

APPLICATION FOR GRANT OF A VEHICLE LICENCE

1. INTRODUCTION

- 1.1. On 23 August 2017 the Licensing Authority received an application from New Forest Executive Hire Ltd, to licence a Private Hire Vehicle. The vehicle is a 3 litre Audio A8 excel saloon, first registered on 8/12/2014. The application form and supporting vehicle documentation is provided at **Appendix 1**.
- 1.2. The vehicle has four seats in total, allowing the vehicle to carry a maximum of three passengers. The two rear seats are separated by a large console, which provides controls for various passenger comfort devices. **Appendix 2** provides interior photographs of the vehicle. In addition Mr Adams, a Director of New Forest Executive Hire Ltd, will present the vehicle for inspection at the hearing.
- 1.3. All vehicles licensed by the Council must hold a current MOT certificate and pass a licensed vehicle test to the standards outlined in the Council's Statement of Principles. A copy of the MOT status is provided with the vehicle documents at **Appendix 1**.
- 1.4. On 6 September 2017, Mr Adams presented the vehicle at the Council testing facility at Hounslow depot. However the vehicle failed the test, as the vehicle did not meet the requisite test standard because the vehicle fell short of the required number of rear passenger seats which is contrary to national guidance.
- 1.5. In addition, New Forest Executive Travel Ltd hold an exemption from displaying NFDC plates on their vehicles due to the nature of their business, client type and standard of vehicles. The Operator is requesting that an exemption is also applied to this vehicle if licensed. Part I of the Council's Licensing Policy is provided at **Appendix 3** and Members can see the minimum criteria of four passenger seats required if an operator wishes to apply the exemption of displaying a Private Hire licence plate.

2. BACKGROUND

- 2.1 The provisions of S48 (1) of the Local Government (Miscellaneous Provisions) Act 1976 allows an authority to licence a vehicle as a private hire vehicle if it is satisfied 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 other person to believe that the vehicle is a hackney carriage;
 - (iii) In a suitable mechanical condition;
 - (iv) Safe; and
 - (v) Comfortable.
- 2.2 In addition the FTA (Freight Transport Association) Hackney Carriage and Private Hire Vehicles National Inspection Standards states at Section 3.0 "*Vehicles must be capable of carrying at least four and not more than eight passengers in addition to the driver*". The relevant extract is provided at **Appendix 4**. This supports the Council's policy and Part C of the Council's Licensing Policy can be seen at **Appendix 5**.

- 2.3 The Department for Transport's Best Practice Guidance relating to Taxi and Private Hire Licensing outlines the following: -

26. The legislation gives local authorities a wide range of discretion over the types of vehicle that they can license as taxis or private hire vehicles. Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.

27. Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, local authorities might usefully set down a range of general criteria, leaving it open to the taxi and private hire vehicle trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way there can be flexibility for new vehicle types to be readily taken into account.

28. It is suggested that local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the Department believes authorities should be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. But of course the purpose-built vehicles are amongst those which a local authority could be expected to license. Similarly, it may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers).

- 2.4 The Vehicle Examination Report provided at **Appendix 6**, completed by the qualified NFDC examiner, states the nature of the failure. That being that the minimum seating capacity requirements are not met by the vehicle as it can only provide three passenger seats. In addition the spacing of the number plate needs to be addressed.
- 2.5 Following the failure, Mr Adams, Director of New Forest Executive Travel Ltd contacted the Licensing Manager to ask why the vehicle had failed. The Council's current position was explained, however Mr Adams would like to provide this executive vehicle to enhance his business offering to his executive clients. The vehicle is aimed at providing additional comfort and facilities and the provision of only three passengers he feels would not be detrimental to his clients or the Council. Emails from Mr Adams can be found at **Appendix 7**.
- 2.6 Mr Adams stated that a vehicle with only two seats has previously been licensed, however officers have not found any such licence in the historical records available.

3 RELEVANT POLICY

- 3.1 **Appendix 3** provides the Council's policy. Part I of the policy for Private Hire vehicle plate exemptions states that the minimum number of passengers for this type of vehicle is four.

4. CONCLUSION

- 4.1 This application is brought before the Sub-Committee as the vehicle does meet the current vehicle specifications, due to the number of passengers that it can carry. It should be noted that as a Private Hire Vehicle, all bookings will be made through the licensed operator, New Forest Executive Travel Ltd who are responsible for despatching the appropriate sized vehicles to customers. As the vehicle would be registered for pre-booked journeys only, it would not be available for flagging down or rank work.
- 4.2 The Sub-Committee should determine if this vehicle should be licensed as a private hire vehicle with this Council and also be exempted from the normal requirement to display council plates.

5. FINANCIAL, CRIME & DISORDER & ENVIRONMENTAL IMPLICATIONS

- 5.1 There are none arising from this report.

6. EQUALITY AND DIVERSITY

- 6.1 There are no issues currently arising from this report.

7. RECOMMENDATIONS

- 7.1 That the Licensing Sub-Committee determines the application.

**For further information,
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Background Papers:
NFDC Statement of Principles