

LICENSING SUB COMMITTEE

11 March 2010

APPLICATION FOR A PRIVATE HIRE VEHICLE LICENCE

REPORT OF HEAD OF LEGAL SERVICES

Contact Officer: Carol Stefanczuk Tel No: 01962 848 188

RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

Mr Andrew Collier has made an application for a licence to drive a private hire vehicle and has also applied for a private hire vehicle licence for a 1952 Buick classic car.

Mr Collier is seeking a Sub Committee resolution that a private hire vehicle licence plate is inappropriate for this vehicle.

RECOMMENDATION:

That the Sub Committee resolve to exempt this vehicle from the requirement to affix a private hire licence plate on the outside of the vehicle.

**DETAIL:****Introduction**

- 1.1 Mr Collier made an application for a licence to drive a private hire vehicle on 13 November 2009 and this is likely to be granted subject to medical examination as Mr Collier has already fulfilled the other criteria for a private hire driver's licence.
- 1.2 An enhanced disclosure was completed and sent to the Criminal Records Bureau. The disclosure is dated 24 November 2009 and shows no convictions or cautions recorded.
- 1.3 A three month mandate form for driving licence validation was also completed and sent to the DVLA. The check dated 3 December 2009 shows no endorsements.
- 1.4 Mr Collier produced a DSA hackney carriage/private hire test assessment pass certificate dated 4 November 2009.
- 1.5 At Mr Collier's initial appointment to discuss his application for a private hire driver's licence and a private hire vehicle licence on 13 November 2009, he discussed the possibility of licensing his classic car as a private hire vehicle for special events such as proms. It was suggested that he could apply for a plate exemption for the type of vehicle he intended to licence.
- 1.6 Mr Collier sent the Council's Licensing Manager photographs of his 1952 Buick Straight 8 car which he wished to licence as a private hire vehicle on 13 November 2009 and applied to display a small plate in the window rather than a large plate on the outside rear of the vehicle (Appendix 1).
- 1.7 A formal application to licence car registration ESV 718, Buick 1952 Super was received on 25 February 2010 (Appendix 2).
- 1.8 Paragraph 2 (a) of the Council's private hire vehicle conditions (Appendix 3) states that 'The identification plate provided by the Council bearing the number of the licence granted in respect of the vehicle shall be securely fixed, to the satisfaction of the Council, to the outside of the offside rear of the vehicle in such a position that it shall be clearly visible from the rear of the vehicle....'.
- 1.9 The Council does not have a written policy on the issue of plate exemptions. However, it has been the practice for many years to issue plate exemptions in certain cases, for example to drivers of 'executive' vehicles if the licence holder applies for an exemption from the requirement to display a licence plate on the rear of the vehicle and produces letters from companies confirming that they hold contracts for the transport of passengers.

- 1.10 Where plate exemptions have been issued, a small card (the size of a debit card) is displayed on the inside of the vehicle on the off-side of the windscreen.
- 1.11 Mr Collier's vehicle is an example of a classic car which appears to be in excellent condition. He feels that the vehicle's bodywork would be damaged by having a plate attached to it and is therefore requesting the Sub Committee to resolve that this is a case that merits an exemption.

**OTHER CONSIDERATIONS:**

1 **SUSTAINABLE COMMUNITY STRATEGY AND CORPORATE BUSINESS PLAN (RELEVANCE TO):**

- 1.1 This report covers issues which relate to Community Safety and Economic Prosperity.

1.2

2 **RESOURCE IMPLICATIONS:**

- 2.1 None

3 **RISK MANAGEMENT ISSUES**

- 3.1 None

**BACKGROUND DOCUMENTS:**

None

**APPENDICES:**

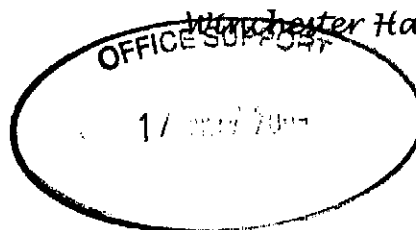
1. Letter to Mr Myall dated 13 November 2009
2. Application to licence a private hire vehicle
3. WCC Private Hire Vehicle Conditions

# BLUE MOON CARS

01962 855516

13<sup>th</sup> November 2009

**SCANNED**  
17 NOV 2009



Dear Mr Myall,

I am writing to apply for a taxi licence plate exemption for our car ESV 718. I understand that if approved we can have a plate in the window similar to a vehicle tax disc, rather than the large plates fitted to a normal taxi.

We are just starting a wedding car business and incidental to that we wish to offer school prom and special occasion transport in "Betty" our 1952 Buick Straight 8. I enclose some pictures. As you can see she is an extremely rare classic car in original condition and not suitable in my opinion to have these plates added. Looking at the pictures I hope you will agree that a normal plate is inappropriate for this vehicle.

I will be only too happy to provide any more information to support this application if this is not sufficient.

As an aside, please can you convey my appreciation to Carol, who dealt with my recent Taxi Licence application in a thoroughly professional and efficient manner.

Kind Regards,

A handwritten signature in black ink, appearing to be "A. Collier", with a long horizontal line extending to the right.

Andrew Collier

Director, Blue Moon Cars







# BLUE MOON CARS

27 Parliament Place, Winchester, Hampshire, SO22 4QS

23 February 2010

Carol Stefanczuk  
Assistant Licensing and Registration Officer  
Winchester City Council  
City Offices  
Colebrook Street  
Winchester, SO23 9LJ

Dear Carol

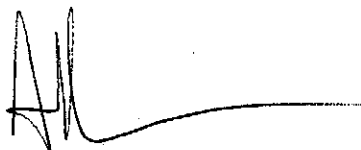
**Buick Reg No.ESV 718**

Please find enclosed a formal application to licence our car for private hire as requested along with our cheque for £218.

I confirm that both my wife and I will be in attendance at the meeting of the licensing sub-committee at 10am on Thursday 11 March 2010. Thank you for the email reserving us a parking space.

We look forward to seeing you then.

Yours sincerely



**Andrew Collier  
Blue Moon Cars Limited**

Encs





25 FEB 2010

## Application for Grant/Renewal of a Private Hire Vehicle Licence

REPLY BY No.

Full Name: ANDREW COLLIER

Address: BLUE MOON CARS LTD,

27 PARLIAMENT PLACE, WINCHESTER SO22 4QS

Tel No. Business: 01962 844355 Home: 01962 855516 Mobile: 07971 821460

I, being the ~~sole~~ proprietor of the following described motor vehicle let for hire, not being a Licensed Hackney Carriage, hereby apply for a licence for the said motor vehicle

from (date) 15/3/2010 to (date) 14/3/2011

I attach the following documents - (10 follow)

- Vehicle Registration Document
- Certificate of Insurance (comprehensive)
- Fee of £218 (plus any re-test fee due)
- MOT Test Certificate (where applicable)
- Workshop Test Sheet, including emissions
- Current Tax Disc (displayed on the vehicle)

Details of vehicle:

Registration No: ESV 718 Type of vehicle: 4 DOOR SEDAN

Make of vehicle: BUICK Engine Capacity: 4314 cc

Model: 1952 SUPER No. of seats (inc. driver): 6

Colour: DARK BLUE Licence Plate No: \_\_\_\_\_

Premises from which the vehicle will operate:

27 PARLIAMENT PLACE, WINCHESTER SO22 4QS

The following person is also a proprietor of the vehicle (Name and address):

VEHICLE OWNED BY BLUE MOON CARS LTD AT ABOVE ADDRESS

I hereby certify that to the best of my knowledge and belief the information I have given above is correct and understand that any Licence granted may be revoked if it is not correct. I understand that the Council vehicle inspection includes an emissions test. The above vehicle has been regularly serviced to the manufacturers specification.

Signature: [Signature] Date: 23/02/2010

OFFICE USE: Date: \_\_\_\_\_ Fee Paid: \_\_\_\_\_ Receipt No: \_\_\_\_\_

Meter Fitted/Tested: \_\_\_\_\_ Vehicle Inspected: \_\_\_\_\_ Application No: \_\_\_\_\_

(For payments by card, please provide this code; 1520/7239 to the cashier)



## **PRIVATE HIRE VEHICLE**

### **CONDITIONS OF LICENCE**

Made under Section 48(2) of Part II of the Local Government (Miscellaneous Provisions) Act 1976, by the Council of Winchester City with respect to Private Hire Vehicles for hire in the District of Winchester City.

#### Interpretation

1. Throughout these Conditions "the Council" means the Winchester City Council, "Private Hire Vehicle" means the vehicle forming the subject of this licence, "Proprietor" means the person named in the licence forming the subject of these conditions.
2. (a) The identification plate provided by the Council bearing the number of the licence granted in respect of the vehicle shall be securely fixed, to the satisfaction of the Council, to the outside of the offside rear of the vehicle in such position that it shall be clearly visible from the rear of the vehicle and shall be not less than 12" nor more than 30" to the bottom edge of the plate from the ground when the vehicle is fully laden, and shall not be wilfully or negligently concealed from public view while the vehicle is being used for hire (subject to certain exemptions).
- (b) The licence plate shall remain the property of the Council and shall be returned to them within seven days after the service on the proprietor or an appropriate notice if the proprietor no longer holds a Private Hire vehicle licence with the Council which is in force in respect of the vehicle. Any deposit which may from time to time be determined for the issue of the licence plate shall be refunded upon the plate being returned to the Council in a satisfactory condition;
- (c) A deposit shall be payable to the Council for the provision of such plate.
- (d) In the event of loss or damage rendering such plate unserviceable the said deposit shall be forfeited to the Council and the proprietor shall make immediate application for a replacement accompanied by a further deposit.
3. The proprietor of the Private Hire Vehicle:-
  - (a) shall not convey or permit to be conveyed in such vehicle any greater number of persons than the number of persons specified on the plate affixed to the outside of the vehicle, PROVIDED that for the purpose of this Condition two children under the age of 12 years shall be regarded as one person and children under the age of 3 years shall not be reckoned:
  - (b) shall not display on any Private Hire Vehicle licensed by the Council any sign or notice -

- 1) which consists of or includes the word 'taxi' or 'cab' whether in the singular or plural and whether alone or as part of another word or
  - 2) which consists of the words 'for hire' or the form of wording which is in any other way such as to suggest that the vehicle on which it is displayed is presently available to take up any passenger wishing to hire it or would be so available if not already hired.
- (c) shall permit an authorised officer of the Council to inspect and test a Private Hire vehicle at all reasonable times. If the officer is not satisfied as to the fitness or condition of the Private Hire vehicle, he shall give notice in writing to the proprietor to make the vehicle available for further inspection and testing at such reasonable time and place as specified in the notice, the vehicle licence is being suspended until such time as the officer is so satisfied; provided that if the officer is not so satisfied before the expiration of a period of two months, the licence shall be revoked. The licence plate shall, on revocation of the licence, be handed to the officer of the Council but will be returned on reinstatement of the licence;
4. Any alteration in the design of the vehicle whether to the machinery or to the body shall be reported to the Council, who may require the proprietor to submit the vehicle for further examination;
  5. The proprietor shall report to the Council in accordance with Section 50(3) Local Government (Miscellaneous Provisions) Act 1976 any accident involving a Private Hire Vehicle.
  6. The proprietor shall cause to be carried on the vehicle an efficient fire extinguisher of minimum of 1Kg dry powder.
  7. The proprietor shall cause to be carried in the vehicle at all times a first-aid kit containing such dressings and appliances as may be required for immediate use in emergency.
  8. At all times the proprietor shall during the currency of the licence keep in force in relation to the user of the vehicle as a Private Hire vehicle a policy of insurance issued by an approved insurance company on a Comprehensive basis and comply with the requirements of Part VI of the Road Traffic Act 1972 or any re-enactment thereof;
  9. On being so required by an authorised officer the proprietor shall produce to that officer for examination a certificate of insurance issued by an approved insurance company in respect of the vehicle for the purpose of Part VI of the Road Traffic Act 1972 or any re-enactment thereof, provided that if the proprietor fails to produce such certificate to the officer on request the proprietor shall, within five days of such request, produce it to that officer or to any other authorised officer at the Council Offices, Colebrook Street, Winchester.

#### GENERAL CONDITIONS

The Council may decide to suspend, revoke or refuse to renew any licence in respect of a Private Hire vehicle for any reasonable cause, including:-

- (a), that the Private Hire vehicle is unfit for use as a Private Hire vehicle;

- (b) any offence under, or non-compliance with, the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or any re-enactments thereof on the part of the proprietor/operator.
- (c) non-compliance with these conditions.

Any person aggrieved by the refusal of the Council to grant a Private Hire vehicle licence, or by any of the within-written conditions as attached to the grant of such licence, may appeal to a magistrates' court:-

Public Health Act 1936  
Section 300(3)

Local Government (Miscellaneous  
Provisions) Act 1976

Part II - Section 77(1)