

**LICENSING PANEL****10 NOVEMBER 2023**

<b>REPORT TITLE</b>	<b>PRIVATE HIRE VEHICLE LICENCE APPLICATION</b>
<b>REPORT OF</b>	<b>DIRECTOR OF LAW AND GOVERNANCE</b>

**REPORT SUMMARY**

The purpose of this report is for the Licensing Panel to consider an application to license a Renault Captur, registration number LB66 WXZ as a Private Hire Vehicle, outside the following criteria for licensing Private Hire Vehicles:

- The vehicle must be capable of carrying at least 4 and not more than 8 passengers in addition to the driver.
- Where bench seats are fitted to the rear of the vehicle one person will be counted for each complete length of 16 inches measured in a straight line lengthwise along the front of the seat.

**RECOMMENDATION**

The Licensing Panel is recommended to determine whether to license a Renault Captur, registration number LB66 WXZ, as a Private Hire Vehicle outside the following criteria for licensing Private Hire Vehicles, which states that:

- The vehicle must be capable of carrying at least 4 and not more than 8 passengers in addition to the driver.
- Where bench seats are fitted to the rear of the vehicle one person will be counted for each complete length of 16 inches measured in a straight line lengthwise along the front of the seat.

## **SUPPORTING INFORMATION**

### **1.0 REASON FOR RECOMMENDATION**

- 1.1 The Licensing Authority have received an application to license a Renault Captur, registration number LB66 WXZ, outside of the current criteria for licensing Private Hire Vehicles. It is a delegated function of the Licensing Panel to determine whether to licence a vehicle as a Private Hire Vehicle where it does not comply with the current criteria for licensing Private Hire Vehicles.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 That the application to license a Renault Captur, registration number LB66 WXZ, be determined by an Officer in line with the current criteria for licensing Private Hire Vehicles within the Statement of Hackney Carriage and Private Hire Licensing Policy which would result in the application being refused.

### **3.0 BACKGROUND INFORMATION**

- 3.1 The current criteria that vehicles must comply with before being granted a Private Hire Vehicle Licence as set out in the Statement of Hackney Carriage and Private Hire Licensing Policy includes the following:
- The vehicle must be capable of carrying at least 4 and not more than 8 passengers in addition to the driver.
  - Where bench seats are fitted to the rear of the vehicle one person will be counted for each complete length of 16 inches measured in a straight line lengthwise along the front of the seat.
- 3.2 In accordance with the criteria above the vehicle must be capable of carrying 3 passengers in the rear of the vehicle providing each passenger with a minimum length of 16 inches. A Licensing Officer has inspected the vehicle and identified that the rear bench seat measures 46” at the widest point which allows for less than 16 inches per passenger.
- 3.3 The Licensing Officer who inspected the vehicle also identified that the top tread entrance to the vehicle measures 42 centimetres. The criteria for licensing Private Hire Vehicles includes the following:
- Any vehicle with a top tread for the entrance which exceeds 38cm must be fitted with a step to allow easy access to and egress from the vehicle. Any vehicle that does not have a step fitted must carry a portable step to be available for use by all passengers.
- 3.4 The date of first registration of the vehicle is 31 January 2017.
- 3.5 Mr Smith has held a Private Hire Driver Licence since 12 November 2019 and his current licence is due to expire on 11 November 2025.

3.6 Should the Licensing Panel determine that the vehicle may be licensed as a Private Hire Vehicle it will be necessary for it to be examined at one of the Council's authorised testing stations in order for it to receive a valid MOT and Compliance certificate.

3.7 The vehicle will be available for inspection at the meeting.

#### **4.0 FINANCIAL IMPLICATIONS**

4.1 There are no specific implications arising from this report.

#### **5.0 LEGAL IMPLICATIONS**

5.1 Section 48 (1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council shall not grant a licence unless it is satisfied that the vehicle is:

- Suitable in type, size and design for use as a Private Hire Vehicle
- Not of such design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage
- In a suitable mechanical condition
- Safe and Comfortable
- That there is in force in relation to the use of the vehicle a policy of insurance

5.2 Section 48 (2) of the Local Government (Miscellaneous Provisions) Act 1976 states that a council may attached to the grant of a licence such conditions as they may consider reasonably necessary including conditions requiring or prohibiting the display of signs on or from the vehicle from which the licence relates.

5.3 Section 48 (7) of The Local Government (Miscellaneous Provisions) Act 1976 states that 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.

#### **6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS**

6.1 There are no specific implications arising from this report.

#### **7.0 RELEVANT RISKS**

7.1 There are safety implications arising out of this report as the Licensing Panel must be satisfied that the vehicle is safe, suitable and comfortable to be licensed as a Private Hire Vehicle.

#### **8.0 ENGAGEMENT/CONSULTATION**

8.1 This is not a matter that requires consultation.

#### **9.0 EQUALITY IMPLICATIONS**

9.1 The Licensing Panel must have regard to their Public Sector Equality Duty when considering the application.

## 10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 Petrol and diesel vehicles contribute to harmful emissions including particulate matter, hydrocarbons and carbon monoxide which can be harmful to health.
- 10.2 Hybrid and electric cars emit less greenhouse gases and air pollutants than petrol and diesel cars. (Source: European Environment Agency report 2018)

## 11.0 COMMUNITY WEALTH IMPLICATIONS

- 11.1 There are none arising directly from the content of this report.

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## APPENDICES

None

## BACKGROUND PAPERS

Application form  
Records held by the Licensing Authority  
Statement of Hackney Carriage and Private Hire Licensing Policy  
European Environment Agency Report 2018  
Local Government (Miscellaneous Provisions) Act 1976

## TERMS OF REFERENCE

This report is being considered by the Licensing Panel who are delegated to determine such matters in accordance with Section 8.4 of the Licensing and General Purposes Committee's Terms of Reference referred to in Part 3, Section B of the Council's constitution.

## SUBJECT HISTORY (last 3 years)

Council Meeting	Date