

Somerset West and Taunton Council

Licensing sub-committee – Wednesday 17th August 2022

Application for a historical vehicle to be licensed as a private hire vehicle.

This matter is the responsibility of Cllr Andrew Sully

Report Author: Brad Fear – Licensing Officer

1 Executive Summary / Purpose of the Report

- 1.1 Members are asked to consider an application to grant a licence for a historic motor vehicle—a Morris 12/4, first registered in 1939—to operate as a private hire vehicle in the former West Somerset district area.

2 Recommendation

- 2.1 Members consider all the elements of the vehicle application, the observations of officers and the appropriateness of proposed exemptions to policy, as well as proposed conditions, measured against the legal requirements of Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 and determine whether to approve the application to issue a private hire vehicle licence for the specified historic motor vehicle.
- 2.2 Members may consider the following options with regard to this application:
 - * to grant the application to issue a private hire vehicle licence under the standard private hire vehicle licence conditions.
 - * to grant the application to issue a private hire vehicle licence, subject to additional conditions at Members' discretion.
 - * to refuse the application to issue a private hire vehicle licence for the proposed vehicle.
- 2.3 It is the recommendation of the Licensing Officer that Members consider granting the application for a private hire vehicle licence for the vehicle in question. As Members will see in the full report below, the Licensing Officer is satisfied that the applicant has invested a significant amount into the vehicle to make it fully compliant; passing an MOT test and local council plate test to meet safety standards. Furthermore, the application itself is for a private hire vehicle, as opposed to a hackney carriage taxi—meaning that this vehicle would only be legally permitted to take pre-booked fares and would not be permitted to operate from taxi ranks or to be hailed down by customers. Further details about the applicants proposed business can be found in the full report below. As noted in the report below, the applicant has confirmed a quote for motor insurance for this vehicle and would be looking to formally commence this pending confirmation that the Sub-Committee have approved this vehicle to be

be licensed. As such, we would recommend that a licence be granted, subject to the applicant submitting evidence of this motor insurance policy having commenced (this is a statutory requirement for all licensed hackney carriage or private hire vehicles).

3 Risk Assessment (if appropriate)

- 3.1 The matters to which this report relates does not impact on any of the issues identified within the Corporate and Function Risk Registers.

4 Background and Full details of the Report

- 4.1 The licensing team of Somerset West and Taunton Council are responsible for issuing licences for vehicles in the local area being utilised as either hackney carriages (taxis) or private hire vehicles, in accordance with Part II of Local Government (Miscellaneous Provisions) Act 1976.
- 4.2 Additionally, local policies/regulations were created and implemented by both the former Taunton Deane Borough Council and West Somerset Council, imposing additional requirements, pre-requisites and conditions upon the licensing of vehicles as either hackney carriages or private hire vehicles. Following the creation of Somerset West and Taunton Council, these two separate policies for the former Taunton Deane and West Somerset areas remain in force. As such, vehicles in the district remain licensed to one of these two areas (i.e. either licensed to operate from the former Taunton Deane area or from the former West Somerset area).
- 4.3 The above-mentioned local policies stipulate a number of general vehicle specifications which are expected to be met by any vehicle being proposed to operate as a licensed vehicle. In the case of the former West Somerset area, this falls under Appendix C (in particular, pages 32 and 33) of the local policy/regulations (which I have attached to this report as **Appendix 1**).
- 4.4 Condition 6.5 of the policy stipulates that 'a vehicle will not generally be licensed as a Hackney Carriage/Private Hire vehicle once it has passed the age of 10 years old from the date registered as new in the vehicle registration document' and that proprietors wishing to licence vehicles outside of this requirement then 'application must be made to the Council's Licensing Panel detailing their reasons for dispensation from the requirements'. This allows for applications to be assessed on a case-by-case basis.
- 4.5 With regard to the current vehicle age restrictions, the Licensing department has been asked to consider aligning the age restrictions across the two area policies (i.e. the former Taunton Deane area and the former West Somerset area) in order to make it fair for all proprietors operating in Somerset West and Taunton. Restrictions are currently tighter in the West Somerset area. Since the formation of SWT Council, the aim has always been to create one policy so that all rules are the same, across the district. So, the first reason for changing the policy is to do exactly that.
- 4.6 Furthermore, the Department for Transport's (DfT) 'Taxi and private hire vehicle licensing: best practice', published in 2010, states "*It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.*"

- 4.7 This best practice is in the process of being revised, but the current draft continues to encourage councils to move away from age restrictions, placing greater emphasis on things like emissions policies and drivers conducting their own checks.
- 4.8 Upon application for the grant or renewal of a vehicle licence, the applicant must produce evidence that the vehicle is safe and in suitable condition to be used for hire, currently in the form of MOT and 'Plate Test' certificates. The Licensing Department believes greater importance should be placed on this, than the age of the vehicle.
- 4.9 The Licensing Managers and Leads across the various Somerset district councils (Mendip, Sedgemoor, South Somerset and SWT) are planning to create a single policy for Somerset, after Somerset Council is created on the 1st of April 2023 (replacing the district councils and county council). This policy will, by and large, follow all existing best practice guidance published by central government or any other specialist group or body e.g. the Institute of Licensing. Age restrictions across the 4 districts currently vary. Mendip District Council is currently the only Somerset authority not to have an age restriction for vehicles. As such, Somerset West and Taunton Council are currently in the process of consultation on the removal of age restrictions on hackney carriages and private hire vehicles.
- 4.10 An application has been received relating to the licensing of a historic car—a Morris 12/4, with a first registration year of 1939. With this application, the applicant—Mr Richard Growden—outlined his proposal to operate a business of informative and structured tours over Exmoor, in the comfort of a classic motor vehicle. He also outlines a desire to use the historic vehicle as a potential bridal car for wedding bookings. His full letter/proposal is attached as **Appendix 2**, and the application and connected documentation attached as **Appendix 3**. A scanned picture of the vehicle in question can be found attached as **Appendix 4**.
- 4.11 Given the age of this particular vehicle (over eighty years old), a dispensation of the maximum vehicle age of ten years is required.

5 Main Issues to consider

- 5.1 In order to ensure safety compliance, Mr Growden has invested substantially in works to the Morris 12/4 vehicle, to ensure it meets the legal requirements, as well as those required to pass the Council's "plate test" with one of the Council's nominated testing stations (this 'plate test' exists to ensure vehicles are compliant with Council policy safety standards). This has included the installation of new seatbelts, a full service, and the refabrication of the car's water pump to ensure it meets the necessary MOT emission requirements. In total, Mr Growden has invested a little over £3,500 in making these changes and had been in regular contact with the Licensing department throughout the process, demonstrating a sincere commitment to vehicle compliance and safety.
- 5.2 Following works outlined above, the car has passed both a MOT test and the Council's plate test at a council-nominated garage (in this case, Beaver's Garage in Minehead). Copies of these pass certificates are attached under **Appendix 3**.
- 5.3 Licensed private hire vehicles are also required to be insured for private hire use. Mr Growden has confirmed an annual quote has been obtained for this via Clegg Gifford, relating to a policy underwritten by Tradex Insurance. E-mail evidence of this is attached as **Appendix 5**. Mr Growden has not formally commenced this policy yet, as he wished to ensure that the vehicle would be permitted the dispensation before

proceeding with this investment. In order to support the applicant, the Licensing felt it was appropriate to forego any requirement for the insurance to be in effect before the applicant could be satisfied that this type of vehicle would be licensed by Somerset West and Taunton Council. The Licensing Officer would therefore expect—should Members be satisfied to grant the dispensation for this application—confirmation of this insurance policy formally being in place before a licence or vehicle plate would be issued. Should evidence of the commencement of valid motor insurance not be provided following approval of this dispensation, then a private hire vehicle licence will be refused.

6 Links to Corporate Aims / Priorities

- 6.1 While the granting of this application does not directly link to corporate aims, it is a statutory requirement of the Licensing Authority to ensure that all licensed vehicles are legally compliant and safe to be operated for the purposes of transporting members of the public.

7 Finance / Resource Implications

- 7.1 None.

8 Legal Implications

- 8.1 No legal implications have been identified.

9 Environmental Impact Implications (if any)

- 9.1 None identified

10 Safeguarding and/or Community Safety Implications (if any)

- 10.1 None identified.

11 Equality and Diversity Implications (if any)

- 11.1 There are several protected characteristics identified in the Equality Act 2010, which are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation and members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision-making process. The three aims the authority must have due regard for are:

- The eliminate of discrimination, harassment, victimisation.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share them.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share them.

- 11.2 No equality and diversity implications were identified.

12 Social Value Implications (if any)

- 13 No social value implications were identified.

14 Partnership Implications (if any)

15 No partnership implications were identified.

16 Health and Wellbeing Implications (if any)

16.1 Through effective regulation, confidence in private hire businesses can be maintained and public safety insured.

17 Asset Management Implications (if any)

17.1 No asset management implications have been identified.

18 Consultation Implications (if any)

18.1 None identified.

19 Scrutiny Comments / Recommendation(s) (if any)

19.1 Not applicable.

Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Cabinet/Executive – No**
- **Full Council – No**

Reporting Frequency : **Once only** **Ad-hoc** **Quarterly**
 Twice-yearly **Annually**

List of Appendices

Appendix 1	West Somerset area hackney carriage and private hire policy – Private Hire Vehicles
Appendix 2	Business proposal/letter from the applicant
Appendix 3	Application for a private hire vehicle licence, including MOT and Council plate test pass certificates.
Appendix 4	Scanned photo of Morris 12/4 motor vehicle (and additional vehicle information from Mr Growden)
Appendix 5	E-mail correspondence between applicant and Clegg Gifford (regarding motor insurance quote).

Contact Officers

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