

# 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 Mr. Chris Dalby and Mr. Paul Cumpsty 5<sup>th</sup> January 2016

### Report of the Licensing Manager

#### PURPOSE OF REPORT

An application for a private hire vehicle licence has been received from Mr Chris Dalby and Mr Paul Cumpsty. Together with their application the applicants have 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 Chris Dalby and Mr Paul Cumpsty. The applicants have proposed to license a Mercedes Vito Traveller. Mr Dalby and Mr Cumpsty have 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. Bay Transfers were given a similar exemption in October 2015 for a Mercedes E Class and Mr Dalby has stated that due to the success of that vehicle, they have purchased the Vito to cope with the extra multi seater work that is now being requested.
- 1.6 A copy of Mr Dalby's letter requesting this exemption is attached at Appendix 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 Dalby'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 The applicants have been invited to attend the meeting to make representations in support of this 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 the applicants 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.

<b>CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</b>
---

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:** WP/DWE