

LICENSING REGULATORY COMMITTEE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PRIVATE HIRE VEHICLE LICENSING – REQUEST FOR WAIVER OF LICENCE CONDITIONS REQUIRING DISPLAY OF UNIFORM DOOR SIGNAGE

16 February 2012

Report of Licensing Manager

PURPOSE OF REPORT

An application for 2 private hire vehicle licences has been received from Mr. G Bunford. Along with his applications the applicant has requested a waiver of the standard licence condition requiring the display of the Council's uniform door signage. He has not requested a waiver of the standard condition which requires the vehicle to display a front and rear plate. The purpose of this report therefore is to enable Members to consider the request.

The report is public

RECOMMENDATIONS

The Committee is requested to determine in the light of the representations made, whether to allow the applicant's request for a waiver of the standard vehicle licence conditions requiring the display of the Council's uniform door signage.

1.0 Introduction

- 1.1 Under section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976, 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 under Section 48(6) of the above Act. Any person aggrieved by the refusal of a District Council to grant a vehicle licence under this Section, or by any conditions specified in such a licence, may appeal to a Magistrates' Court.
- 1.2 For the purpose of the above, the Council has established conditions attached to the grant of a private hire vehicle licence.

- 1.3 Members will note that condition No. 3 of the standard conditions provides that a plate "shall be securely fixed to the rear of the vehicle in a conspicuous position and a further plate should be fixed at the front of the vehicle.
Door signs supplied by Lancaster City Council must be affixed to the front doors of the vehicle."
- 1.4 Some Members may recall that the licence conditions requiring the Council's uniform sign to be displayed on the front doors of hackney carriage and private hire vehicles were updated last year. The purpose of uniform signage is to differentiate between a hackney carriage and a private hire vehicle and to increase public safety.
- 1.5 An application for 2 private hire vehicle licences has been received from Mr. G Bunford; he has also applied to be licensed as a private hire operator. In his applications, Mr Bunford has proposed to license 2 Stretch Limousines. Mr. Bunford has requested a waiver of the standard licence conditions requiring the display of the Council's uniform door signage on the grounds that he is operating executive travel, he has not requested a waiver of the condition which requires the vehicles to display the Council's front and rear plates.
- 1.6 Mr. Bunford has been invited to attend the meeting to make representations in support of his request. Arrangements are also being made to enable Members to view the applicant's vehicle prior to this meeting.

2.0 Conclusion

- 2.1 Members are asked to consider whether they are satisfied to allow the applicant's request for a waiver of the standard licence conditions requiring the display of the Council's uniform door signage.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None.

FINANCIAL IMPLICATIONS

Financial Services have not been consulted as there are no financial implications.

LEGAL IMPLICATIONS

Should Members be minded to refuse the applicant's request for a waiver of certain standard licence conditions the applicant would have a right of appeal to the Magistrates' Court against the issue of a licence which included those conditions.

BACKGROUND PAPERS

None

Contact Officer: Wendy Peck

Telephone: 01524 582317

E-mail: wpeck@lancaster.gov.uk

Ref: