

REPORT TO: LICENSING COMMITTEE – 20 JANUARY 2006

REPORT BY: LICENSING ENFORCEMENT OFFICER

REPORT AUTHOR: MR ROSS C LEE

Application for Private Hire Vehicle Licence – Volvo – Fire Engine – G821 TSP

1. PROPRIETOR'S DETAILS

Name: Paul James Houghton
Trading As "A Fireman's Lift"



2. PURPOSE OF REPORT AND RECOMMENDATION

Purpose:

To consider the grant of a Private Hire Vehicle Licence in respect of a Volvo Fire Engine, registration G821 TSP in pursuance of section 48 Local Government (Miscellaneous Provisions) Act 1976. ("The Act").

RECOMMENDATION:

- (1) That a Private Hire Vehicle Licence be granted to Mr Paul James Houghton the proprietor of a Volvo Fire Engine registration number G821 TSP.**
- (2) That, for the purposes of considering this unique application, the Committee waive their normal policy requirement for the vehicle to be under 6 years old at the time of first licensing.**
- (3) That the vehicle licence be granted subject to a Private Hire Operators Licence being granted to Mr Paul James Houghton operating under the trade name of 'A Fireman's Lift' pursuant to Section 55 of the 1976 Act.**
- (4) That the Director of Corporate Resources and Services be given delegated authority to attach such conditions to the grant of a vehicle licence as may be considered necessary and proportionate in considering this application.**

Reason:

An application has been received in respect of the grant of a new Private Hire Vehicle Licence for a de-commissioned Volvo FL6 14 Fire Engine. This vehicle was first registered on 19 March 1990 and, accordingly, does not meet the Committee's policy that any private hire vehicle, on first licensing, be under 6 years old. Because of the unique type, nature and proposed use of the vehicle, your Reporting Officer considers that this policy requirement can be waived on this particular occasion.

3. POLICY AND OTHER CONSIDERATIONS

A Private Hire Vehicle is defined at law as a '*motor vehicle constructed or adapted to seat fewer than 9 passengers and is provided for hire with the services of a driver for the purposes of carrying passengers*'. This definition does not relate to licensed Hackney Carriage Vehicles or public service vehicles.

A Private Hire Vehicle must meet the following legal requirements imposed under Part II of the Act:-

- The vehicle must be suitable in type, size and design.
- The vehicle must be mechanically suitable.
- The vehicle must not look like a taxi.
- The vehicle must be safe and comfortable.
- Evidence of satisfactory insurance should be seen.

The Committee have, for many years (and after consultation with recognised trade representatives) adopted policy guidelines on the suitability of vehicles. This is to guide both proprietors, officers and the Committee alike of those types of vehicles considered suitable for private hire work. The general guidelines approved by the Committee (and endorsed in the 'Options for Change Review' in 2001) can be summarised as follows:-

- The vehicle must not be over 6 years only on first licensing (but can remain licensed until 8 years old on individual merit).
- The vehicle must be right-hand drive.
- The vehicle (if a car not a 'mini-bus' type vehicle) must have a minimum of 4 doors.
- The vehicle must have a wheel-base of at least 2540 mm.
- The vehicle must have a back seat of at least 1270 mm.
- There must be easy access from a door to any designated passenger seat with no 'tip-up' seat mechanism ordinarily being utilised.
- The vehicle (if a mini-bus or people mover) must have sufficient doors of sufficient size to allow passengers to get in and out quickly and safely.

The above guidelines reflect on the statutory requirement for a vehicle to be “suitable in type, size and design” and should be applied with a degree of flexibility. The Committee may depart from policy after considering an individual matter on merit.

It is lawful for the Committee to impose an age limit in respect of the grant of licences for either Private Hire or Hackney Carriage vehicles. Provided that that Committee is prepared to consider applications on individual merit, the adoption of an upper or lower age limit is seen to be proportionate and reasonable and reflects on the Council’s statutory duty to ensure that vehicles are safe, comfortable and suitable in type, size and design for use as a private hire vehicle.

Members might recall that this matter was considered in relation to the licensing of ‘stretch limousines’ when the ‘options for change’ review of the Hackney Carriage and Private Hire undertaking was undertaken in 2001. The Committee resolved, on individual merit at that time, to licence Lincoln Town Cars under the auspices of a Portsmouth Private Hire Operators Licence notwithstanding that the vehicle concerned was over 6 years old – Minute 37(18)/2001 refers. This is a similar case in that the vehicle now presented for licensing is so unique that the Committee’s stated policy guideline on age limits for new vehicles may be waived.

4. OTHER BACKGROUND INFORMATION

Mr Paul Houghton is the proprietor of this. He now resides in Portsmouth and wishes to operate the vehicle as a general ‘private hire’ vehicle in the city and surrounding areas under the trading name of ‘A Fireman’s Lift’. This is a new business venture with an emphasis on hirings to either individuals or companies wishing to utilise a distinctly different form of transport for up to 8 passengers. The vehicle will be available for stag and hen nights, weddings, proms and other special occasions. Your reporting officer understands that the vehicle has been previously licensed as a private hire vehicle with Bridgend Borough Council and enquiries reveal that no concerns on the mechanical or general working suitability of the vehicle were noted.

The vehicle has recently been inspected by Licensing staff. It is designed to accommodate a maximum of 8 passengers. Seating, in a horseshoe shape, is provided for customers with adequate seating and leg room for each person. A DVD karaoke and CD player are installed and, subject to approval, alcohol and food may be provided. The rear exit doors provide adequate means of escape.

The driver can communicate to the passenger compartment direct via intercom.



Mr Houghton has provided a copy of his proposed terms and conditions for the hire of the vehicle and copies of the registration document and current MOT are attached for Members' consideration.

Mr Houghton would also need to obtain a Private Hire Operators Licence for the purposes of inviting or accepting bookings for this particular vehicle. Application will be made should the Committee approve this current vehicle application.

Although the Committee have a general discretion to refuse to grant a vehicle licence, proportionate and germane reasons would need to be given. The fact that the vehicle is over 6 years old should not, in isolation (and having regard to this unique use) prevent a licence from being granted. This was the stance taken by the Committee for the licensing of "stretch limousines" and due regard should be given to the unique operating concept of this vehicle. Provided also that the vehicle retains its mechanical suitability of use as a private hire vehicle, then no upper age limit should be imposed.

Mr Houghton has been asked to attend the Committee in support of this application and the vehicle will be available for members' inspection.

Should the Committee refuse to grant a vehicle licence there is a right of appeal to the Magistrates' Court.

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Licensing Manager
Legal and Democratic Services

RL/SEM
9 January 2006