

The Vale of Glamorgan Council

Public Protection Licensing Committee 5 September 2017

Report of the Director of Environment and Housing

Request for an Exemption in Relation to the Display of Private Hire Vehicle Licence Door Stickers

Purpose of the Report

1. To consider a request by Mrs Nia Lloyd Knott of Real Wales Tours to be exempt from the requirement to display and door stickers on their Private Hire Vehicle.

Recommendations

It is recommended that Members give careful consideration to the application taking into account whether or not public safety would be compromised were one of the following recommendations accepted:-

- grant an exemption from condition 9 relating to Private Hire vehicles to Mrs Lloyd Knott in respect of the Private Hire Vehicle Licence 060, for vehicle registration MV62 LFN.
- or;
- refuse the application giving full reasons for their decision.

The officer recommendation is that the Committee must consider the request on its merit. If they are of the view that there is no public interest in granting this exemption having regard to public safety, the application should be refused.

Members are reminded that when the vehicle is licensed as a Private Hire Vehicle the type of fares that are carried out by the vehicle cannot be controlled and as such it will not be restricted to recreational tour work.

Reasons for the Recommendations

To advise Members of the options available to them.

Background

2. Condition number 9 of the Vale of Glamorgan Conditions for Private Hire Vehicles states that identification door stickers should be fixed to each of the vehicle's front doors by their adhesive backing.
3. Officers are not delegated the authority to issue a Private Hire Vehicle Licence other than in accordance with the Vale of Glamorgan Council's standard conditions. A copy of the conditions can be found in section 8 of the Information Pack for Licensing Committee Members.

Relevant Issues and Options

4. The vehicle MV62 LFN is a Black Ford Galaxy that has been licensed as Private Hire number 060 since 1st February 2016.
5. On 21st July 2017 Mrs Lloyd Knott made application to renew the Private Hire Vehicle Licence and accompanied the application with a written request to have an exemption from condition 9 considered by the Licensing Committee. A copy of the request is attached at Appendix A to this Report.
6. Current private hire legislation does not distinguish between the different types of business model and standard conditions relating to displaying a plate and door stickers apply to all vehicle licences. This is in order to ensure public safety.

Resource Implications (Financial and Employment)

7. Resources directed to the administration and enforcement of the Taxi Licensing function may be recovered through Taxi Licensing Fees and Charges.

Sustainability and Climate Change Implications

8. None.

Legal Implications (to Include Human Rights Implications)

9. Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states: -
(1) Subject to the provisions of this Part of this Act, a district council may on receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:
Provided that a district council shall not grant such a licence unless they are satisfied (a) that the vehicle is-
 - (i) suitable in type, size and design for use as a private hire vehicle;
 - (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
 - (iii) in a suitable mechanical condition;
 - (iv) safe; and
 - (v) comfortable;
10. Section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976 states;
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.

11. Section 48 (7) The Local Government (Miscellaneous Provisions) Act 1976 states:-
Any person aggrieved by the refusal of a district council to grant a vehicle licence under this section, or by any condition specified in such a licence, may appeal to a magistrates' court.

Crime and Disorder Implications

12. Under Section 17 of the Crime and Disorder Act 1998 the Council has a statutory duty to consider crime, disorder and antisocial behaviour implications whilst regulating licensing activities. There are no crime and disorder implications arising from this Report.

Equal Opportunities Implications (to include Welsh Language issues)

13. The Council is obliged to apply its licensing conditions on an equitable basis in the case of all applications.

Corporate/Service Objectives

14. Regulatory Services contribute to the Well Being Outcome 1: "An inclusive and Safer Vale and Objective 2 Providing decent homes and safe communities."

Policy Framework and Budget

15. This is a matter for decision for the Public Protection Licensing Committee.

Consultation (including Ward Member Consultation)

16. None.

Relevant Scrutiny Committee

17. Homes and Safe Communities

Background Papers

None.

Contact Officer

Yvonne Witchell, Team Manager Licensing 01446 709105

Officers Consulted

Richard Price, Lawyer, Legal Services 01446 709409

Responsible Officer:

Miles Punter - Director of Environment and Housing

APPENDIX A



RECEIVED
21 JUL 2017

Real Wales Tours Ltd
Arosfa
Southerndown Road
St Brides Major
Vale of Glamorgan
CF32 0SD

21st July 2017

RE: Display of private hire vehicle registration door stickers

Dear Members of the Licensing Committee of the Vale of Glamorgan Council,

I'm writing to request exemption from displaying the private hire vehicle registration side door stickers from our vehicle MV62 LFN and any future vehicles we have licensed.

The reason for this request is that we do not operate as a traditional private hire operator – we conduct sightseeing tours of the Vale of Glamorgan and further afield in Wales, and the door stickers give a misleading impression of our operations. We are often approached for use as a taxi and we would wish to prevent this.

Of course, we would continue to display the rear plate and interior badge as we currently do.

I should be very grateful if you could consider this request.

Best wishes



Nia Lloyd Knott

Director, Real Wales Tours Ltd.