

## **The Vale of Glamorgan Council**

### **Public Protection Licensing Committee 5th September 2017**

#### **Report of the Director of Environmental and Housing**

#### **Application to Waive the Vale of Glamorgan Council's Age Policy Guidelines for the Grant of a Hackney Carriage Licence, Mr S Haque**

##### **Purpose of the Report**

1. To consider a request by Mr Samiul Haque, to waive the Vale of Glamorgan Council's Age Policy Guidelines in respect of a Hackney Carriage Licence application for a BMW 520D, registration number S444 MMH.

##### **Recommendations**

1. It is recommended that Members give consideration to the following issues prior to determining the request to waive the Vale of Glamorgan Council's Age Policy Guidelines in respect of vehicle BMW 520D, registration number S444 MMH.
  - Whether they are satisfied that this vehicle is suitable in type, size and design in accordance with Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 to be licensed as a Hackney Carriage.
  - Any factors Mr Haque wishes to have considered.
2. If Members are satisfied that this vehicle meets the requirements of Section 47 of the Local Government (Miscellaneous Provisions) Act 1976, and circumstances warrant a departure from the policy, they may resolve to waive the Age Policy Guidelines in respect of this vehicle.

Or

If Members are minded to refuse the application, give reasons for this decision.

##### **Reasons for the Recommendations**

Each case must be determined on its merits having regard to the circumstances of the case and whether these warrant a departure from current policy.

## **Background**

2. Class 1 is one of two classes of vehicles used in the Vale of Glamorgan in conjunction with the Age Policy Guidelines. The Age Policy Guidelines are in Section 12 of the Information Pack for Committee Members. These policies have been developed in consultation with the taxi trade to ensure public safety and provide guidelines to prospective applicants.
3. The Committee has approved a police whereby Class 1 vehicles must be under 5 years old to have a licence granted. The date of first registration for the vehicle registration S444 MMH was 30th November 2011. The vehicle is now 5 years and 10 months old.

## **Relevant Issues and Options**

4. Vehicle registration number S444 MMH was previously licensed as a Hackney Carriage number HC116 until 14th May 2017. Mr Haque surrendered the licence voluntarily on 5 April 2017. The vehicle's MOT certificate is in force until 14 November 2017. The vehicle undertook one test at the Alps Garage with no failures or advisory notes issued. .
5. On 3rd August 2017 Mr Haque submitted an application for a Hackney Carriage Licence for S444 MMH. The application was accompanied by a letter requesting that the Licensing Committee consider waiving the Age Policy Guidelines in respect of the grant of a licence for this vehicle. A copy of Mr Haque's letter is attached at Appendix A to this Report.
6. Mr Haque also submitted a number of photographs to support his request.
7. Licensing Officers have delegated authority to waive the Age Policy Guidelines in certain circumstances, but only when an application is made within five working days of the expiry or surrender of a previous licence. In this instance, the maximum time period has elapsed.
8. If Members are minded to approve the waiver of Age Policy Guidelines in respect of this vehicle, the vehicle will be presented for testing at the Alps Depot, and a licence will be issued from the date the vehicle receives a satisfactory pass certificate.

## **Resource Implications (Financial and Employment)**

9. 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**

10. None.

## **Legal Implications (to Include Human Rights Implications)**

11. Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 states: -
  - (1) A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary.
  - (2) Without prejudice to the generality of the foregoing subsection, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of

such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.

(3) Any person aggrieved by any conditions attached to 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

Hackney Carriage Vehicle Licence Department  
Civic Offices  
Holton Road  
Barry  
CF63 4RU

Samiul Haque

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02.08.17

Dear Sir/Madam,

Application for a Hackney Carriage Vehicle Licence: Age Policy

Please find attached several photo's in relation to my Application for a Taxi Licence. Although the car is over five years old the condition of the car is immaculate and I take great pride and care in maintaining it's high standards. I have received several compliments from passengers when I was previously driving my car as a Taxi in Barry earlier this year.

I hope that you will take the above into consideration before making your decision.

Yours faithfully,  
Samiul Haque

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P. S.

Because the vehicle is outside the council A.P.F.

I am requesting the vehicle is taken to committee for their decisions.

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