

# LICENSING REGULATORY COMMITTEE

## Application to Approve a Chevrolet GMC for use as a Private Hire Vehicle 17 July 2014

### Report of Licensing Manager

#### PURPOSE OF REPORT

To consider a request by Mr Mark Simpson for a Chevrolet GMC to be approved for use as a private hire vehicle and to remove the requirement to display the Council's door signs on both side of the vehicle.

**This report is public.**

#### RECOMMENDATIONS

**Members are requested to consider whether to approve a Chevrolet GMC for use as a private hire vehicle, and whether, if approved, to allow an exemption in relation to the display of the Council's door signs**

##### 1.0 Report

- 1.1 Members are asked to consider the suitability of a Chevrolet GMC to operate as a private hire vehicle for the carriage of passengers on pre-booked journeys only. The application has been made by Mr Mark Simpson.
- 1.2 Mr Simpson wishes to operate the vehicle for the conveyance of passengers both to and from specific functions which would include weddings, school proms, and other celebratory events within the local area. The vehicle is also known as a Scooby Doo vehicle.
- 1.3 Mr Simpson intends to apply for an operator's licence and he has stated that the vehicle will remain an independent source of transport and would, therefore, have no association with any other taxi or private hire company.
- 1.4 The vehicle is over 10 years old, and falls outside of our licensing policy for the following reasons:
  - 1) It is a left hand drive vehicle.
  - 2) The vehicle only has 3 doors, 2 front doors and one sliding side door

**1.5** Section 48(1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that a District Council must not grant a Private Hire Vehicle Licence unless they are satisfied 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 vehicle;
- (iii) in a suitable mechanical condition;
- (iv) safe; and
- (v) comfortable.

**1.6** Further, Section 48(2) provides that a district council may attach to the grant of the licence such conditions as they consider reasonably necessary including conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.

**1.7** For the purposes of the above, and in relation to this particular vehicle, the Council have adopted the following conditions where relevant:-

**Specification and Maintenance of Vehicle**

The vehicle must have at least four doors, all of which are capable of being opened from the inside.

The vehicle shall be of right-hand drive manufacture and not converted as so.

**Identification plates/signs**

Door signs supplied by Lancaster City Council must be affixed to the front doors of the vehicle. The proprietor's own sign, notice or advertisement may be displayed on the top section of the rear doors of the vehicle only and shall not exceed 20 inches by 12 inches.

**1.8** The Chevrolet GMC is approximately 24yrs old and was first registered on 9 April 1990.

The standard licence condition in relation to the age of the vehicle provides that:

**Vehicle Age**

Any vehicle submitted for licensing that is 10 years old or older, or any vehicle which continues to be licensed beyond the age of 10 years must be in exceptional condition and must be approved by the Licensing Manager, on initial application. Any such vehicle will be subject to a full test at the Council's designated testing station.

**1.9** Any licensing procedures for the Chevrolet GMC should assess the fitness, i.e. the suitability for the role as well as the condition and safety of the vehicle.

**1.10** Drivers of the Chevrolet would be licensed in the same way as other private hire driver

**1.11** If a decision is made to license the Chevrolet GMC, the Council would have to be assured that it is structurally and mechanically safe. The owner of the vehicle would have to provide an Individual Type Approval issued by the Department for Transport.

**1.12** Due to the weight and size of the vehicle it will not be possible to mechanically inspect the Chevrolet GMC at the premises normally used for vehicle inspections. Separate testing facilities would have to be provided.

**1.13** If the Chevrolet is licensed as a private hire vehicle the operator would have to comply in every respect to pre-bookings, keeping records of journeys, licensed drivers and vehicle testing in exactly the same manner as the operator of a conventional private hire vehicle..

**1.14** Mr Simpson has been invited to attend the meeting to make representations. The vehicle will be available for inspection, and Members will be informed of the arrangements for this.

## **2.0 Conclusion**

**2.1** Members are requested to determine this request on its own merits and consider whether or not it is an appropriate form of transport to be licensed as a private hire vehicle by this Council. Whilst it is evident that the Chevrolet GMC is a novelty vehicle and unlike any other licensed by this Council, members could indicate that an exception should be made for this type of vehicle. The Committee may move away from the current policy if they consider that there is sufficient reason to do so. Also, if approved, different licence conditions could be placed on Chevrolet GMC (private hire) vehicle licence.

**2.2** Members are asked to determine whether to grant a private hire vehicle licence for the Chevrolet GMC, subject to it passing all relevant tests and to the owner producing all the relevant type approval certificates.

**2.3** If Members are minded to approve the grant of a licence for this vehicle as a private hire vehicle, they should further determine whether to allow an exemption in relation to the display of door signs on the vehicle.

### **CONCLUSION OF IMPACT ASSESSMENT**

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

None

### **FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

### **LEGAL IMPLICATIONS**

Pursuant to Section 48 (7) of the Local Government (Miscellaneous Provisions) Act 1976, any person who is aggrieved by the refusal to grant a vehicle licence under this section, or by any conditions specified in such a licence, may appeal to a magistrates' court.

### **BACKGROUND PAPERS**

None.

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