is attached at Appendix B/B1.

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1** An assessment has been carried out in consideration of the Vale of Glamorgan Well-being Objectives. A summary of the implications from the assessment:

Objective 2: Providing decent homes and safe communities.

Integration – Taxis form part of the public transport network with environmental and economic benefits for the wellbeing goal of A Prosperous Wales

### **4. Resources and Legal Considerations**

#### **Financial**

- 4.1** There are no financial implications arising directly from this report.

#### **Employment**

- 4.2** None.

#### **Legal (Including Equalities)**

- 4.3** Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states:
- 4.4** (1) Subject to the provisions of this Part of this Act, a district council may on 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:

- 4.5** Provided that a district council shall not grant such a licence unless they are satisfied (a) that the vehicle is-
- 4.6** (i) suitable in type, size and design for use as a private hire vehicle;
- 4.7** (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
- 4.8** (iii) in a suitable mechanical condition;
- 4.9** (iv) safe; and
- 4.10** (v) comfortable;
- 4.11** Section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976 states;
- 4.12** 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.
- 4.13** Section 48 (7) The Local Government (Miscellaneous Provisions) Act 1976 states:- Any person aggrieved by the refusal of a district council to grant a vehicle licence under this section, or by any condition specified in such a licence, may appeal to a magistrates' court

## **5. Background Papers**

Age policy guidelines approved by Public Protection Committee 2 July 2019

**MOT test certificate**

Driver & Vehicle  
Standards  
Agency

1. Vehicle identification number

~~XXXXXXXXXXXX~~

2a. Registration number 2b. Country of registration

AE06GXM

GB

Make and model

IVECO DAILY

5. Vehicle category

4. Mileage

213,017 km

Mileage history

209,808 miles 29.04.2019

205,333 miles 20.12.2018

202,451 miles 05.09.2018

**Pass**

**Monitor and repair if necessary (advisories)**

- Power steering pipe/hose has slight seepage (pipes area) [2.1.5 (a)]

3a. Date of the test

03.10.2019

3b. Expiry date

02.10.2020

To preserve the anniversary of the expiry date, the earliest you can present your vehicle for test is 03.09.2020.

3c. Location of the test

THE ALPS DEPOT, QUARRY RD, WENVOE, CARDIFF, CF5 6AA

3d. Testing organisation and inspector name

9836A0 VALE OF GLAMORGAN COUNCIL

~~XXXXXXXXXXXX~~

MOT test number

732470136319

Check that this document is genuine by visiting [www.gov.uk/check-mot-history](http://www.gov.uk/check-mot-history)

If any of the details are not correct, please contact DVSA by email at [enquiries@dvsa.gov.uk](mailto:enquiries@dvsa.gov.uk) or by telephone on 0300 1239000.

Receive a free annual MOT reminder by subscribing at [www.gov.uk/mot-reminder](http://www.gov.uk/mot-reminder) or by telephone on 0300 1239000.



Issuer signature

**MOT test certificate**Driver & Vehicle  
Standards  
Agency1 Vehicle identification number  
~~XXXXXXXXXXXX~~2a Registration number      2b Country of registration  
**MX55HDK**                      **GB**Make and model  
**FORD TRANSIT**

3 Vehicle category	4 Mileage	Mileage history	
<b>N1</b>	<b>101,612 miles</b>	<b>100,594 miles</b>	29.05.2019
		<b>95,005 miles</b>	09.05.2018
		<b>89,426 miles</b>	18.05.2017

**Pass**7 Date of the test                      8 Expiry date  
**03.10.2019**                          **02.10.2020**

To preserve the anniversary of the expiry date, the earliest you can present your vehicle for test is 03.09.2020.

9a Location of the test  
**THE ALPS DEPOT, QUARRY RD, WENVOE, CARDIFF, CF5 6AA**9b Testing organisation and inspector name  
**9836A0 VALE OF GLAMORGAN COUNCIL**  
~~XXXXXXXXXXXX~~MOT test number  
**1799 0422 3459**Check that this document is genuine by visiting [www.gov.uk/check-mot-history](http://www.gov.uk/check-mot-history)If any of the details are not correct, please contact DVSA by email at [enquiries@dvsa.gov.uk](mailto:enquiries@dvsa.gov.uk) or by telephone on 0300 1239000.Receive a free annual MOT reminder by subscribing  
at [www.gov.uk/mot-reminder](http://www.gov.uk/mot-reminder) or by telephone on 0300 1239000.  
Issuer signature



Check MOT history (<https://www.gov.uk/check-mot-history>)

MX55HDK

## FORD TRANSIT

Colour	Fuel type	Date registered
<b>Silver</b>	<b>Diesel</b>	<b>14 October 2005</b>

MOT valid until  
**2 October 2020**

### MOT history

Check mileage recorded at test, MOT expiry date, defects and advisories, and view test certificate

Date tested	Mileage	MOT test number
<b>3 October 2019</b>	<b>101,612 miles</b>	<b>1799 0422 8459</b>
<b>PASS</b>	Test location	Expiry date
		<b>2 October 2020</b>

Date tested	Mileage	MOT test number
<b>2 October 2019</b>	<b>101,604 miles</b>	<b>9101 0589 5547</b>
<b>FAIL</b>	Test location	

Repair immediately (major defects):

- **Nearside Front Headlamp insecure nut missing from the rear (4.1.1 (c))**

Monitor and repair if necessary (advisories):

- **All position lamps slightly affected by the operation of another lamp All lamps (4.2.3 (c))**

Date tested	Mileage	MOT test number
<b>29 May 2019</b>	<b>100,594 miles</b>	<b>7818 2497 6842</b>