

LICENSING REGULATORY COMMITTEE

Local Government (Miscellaneous Provisions) Act 1976 Private Hire Vehicle Licensing – Request for Waiver of Licence Conditions Requiring Display of the Council’s Uniform Signage – Paul Cumpsty 15th October 2015

Report of Licensing Manager

PURPOSE OF REPORT

An application for a private hire vehicle licence has been received from Mr Paul Cumpsty. Together with his application the applicant has requested a waiver of the standard licence condition requiring the display of the Council’s uniform signage. The purpose of this report 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 and plates.

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. Additionally, door signs supplied by Lancaster City Council must be affixed to the front doors of the vehicle."
- 1.4 The purpose of plates and uniform signage is to enable members of the public to identify licensed vehicles, and also to differentiate between a hackney carriage and a

private hire vehicle. Therefore, it is considered that such signs are essential from a public safety point of view.

- 1.5 An application for a private hire vehicle licence has been received from Mr Paul Cumpsty. In his application, Mr Cumpsty has proposed to license a Mercedes E Class saloon. The vehicle has been granted a licence which commenced on 30th September 2015 and is currently subject to all of the standard conditions relating to signage. Mr Cumpsty has requested a waiver of the standard licence conditions requiring the display of the Council's uniform door signage on the grounds that the Mercedes has been purchased on the basis of having secured contracts with several local businesses and hotels who use his company on a regular basis to transport clients to and from the airport and who are looking for a company that can offer an executive service well above and beyond that which local taxis operating off radio services are able to offer.
- 1.6 A copy of Mr Cumpsty's request is attached at Appendix No.1 to this report.
- 1.7 Members would not normally grant an exemption of this sort unless they were satisfied that the vehicle was being used only for an exclusive contract(s) and Mr Cumpsty's letter attached does confirm this to be the case with the Mercedes.
- 1.8 Members may recall that other operators offering airport services have always been refused this exemption, on the basis that the signs are required to protect the safety of the public. Moreover, allowing a private hire vehicle to operate without signs would, in officers' view, be a dangerous precedent, as members of the public would no longer be able to rely on the fact that a licensed vehicle will always display uniform Council signage.
- 1.9 Mr Cumpsty 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 and plates. If the waiver is granted, Mr Cumpsty will be required to keep the rear plate in the boot of the vehicle and display an internal card on the dashboard of the vehicle.
- 2.2 Officers would recommend that this request is refused unless Mr Cumpsty can clearly demonstrate that the vehicle will only be used to carry out an exclusive contract(s), as the condition on signage was introduced to enable licensed vehicles to be easily identifiable to members of the public in the interest of public safety.

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

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