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Head of Legal and Democratic Services
Pennaeth Gwasanaethau Cyfreithiol a Democraataidd



To: Cllr Tony Sharps (Chairman)

CS/NG

Councillors: David Cox and Ian Dunbar

24 February 2014

Sharon Thomas / 01352 702324
sharon.b.thomas@flintshire.gov.uk

Dear Sir / Madam

A meeting of the **LICENSING SUB-COMMITTEE** will be held in the **DELYN COMMITTEE ROOM, COUNTY HALL, MOLD CH7 6NA** on **FRIDAY, 28TH FEBRUARY, 2014** at **10.00 AM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

AGENDA

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**
- 3 **REQUEST FOR EXEMPTION FROM PRIVATE HIRE VEHICLE SPECIFICATION** (Pages 1 - 10)

Request to depart from the existing Private Hire Vehicle Specification so that a specific vehicle with only three passenger seats may become licensed.

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The Council welcomes correspondence in Welsh or English
Mae'r Cyngor yn croesawau gohebiaeth yn y Cymraeg neu'r Saesneg

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **LICENSING SUB-COMMITTEE**

DATE: **FRIDAY, 28 FEBRUARY 2014**

REPORT BY: **DIRECTOR OF ENVIRONMENT**

SUBJECT: **REQUEST FOR EXEMPTION FROM PRIVATE HIRE VEHICLE SPECIFICATION**

1.00 PURPOSE OF REPORT

1.01 For Members to consider and determine a request for an exemption from the Private Hire Vehicle Specification to allow a Mercedes CLS 320 to become licensed as a Private Hire Vehicle

2.00 BACKGROUND

2.02 Mr Geoff Powell has recently applied to become a Private Hire Operator and Driver with this Authority, both of which licenses are in a position to be issued.

2.03 Mr Powell has also applied for a Private Hire Vehicle Licence for a Mercedes CLS 320 vehicle. This vehicle is luxurious and instead of having a standard three passenger seating configuration in the rear, there are two large seats and a centre console.

2.04 Flintshire County Council has a vehicle specification relating to all Private Hire Vehicles. Number 10 on the list of specifications states that only vehicles with a minimum of four and a maximum of eight passenger seats may become licensed. This vehicle specification is part of a Private Hire Vehicle application and is shown at Appendix A.

3.00 CONSIDERATIONS

3.01 Mr Powell's vehicle has been viewed by the Licensing Team Leader. He has also provided photographs to allow Members to fully appreciate the layout of the vehicle. These photographs are shown as Appendix B.

3.02 There is no impact on public safety by not having three seats in the rear. The two available seats are spacious and are equipped with necessary seat belts. Because of the centre console, it would be impossible to illegally seat three persons in the rear if requested.

3.03 The vehicle has been tested and other than the failure to have a minimum of four seats, it meets all other criteria for becoming licensed.

3.04 Mr Powell has indicated that the only type of work he intends on carrying out would be contract, and executive, 'chauffeur' style work. Unfortunately this is not catered for within the Local Government (Miscellaneous Provisions) Act 1976, therefore in order to undertake any kind of journey for hire or reward, a Private Hire Vehicle licence is necessary. He has already enquired about an exemption from displaying the plate, which Flintshire Council may award to vehicles of superior quality.

4.00 RECOMMENDATIONS

4.01 That Members consider the information and determine whether it is appropriate to make an exemption to the vehicle specification specifically for a Mercedes CLS320 with the exact seating configuration as in this instance.

4.02 That Members consider imposing a condition on the licence that the vehicle may not be used for Private Hire journeys other than contract bookings made in writing at least 24 hours before the journey commences. Usually for executive, contract and 'chauffeur' work, this would be the case.

5.00 FINANCIAL IMPLICATIONS

5.01 The Applicant has paid for a Private Hire Driver Licence (for which he had to pass our knowledge test), Private Hire Operator Licence, Private Hire Vehicle licence application and Council MOT / Taxi test.

6.00 ANTI POVERTY IMPACT

6.01 The Applicant seeks to gain work as a Private Hire Operator

7.00 ENVIRONMENTAL IMPACT

7.01 None

8.00 EQUALITIES IMPACT

8.01 None

9.00 PERSONNEL IMPLICATIONS

9.01 None

10.00 CONSULTATION REQUIRED

10.01 None

11.00 CONSULTATION UNDERTAKEN

11.01 None

12.00 APPENDICES

Appendix A – Private Hire Vehicle Application Form
Appendix B – Photographs of the Applicants vehicle

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS

Local Government (Miscellaneous Provisions) Act 1976

Contact Officer: Gemma Potter
Telephone: gemma.potter@flintshire.gov.uk
Email: 01352 703371

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PRIVATE HIRE VEHICLE - LICENCE APPLICATION

NEW	Licence Number: <i>(office use only)</i>
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Vehicle Proprietor(s):

(Full name, address and telephone number of every person who is a proprietor or part proprietor of the vehicle specified below, and every person who is concerned either solely or in partnership with any other person in the renting, keeping, employing or letting for hire such vehicle).

	1.	2.
Name:		
D.o.B:		
Address:		
Post Code:		
Tel. No.:		

Vehicle Details:

Please Enter Details Below:

Registration No.:	
Make:	
Model:	
Colour:	
Date of First Registration:	
Engine Capacity:	
Fuel Type:	
Number of Doors:	
No. of Passenger Seats: (Excluding Driver Seat)	
Does the Vehicle Have Wheelchair Access:	Yes/No Lift or Ramps?

Operator Details: Name and address of Operator under whom you will operate

Operator Name:	Address:

I confirm that I have read the Private Hire Vehicle Conditions of Licence

I/WE DECLARE that the above particulars are correct in every respect:	
Signed:	Date:

Private Hire Vehicle Specification

1. The vehicle must have 4 wheels and be fitted with at least 4 doors. A door is defined as a means of direct access into and egress from the vehicle, and which is not obstructed by seating or luggage or by any other cause, and which can be opened from both inside and outside of the vehicle by the passenger.
2. The following additional condition applies to vehicles licensed to carry more than 4 persons:-
Each passenger must have direct access to and egress from the vehicle without the need to climb over other seats or luggage. This would not include where a seat has to be tipped to allow access or egress. Any seat must measure 400mm at the narrowest point.
3. The vehicle must be right-hand drive.
4. The vehicle must have a current M.O.T. Certificate where appropriate.
5. The vehicle must be presented for inspection in a clean and roadworthy condition, and all its fittings and equipment shall at all times be kept in an efficient, safe, tidy and clean condition and must comply with all relevant statutory requirements, including those contained in the Motor Vehicles (Construction and Use) Regulations.
6. The vehicle must not be of such type, design or appearance as to lead any person to believe that the vehicle is a Hackney Carriage vehicle.
7. Vehicles must have adequate space for luggage within the car; whilst a roof rack is permissible, this should be to provide extra luggage accommodation, not as an alternative - no other roof fitting will be permissible.
8. The vehicle must be fitted with a fire extinguisher (dry powder type, minimum weight 2.00 kg) in such a position to be readily available for use.
9. The vehicle must be equipped with an appropriate first-aid box, minimum contents to be as follows: card giving the general first-aid guidance, six individually wrapped sterile adhesive dressings, one large sterile unmedicated dressing, two triangular bandages, two safety pins and individually wrapped moist cleansing wipes and one pair of disposal gloves.
10. The vehicle must be capable of carrying at least 4 and not more than 8 passengers, in addition to the driver.
11. There must be in force a current Certificate of Insurance in relation to the vehicle.
12. The vehicle must pass the County Council's vehicle mechanical and suitability test before a licence can be issued.
13. Each and every front seat passenger must be provided with a lap & diagonal seat belt, and head restraints.

Please see the Attached Procedure for Licensing a New Vehicle before Contacting:

Licensing Section
Environment Directorate
County Hall
Mold
Flintshire
CH7 6NF
Tel: No. 01352 703030, Fax No: 01352 703394
e-mail: licensing@flintshire.gov.uk

Procedure for Licensing a New Private Hire Vehicle

Prior to a vehicle being licensed for private hire purposes, it must undergo and pass a full MOT **and** Council inspection at one of the Approved garages shown on the attached list.

1. Arrangements for this test/inspection must be made directly with the chosen garage and the fee (current MOT rate) must be paid to the garage at the time of the test/inspection.
2. PCM Repairs, Ewloe Service Station, TSJ Services, ATS, Castle Garage and Sandycroft MOT have class VII facilities and are able to test larger minibuses.
3. At the time of booking the test you will need to provide the full registration number of the vehicle.

Please Note: Once a vehicle is over 12 months old, it will require an M.O.T test in addition to the Council inspection prior to being licensed.

When the vehicle has successfully passed the MOT test and Council inspection, certificates will be issued in respect of each test.

IT WILL THEN BE NECESSARY TO MAKE AN APPOINTMENT ON TEL: 01352 703030 BEFORE ATTENDING AT COUNTY HALL. THIS WILL ENABLE THE REAR LICENCE PLATE AND WINDSCREEN LICENCE TO BE PREPARED IN ADVANCE OF YOUR VISIT. PLEASE NOTE: AS FROM 1.4.08 A £21 FEE WILL BE PAYABLE FOR MISSED APPOINTMENTS UNLES 24 HOURS NOTICE IS GIVEN.

On attending at County Hall for your appointment you will need to bring this form together with the following documents:-

1. Council pass sheet and MOT issued by one of the above garages.
2. A valid Insurance Certificate or covernote showing the registration number of the vehicle concerned and the appropriate Hire & Reward use.
3. Vehicle registration document.
4. The annual licence fee is £153.00 for vehicles up to 4 passengers, and £165.00 for vehicles with over 4 passengers. As a six month licence is issued this fee is payable in 2 instalments e.g. £76.50.00 or £82.50 respectively.
5. A plate deposit of £12.50 is payable in addition to the above licence fee.

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Mercedes CLS 320

