

LICENSING REGULATORY COMMITTEE

Application to Approve a Lincoln Limousine for use as a Private Hire Vehicle 26th March 2015

Report of the Licensing Manager

PURPOSE OF REPORT

To consider a request by Mr Mark Simpson for a Lincoln Limousine to be approved for use as a private hire vehicle and to waive the requirement to display the Council's door signs on both sides of the vehicle and the Council's plates on the outside of the vehicle, and to allow a sign on the rear bumper showing contact details.

This report is public.

RECOMMENDATIONS

Members are requested to consider whether to approve a Lincoln Limousine for use as a private hire vehicle, and, if approved, whether to allow an exemption in relation to the display of the Council's door signs and plates and to allow the display of a sign on the rear bumper showing contact details.

1.0 Report

- 1.0 Members are asked to consider the suitability of a Lincoln Limousine 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.
- 1.1 Mr Simpson wishes to operate the vehicle for events only such as proms and parties. He does not intend to operate the vehicle for everyday use as most private hire vehicles are operated.
- 1.2 Mr Simpson has also requested an exemption from displaying the Council's door signs and plates and he would also like to display an advertising sticker on the rear bumper.
- 1.3 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.

1.5 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.

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

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.

The plates identifying the vehicle as a private hire vehicle are required to be exhibited on the vehicle pursuant to section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976; one shall be securely fixed to the rear of the vehicle in a conspicuous position and in such manner as to be easily removable by an authorised officer of the Council or a constable, and a further plate should be fixed at the front of the vehicle in a conspicuous position.

1.7 The Lincoln Limousine is over 10 years old and was first registered on 2nd May 2001.

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.

1.8 The vehicle specifications fall outside of the current licensing policy as it is left hand drive. The policy provides that the vehicle shall be of right-hand drive manufacture and not converted as so. The Committee may move away from the current policy if they consider that there is sufficient reason to do so

1.9 Any licensing procedures for the Lincoln Limousine 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 Limousine would be licensed in the same way as other private hire drivers.

1.11 If a decision is made to license the Lincoln Limousine, 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 would not be possible to mechanically inspect it at the premises normally used for vehicle inspections. Separate testing facilities would have to be provided.

- 1.13 If the Limousine 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 asked to determine whether to grant a private hire vehicle licence for the Lincoln Limousine subject to it passing all relevant tests and to the owner producing all the relevant type approval certificates.
- 2.2 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 and plates on the vehicle and to allow the display of an advertising sign on the rear bumper. Officers would recommend that the request to display additional advertising on the vehicle on the rear bumper should be refused as other operators do not display this type of additional advertising and a precedent would be set.

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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