

Meeting of:	Public Protection Licensing Committee
Date of Meeting:	Tuesday, 16 May 2023
Relevant Scrutiny Committee:	Homes and Safe Communities
Report Title:	Application to Waive Age Policy Guidelines for First Licensing of Private Hire Vehicle
Purpose of Report:	To determine an application for the grant of a vehicle which falls outside the current age policy guidelines approved by the Public Protection Committee
Report Owner:	Miles Punter, Director of Environment and Housing
Responsible Officer:	Miles Punter, Director of Environment and Housing
Elected Member and Officer Consultation:	None
Policy Framework:	This is a matter for decision by the Public Protection Licensing Committee
Executive Summary:	<ul style="list-style-type: none"> The Public Protection Committee has adopted age policy guidelines covering the first licensing of hackney carriage and private hire vehicles. This application falls outside the policy.

Recommendations

1. It is recommended that Members give careful consideration to the following issues prior to determining the request to waive the Vale of Glamorgan Council's Age Policy Guidelines in respect of vehicle Ford Mondeo, registration number CU64 NCD:
 - Whether they are satisfied that this vehicle is suitable in type, size and design in accordance with Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 to be licensed as a Private Hire Vehicle.
 - Any factors Mr Mais wishes to have considered.
2. If Members are satisfied that this vehicle meets the requirements of Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 they may resolve to waive the Age Policy Guidelines in respect of this vehicle. Or if Members are minded to refuse the application, should give reasons for this decision.

Reasons for Recommendations

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

1. Background

- 1.1 On 28th March, 2023, Mr David Mais made an application to renew a vehicle licence in respect of Private Hire Vehicle (PHV) Licence 066, Ford Mondeo, CU64 NCD ("PH066"). However, the vehicle licence had expired on 2nd March, 2023.
- 1.2 The reasons for the late submission of the renewal application are contained in the email sent by Mr Mais which is attached to this report at **Appendix A**.
- 1.3 The application must be determined as an application for the grant of a vehicle licence. The vehicle falls outside the Age Policy approved by the Public Protection Licensing Committee as the vehicle first date of registration is 20th January, 2016.
- 1.4 On 17th April, 2023 the vehicle passed the taxi compliance and MOT test. A copy of the vehicle test and MOT is attached to this report at **Appendix B**.

2. Key Issues for Consideration

- 2.1 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 the Public Protection Licensing Committee for determination.
- 2.2 The vehicle policy applicable to this application was approved by the Licensing Committee on 2nd July, 2019. The current maximum age a vehicle can be first licensed is 6 years old. Vehicles which are older than this can continue to be licensed provided the renewal application and testing is successful and there is

no break in licence. This vehicle was first registered on 20th January, 2016. On 2nd July, 2019, Committee further resolved:

- 2.3 (2) T H A T for applications to waive the age policy guidelines for Class One Hackney Carriages and Private Hire Vehicles that are to be considered by the Licensing (Public Protection) Committee, for the suitability and condition of the vehicles to be assessed by the Alps Depot, and the outcome of the assessment to be reported to the Committee prior to determination.
- 2.4 Vehicles must pass the MOT inspection and are also tested in line with the relevant conditions and National Inspection Standards, which provides additional testing requirements to those in the MOT inspection in relation to hackney carriage and private hire vehicles.

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

- 3.1 This report has been screened for evidence of the Five Ways of Working and how it may contribute to our Well-being Objectives.
- 3.2 Prevention and collaboration:

4. Climate Change and Nature Implications

- 4.1 None, this is a regulatory function.

5. Resources and Legal Considerations

Financial

- 5.1 There are no immediate financial implications arising directly from this report.

Employment

- 5.2 None.

Legal (Including Equalities)

- 5.3 Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states:-
 - (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:
Provided that a district council shall not grant such a licence unless they are satisfied (a) that the vehicle is-
 - (i) Suitable in type, size and design for use as a private hire vehicle;

- (ii) Not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
- (iii) In a suitable mechanical condition:
- (iv) Safe; and
- (v) Comfortable

5.4 Section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976 states:-

(2) 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.

5.5 Section 48(7) of the Local Government (Miscellaneous Provisions) Act 1976 states:-

(7) 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.

6. Background Papers

None.

[REDACTED]

From: Cabs64 of Penarth [REDACTED]
Sent: 28 March 2023 16:29
To: Licensing
Subject: CU64 NCD PH066 PLATE RENEWAL
Attachments: INSURANCE 2022-2023.pdf; CU64 NCD APPLICATION1.pdf; CU64 NCD LOGBOOK.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Hi, The above vehicle ran out of plate on 02/03/23. It has been in the garage waiting on a new part since then. It is now repaired and ready to be plated. If possible would you book in for testing as soon as possible?

Many thanks
David
Cabs64

THE VALE OF GLAMORGAN COUNCIL
HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE INSPECTION 17778
 Telephone: 029 2067 3243

Owner: David Man Registration Number: CUG4NCD
 Plate Number: PH066 Last Inspection Date: 14-9-22
 Make and Model: Ford Mondeo Colour: Black
 Number of Passenger Seats: Four VIN No. J46632
 Expiry Date of Last Hackney Carriage/Private Hire Licence: Lapsed
 M.O.T. Test Certificate Number: 9478 9446 5062 Expiry Date: 16-4-24
 Mileage: 208158

CODE	TESTABLE ITEM	PASS	FAIL	REMARKS
1	Audible Warning			
2	Electrical Wiring			
3	Lamps Front			
4	Lamps Rear			
5	Reflectors			
6	Direction Indicators			
7	Windscreen Washers and Wipers			
8	Battery			
9	Hackney Light	N/A		
10	Interior Light			
11	Condition of Interior			
12	Condition of Doors and Locks			
13	Conditions of Body and Paint Finish			
14	Security of Seats			
15	Seat Configuration			
16	Conditions of Safety Belts			
17	Conditions of Glass and Mirrors			
18	Road Wheels and Hubs			
19	Condition of Tyre and Sizes			
20	Spare Wheel, Jack and Brace/Tyre Weld			
21	Play in Steering			
22	Steering Column			
23	Condition of Suspension			
24	Shock Absorbers			
25	Steering System			
26	Engine Transmission and Differential			
27	Condition of Vehicle Structure			
28	Fuel Tank (Petrol/Diesel/LPG) and Pipes			
29	Exhaust System and Emission Level			
30	Hand and Footbrake Operation in Car			
31	Footbrake and Handbrake Performance			
32	Brake Systems			
33	Speedometer			
34	Condition Licence Plate			
35	Position of Licence Plate			

Information for Licensing Department

Are any of the following present in/on the vehicle, if so please give details:

Adverts/Signage - Yes / NA
 CCTV - Yes / No
 Scanners / CB Radio - Yes / No
 Lift/Ramp for wheelchair access - Yes / No
 LPG - Yes / No

Passed for Plate

Failed as Above

I have examined this vehicle and certify that in my opinion this report is correct at the time of examination

Examiner (Print Name) Christopher Jenkins Date 17-4-23

Signature [Signature]

MOT test certificate

① Vehicle identification number

WF0EXXGBBEEJ46632

②a Registration number

CU64NCD

②b Country of registration

GB

Make and model

FORD MONDEO

⑤ Vehicle category

M1

④ Mileage

208,158 miles

Mileage history

189,127 miles

14.09.2022

168,474 miles

04.03.2022

148,802 miles

19.08.2021

⑦ **Pass**

③b Date of the test

17.04.2023

⑧ Expiry date

16.04.2024

To preserve the anniversary of the expiry date, the earliest you can present your vehicle for test is 17.03.2024.

③a Location of the test

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

⑨ Testing organisation and inspector name

**9836A0 VALE OF GLAMORGAN COUNCIL
C. J. JENKINS**

MOT test number

9478 9444 5862

Check that this document is genuine by visiting www.gov.uk/check-mot-history

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

Receive a free annual MOT reminder by subscribing at www.gov.uk/mot-reminder or by telephone on 0300 1239000.



Driver & Vehicle
Standards
Agency