

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to Licensing Sub-Committee

14th March 2018

TITLE:	Request to Licence Private Hire Vehicles
PORTFOLIO:	Cllr M Bowen, Cabinet Member for Communities, Leisure, Sport, Parks, Countryside & Housing
OFFICER:	Mike Towers, Senior Officer (Housing, Public Health & Licensing)
WARDS:	Non-Specific

Appendix Attached –
Appendix 1 – Request Email from Operator
Appendix 2 – Vehicle Photographs

1. Reason for the Report:

1.1 The purpose of this report is to allow the Licensing Sub-Committee to consider an exemption from the Council's Hackney Carriage and Private Hire Licensing Policy 2017 in respect of two Private Hire Vehicles following a request received by one of the Council's Licensed Private Hire Operators. A copy of the request is reproduced at Appendix 1.

2. Recommendation

2.1 That the Licensing Sub-Committee consider the request and determine whether the circumstances warrant a departure from Council Policy in the particular circumstances of the case.

3. Executive Summary

3.1 The Staffordshire Moorlands District Council Hackney Carriage and Private Hire Licensing Policy 2016 came into force on 1st January 2017. The Policy updated a number of requirements for private hire vehicle licensing, one of which was to introduce minimum and maximum mileage criteria for the licensing of vehicles as opposed to vehicle age.

3.2 The Policy states at Appendix B Paragraph 7.3 that "All new vehicles presented for licensing must have no damage affecting the structural safety of the vehicle and have no more than 75,000 miles on the Odometer..."

- 3.3 The Operator has acquired two vehicles which currently run under the Operator's PSVO Licence (the DVLA licence for larger passenger carriers). The Operator thinks that the vehicles would be much better suited to private hire licensing as they meet the 8 seats or less criteria that normally separates the two types of licence.
- 3.4 The vehicles in question are both purpose-built Renault Master's;
 - 3.4.1 BU05 DVA with a current millage of 109,000 miles. Purchased from Gloucester County Council Integrated Transport Unit. The vehicle was first registered in March 2005.
 - 3.4.2 SX55 APZ with a current millage of 104,000 miles. Purchased from Gloucester County Council Integrated Transport Unit. The vehicle was first registered in January 2006.
- 3.5 The vehicles in question are both in excess of the Council's 75,000 mile entry criteria and so on first enquiry the Operator was advised that the criteria was not met and that an application for licensing would be refused.
- 3.6 The Operator stated that there were mitigating circumstances in this case that may have an impact on whether the Council might deviate from Policy, and the Operator has outlined these circumstances in an email which is reproduced at Appendix 1. Photographs of one of the vehicles are attached at Appendix 2. Both vehicles have the same or similar layout and specification.
- 3.7 The Licensing Officer is not authorised to agree a deviation from policy, and so the Operator was offered the opportunity to put their case to a Licensing Sub-Committee for determination.

4. Options and Analysis

- 4.1 To agree a deviation from the Council's Hackney Carriage and Private Hire Licensing Policy 2016 and approve the request to licence the Private Hire Vehicle Licences detailed in 3.4 above, subject to compliance with all other current relevant Policy requirements with the current Private Hire vehicle licence conditions.
- 4.2 To reject the request to deviate from Council Policy. If this option is selected, the Sub-Committee must provide their reasons for doing so in the written Decision Notice.
- 4.3 In reaching their decision, the Sub-Committee may wish to consider the following points;
 - 4.3.1 The provenance of the vehicles and their maintenance history.
 - 4.3.2 The cost differential between purchasing new and used.
 - 4.3.3 The value to the local community of adding disabled-access vehicles to the private hire fleet.

4.3.4 The implications for other Operators, in terms of further requests to deviate from Policy mileage requirements.

4.3.5 The nature of the Policy requirement – the minimum entry criteria is a 'must' statement which does not invite discretion on the part of the Licensing Authority under normal circumstances – and the need to ensure that any decision is specific to the particular circumstances of the case under consideration.

5. Implications

5.1 Community Safety - (Crime and Disorder Act 1998)

Community Safety is one of the Council's key priorities and to ensure safety within the district by continuing regulation of the Private Hire Operators, Vehicles and Drivers.

5.2 Workforce

None

5.3 Equality and Diversity/Equality Impact Assessment

This report has been prepared in accordance with the Council's Diversity and Equality Policies.

5.4 Financial Considerations

No implications

5.5 Legal

1. Under section 48(2) of Local Government (Miscellaneous Provisions) Act 1976, the Council may attach conditions to the grant of a Private Hire Vehicle Licence.
2. The applicant has a right of appeal to the Magistrates' Court

5.6 Sustainability

None

5.7 Internal and External Consultation

None

5.8 Risk Assessment

None

Mark Trillo
Executive Director (People)

Web Links and

Background Papers

SMDC Hackney Carriage and
Private Hire Licensing Policy 2016
[https://www.staffs Moorlands.gov.uk
/media/713/Taxi-Licensing-Policy-
December-
2016/pdf/SMDC_Hackney_Carriage
and_Private_Hire_Policy_Decem
ber_2016.pdf](https://www.staffs Moorlands.gov.uk/media/713/Taxi-Licensing-Policy-December-2016/pdf/SMDC_Hackney_Carriage_and_Private_Hire_Policy_December_2016.pdf)

Location

Regulatory Services -
Moorlands House,
Stockwell Street, Leek,
ST13 6HQ

Contact details

Mike Towers – Senior
Officer (Housing, Public
Health & Licensing)
Tel: 01538 395400
Ext: 4400