

LICENSING REGULATORY COMMITTEE

Application to Approve a Volvo FLG 14 Former Fire Engine 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 Volvo FLG-14 former Fire Engine to be approved for use as a private hire vehicle and to approve the display of additional signage on the vehicle.

This report is public.

RECOMMENDATIONS

Members are requested to consider whether to approve a Volvo FLG-14 former fire engine for use as a private hire vehicle, and whether, if approved, to allow additional signage to be displayed on the vehicle.

1.0 Report

- 1.1 Members are asked to consider the suitability of a Volvo FLG-14 former fire engine to operate as a private hire vehicle for the carriage of passengers. 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 social events such as school proms, hen night and other celebratory events within the local area.
- 1.3 Mr Simpson has 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 approaching 23 years old and falls outside the Committee's licensing policy in that it only has 3 doors, the 2 front doors and a larger one directly behind the nearside passenger 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;
- (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. Mr Simpson has requested additional signage to promote this vehicle for private hire purposes over and above the statutory Council door signage. Photographs are attached at appendix 1

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.

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 Officers would strongly recommend that members do not approve all of the additional signage as in officers' opinion the extra signage would dilute the fact that the vehicle is a licensed private hire vehicle. Further, it could also be seen to set a precedent. Other private hire companies are not permitted to display this degree of advertising.

1.9 The Volvo FLG-14 fire engine is approximately 23 years old and was first registered on 24th March 1992

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.

1.10 The vehicle does not have any windows in the side of it and this is of concern to officers on the grounds of public safety. If a person were being assaulted in the back of the vehicle they would not be visible from the outside. Further, passengers would not be able to see out of the vehicle and therefore could not be sure where they were going.

1.11 Any licensing procedures for the Volvo FLG-14 should assess the fitness i.e. the suitability for the role as well as the condition and safety of the vehicle.

1.12 Drivers of the Volvo FLG-14 would be licensed in the same way as other private hire drivers.

- 1.13 If a decision is made to license the Volvo FLG-14, 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.
- 1.14 Due to the weight and size of the vehicle it would not be possible to mechanically inspect the Volvo FLG-14 at the premises normally used for vehicle inspections. Separate testing facilities would have to be provided.
- 1.15 If the Volvo FLG-14 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..
- 1.16 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 Volvo fire engine 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 the Volvo FLG-14 fire engine (private hire) vehicle licence.
- 2.2 Members are asked to determine whether to grant a private hire vehicle licence for the Volvo fire engine subject to it passing all relevant tests and to the owner producing all the relevant type approval certificates.
- 2.3 Officers would recommend that members refuse this application as the vehicle clearly does not comply with the requirement set out in the policy in relation to vehicle specification. It only has 3 doors and not the requisite 4 doors and further it does not have any windows in the rear which in itself raises concerns on the grounds of public safety.
- 2.4 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 additional signage. Officers would recommend that the application for the additional signage is refused. .

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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