

BRECKLAND COUNCIL

Report of Paul Calkin - Strategic Director – Transformation to the Appeals Committee – 17 September 2008

Application for the renewal of a private hire vehicle licence

1. Purpose of Report

- 1.1 Members are asked to consider an application to renew the licence of a limousine as a private hire vehicle as an exception to the current Breckland Council private hire vehicle licensing policy.

2. Recommendations

It is recommended that the Committee:

- 2.1 depart from the current Breckland Council private hire vehicle licensing policy on the age of limousines to allow this renewal of this particular private hire vehicle licence.

Note: In preparing this report, due regard has been had to equality of opportunity, human rights, prevention of crime and disorder, environmental and risk management considerations as appropriate. Relevant officers have been consulted in relation to any legal, financial or human resources implications and comments received are reflected in the report.

3. Information, Issues and Options

3.1 Background

- 3.1.1 Breckland Council is the licensing authority for private hire vehicles in the district. The licensing of private hire vehicles is controlled by the Local Government (Miscellaneous Provisions) Act 1976 and the conditions made by the Council under the Act.

- 3.1.2 Mr Alan Bell made application on 28 July 2008 to renew the private hire vehicle licence for a Ford Lincoln limousine registration NKZ 8952. The application form and required documentation are attached as Appendix A. The vehicle has been continuously licensed by Breckland Council as a private hire vehicle since August 2006.

3.2 Issues

- 3.2.1 Breckland Council's private hire vehicle licensing policy states that the authority will not re-licence a limousine if it is more than 10 years old. The relevant section of the policy is attached as Appendix B. The current private hire vehicle licence for the limousine expired on 30 August 2008. The vehicle was first registered in the USA on 31 January 1998 and therefore reached 10 years of age during the currency of the last licence.

- 3.2.2 Mr Bell has made an application for renewal of the private hire licence on the grounds that the vehicle is in exceptional condition and that the vehicle has low total and annual mileage. As part of his licence conditions Mr Bell has provided satisfactory Breckland Council private hire vehicle mechanical tests for the vehicle every six months. On the last two test pass certificates the testing station has commented that it is a very clean, tidy and well kept car. Mr Bell has also provided a letter from the

specialist company that services the vehicle. This is attached as Appendix C. The total mileage at time of renewal application was 91,898. Whilst the vehicle has been licensed the average annual mileage is approximately 2,800 per year.

3.3 Options

3.3.1 The committee may:

- grant the application for the renewal of the private hire vehicle licence or;
- refuse the application for the renewal of the private hire vehicle licence.

3.3.2 In determining the renewal application members must have regard to the Local Government (Miscellaneous Provisions) Act 1976 S48(1) (a), which says that the local authority must be satisfied that the vehicle is:

- (i) suitable in type, size and design for use as a private hire vehicle;
- (ii) is not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
- (iii) in a suitable mechanical condition;
- (iv) safe; and
- (v) comfortable.

It is therefore necessary for members to consider the renewal application in light of these matters and Mr Bell will bring the vehicle in question for members to inspect.

3.4 Reasons for Recommendation(s)

3.4.1 It is recommended that members grant the application for renewal of the private hire vehicle licence subject to the condition that the vehicle is mechanically tested every six months at an approved testing station. The vehicle has low mileage and has successfully passed all its mechanical tests and has also been voluntarily MoT tested every six months. Therefore it could be considered to be in suitable mechanical condition to allow a departure for this vehicle from the current policy.

4. Risk and Financial Implications

4.1 Risk

4.1.1 I have completed the Risk Management questionnaire and can confirm that risk has been given careful consideration and that there are no significant risks identified associated with the information in this report.

4.2 Financial

4.2.1 None

5. Legal Implications

5.1 The decision of the Committee is subject to appeal to the Magistrates Court.

6. Other Implications

- a) Equalities: None
- b) Section 17, Crime & Disorder Act 1998: None
- c) Section 40, Natural Environment & Rural Communities Act 2006: None
- d) Human Resources: None

e) Human Rights:

Human Rights Act 1998

Article 1, First Protocol

A licence is property and every person is entitled to the peaceful enjoyment of his/her possessions. Any terms or conditions applied need to be proportionate and necessary to protect the interests of a democratic society.

Article 6

The Committee must ensure a fair hearing

The applicant has been invited to attend your meeting, has been sent a copy of this report and informed of his right to be represented at the meeting.

f) Other: [e.g. Children's Act 2004] None

7. Alignment to Council Priorities

7.1 Building Safer and Stronger Communities & Prosperous Communities

8. Ward/Community Affected

8.1 None

Background Papers

None

Lead Contact Officer:

Name/Post: Tiffany Bentley – Licensing Officer

Telephone: 01362 656240

Email: tiffany.bentley@breckland.gov.uk

Key Decision Status (Executive Decisions only):

Not applicable

Appendices attached to this report:

Appendix A – Application forms and supporting documents

Appendix B – Extract from Breckland Council's Private Hire Vehicle licensing policy

Appendix C – Letter from servicing company



Breckland Council

APPLICATION FOR RENEWAL OF A PRIVATE HIRE VEHICLE LICENCE

(All sections must be completed)

PART A - DETAILS OF APPLICANT

I, (insert full name) (Mr/Mrs/Ms) ALAN JOHN BELL
of (full address) 41 GIRLING ROAD
DERHAM, NORWICH NORFOLK
Tel No 01362 699960 Mobile No 07857603351 Email N/A
Existing Plate No 25 Licence Expiry Date 30-8-08

Do hereby apply to renew a Private Hire Vehicle Licence.

PART B - DOCUMENTATION

I enclose the following ORIGINAL documents:

- checkbox A valid Certificate of Insurance which must include the words 'hire and reward' or 'private hire'
checkbox A Vehicle Registration Document (V5)
checkbox A current MOT certificate for vehicles over 3 years old
checkbox A mechanical test pass form
checkbox A fee of £100
checkbox A completed 'Statutory Declaration' Form

PART C - DETAILS OF VEHICLE

Reg No NKZ 8952 Make FORD LINCON Model LIMOUSINE
Colour WHITE c.c. 4600 No of passengers (excl. driver) 8

PART D - DETAILS OF INSURANCE

Name and address of Insurance Company DIRECT CHAUFFEUR LINE LTD
NELSON HOUSE, 19 WEST STREET, CARSHALTON
SURREY SM5 2PT
Name and address of Insurance Broker NIG LTD
CROWN HOUSE 145 CITY ROAD LONDON EC1V 1LR
Insurance or Cover Note No 40/10E11543/109543 Expiry Date 6TH MARCH 09
/ 001

checkbox I confirm that there have been no changes to the vehicle since it was last licensed.

PART D – OWNERSHIP AND OPERATION OF VEHICLE

1. The full name and address of every owner or part owner of the vehicle (if different)
ALAN JOHN BELL 41 GIRLING RD
DEREHAM NORWICH NORFOLK NR19 2RU
2. The full name and address of the registered keeper (if different)
BELL'S LIMOUSINES
41 GIRLING RD DEREHAM NORFOLK NR19 2RU
3. Address where vehicle is normally kept when not in use (if different)
UNIT, JOHN GOSHAWK ROAD, RASHES GREEN
TOFTWOOD, DEREHAM NORWICH NORFOLK
4. The full name of every person to whom the vehicle is let or rented
N/A (OWNER DRIVER)

PART E – NAME AND ADDRESS OF PRIVATE HIRE OPERATOR

ALAN JOHN BELL 41 GIRLING RD DEREHAM
NORFOLK NR19 2RU Operator's licence number 000021

NOTES

1. If a licence is granted to you it will be subject to **Breckland Council's Licensing Conditions and Byelaws**. Copies of these conditions can be obtained from the Licensing Team, Environmental Health, Breckland Council, Elizabeth House, Walpole Loke, Dereham, Norfolk, NR19 1EE.
 2. Any change in the particulars set out above must be notified in writing **within seven days** to the Licensing Team, Environmental Health, Breckland Council, Elizabeth House, Walpole Loke, Dereham, Norfolk, NR19 1EE.
 3. If a licence is refused, the Council may, at its discretion, retain the whole or part of the licence fee.
 4. Please return completed form together with licence fee, Certificate of Insurance, Vehicle Registration Document and MOT Certificate if applicable. **(Original documents only accepted)** to the Licensing Team, Environmental Health, Breckland Council, Elizabeth House, Walpole Loke, Dereham, Norfolk, NR19 1EE.
- PLEASE NOTE: Appointments are required.
5. NB. Where only a cover note is produced, the applicant is responsible for ensuring that details of future cover notes are supplied in time. The insurance certificate must be produced as soon as it is received by the applicant.

DECLARATION

I declare that I have read the above notes and those set out in Breckland Council's Guidance Notes. I understand that I may be liable to prosecution if I have knowingly or recklessly made a false statement or have omitted any relevant material from this application.

I further declare that I am a proprietor of the vehicle to which this application applies and that the above details contained in Section E 1-4 are the names and addresses of every proprietor or part proprietor of such vehicle or every person concerned, either solely or in partnership with any other person in the keeping, employing or hiring of such vehicle.

The information I have submitted in this form is true to the best of my knowledge and belief.

Signed A J Bell Date 14-7-08

NB. Your attention is drawn to the summary of the main provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 contained in the Breckland Council Licensing Conditions and Byelaws.

Breckland Council
Hackney Carriage/Private Hire Vehicle Mechanical Test



Make of vehicle: LINCOLN Vehicle owner: A.A. BELL
 Model/c.c.: TOWN CAR Vehicle operator: BELL LIMOUSINES
 Registration No: NKZ 8952 MOT Testing Station No: 406183
 Engine No: / Examiner's signature: [Signature]
 Chassis No: 1L1FM81WXNY612049 Examiner's name (Printed) C BARDWELL
 Mileage: 91898 MLS

No	Item	Pass	Fail	No	Item	Pass	Fail
1	Hackney/Private Hire Plate No: <u>25</u>	✓		16	Horn	✓	
2	Vehicle Excise Licence Displayed	✓		17	Cleanliness inside vehicle	✓	
3	Boot/luggage area – clean – ample space	✓		18	Seat area (16" per person min)	✓	
4	Fire extinguisher fitted and in date	✓		19	Licence plate fitted correctly	✓	
5	Tyres – front, rear and spare	✓		20	Tyre pressures/condition of road wheels	✓	
6	Steering controls – stub axles – bearings	✓		21	Jack and handle	✓	
7	Brakes/pipes (foot 50% hand 25% min)	✓		22	Fare meter fitted (HC only)	– N/A	
8	Chassis	✓		23	Operation – door locks, catches, straps, hinges	✓	
9	Suspension – shock absorbers	✓		24	Internal condition – seats, mats, carpets, lights	✓	
10	Engine – oil leaks	✓		25	Condition – windscreen	✓	
11	Exhaust system – silencer – leaks	✓		26	Condition/operation/security – seat belts	✓	
12	Bodywork – external condition	✓		27	Council logos correctly displayed (HC only)	✓	
13	Lights – warning lights – indicators	✓		28	Diesel engine – check for black smoke (visual only)	– N/A	
14	Windscreen wipers/washers	✓		29	Exhaust gas emission satisfactory	✓	
15	Exterior/interior mirrors	✓					

Fault summary/comments	Other details
<u>VERY CLEAN AND WELL KEPT CAR.</u>	Fire extinguisher tag no: <u>060082950</u> Meter details (if applicable) Make: <u>N/A</u> Type: Serial No:

NB: Vehicles failing the mechanical test must be retested within 14 days or their licences will be revoked.

Result of test: Pass/Fail
 Date of retest (if needed): _____

Dealer's stamp:

Registration Certificate

Vehicle Details

Registration Mark **NKZ 8952** 2 [A.1] Validation character **L** 3

Date of first registration **31 01 1998**

(B.1) Date of first registration in the UK **09 06 2005**

D.1 Make **LINCOLN**

D.2 Model/Type

Variant

Version

D.3 Body type **LIMOUSINE**
 [X] Taxation class **PRIVATE/LIGHT GOODS (PLG)**

[Y] Revenue weight

P.1 Cylinder capacity (cc) **4600 CC**

V.7 CO₂ (g/km)

P.3 Type of fuel **PETROL**

S.1 Number of seats, including driver **9**

S.2 Number of standing places (where appropriate)

[D.4] Wheelplan **2-AXLE-RIGID BODY**

J Vehicle Category *******

K Type approval number

P.2 Max. net power (kW)

E VIN/Chassis/Frame No. **1L1FM81WXWY612049**

P.5 Engine Number **NOT KNOWN**

F.1 Max. permissible mass (exc. m/c)

G Mass in service

Q Power/Weight ratio (kW/kg) (only for motorcycles)

R Colour **WHITE**

O Technical permissible maximum towable mass of the trailer

O.1 braked (kg)

O.2 unbraked (kg)

U Sound level:

U.1 stationary (dB(A))

U.2 engine speed (min-1)

U.3 drive-by (dB(A))

V Exhaust Emissions:

V.1 CO (g/km or g/kWh)

V.2 HC (g/km or g/kWh)

V.3 NOx (g/km or g/kWh)

V.4 HC+NOx (g/km)

V.5 particulates (g/km or g/kWh)

5 Registered Keeper

If any details are wrong enter correction in Section 6. Sign Declaration at Section 8, and return Certificate to DVLA.

C.4.c - The Registered Keeper is not necessarily the legal owner.

c.1.1 **BELLS LIMOUSINES**

c.1.3 **41 GIRLING ROAD
 DEREHAM
 NR19 2RU**

I

ACQUIRED VEHICLE ON **25 02 2006**

Please write in **BLACK INK** and **CAPITAL LETTERS**.

6 New Keeper or New Name/New Address Details

Mr 1	Mrs 2	Miss 3	Please tick <input checked="" type="checkbox"/> the appropriate box		W 4
Title (e.g. Ms/Rev, etc) or business name					
Forename(s) in full					
Surname					
For Company use only DVLA/DVLENI Fleet number					
* Date of Birth					
Postcode					
Address					
Post town					
New keeper? If so, tick <input checked="" type="checkbox"/> here: K 12 Date of sale or transfer					
* Driver Number					
* Present mileage (to last complete mile) 15 * You are not required by law to provide your Date of Birth, Driver Number or present mileage					
ONLY tick <input checked="" type="checkbox"/> if you personally break up the vehicle Date of scrapping					
R 16 Scrapped S 17 See notes on scrapping in Guidance Notes					

7 Changes to Current Vehicle

Wheelplan / Body type		H 19
VIN / Chassis / Frame No.		
New revenue weight	Date of change	Cylinder capacity
No. of seats, inc. driver	No. of standing places	Type of fuel
Engine number		
New colour	Date of change	CLR
Taxation class*		

*The taxation class can only be changed on relicensing. Please apply at your nearest DVLA Local Office.

8 Declaration - You MUST sign and date this section when notifying any changes. Please see note opposite

Registered Keeper: (to sign when notifying any change). I declare that the new details I have given are true to the best of my knowledge.

New Keeper: I declare that this vehicle was sold or transferred to me on the date shown in Section 6 and my name and address are correctly shown.

Registered Keeper (Seller) _____ Date _____

New Keeper (Buyer) _____ Date _____

The Law: If the vehicle is sold or transferred, both the Registered Keeper and the New Keeper must sign this Certificate.

Official use only - Please do not write below this line

Doc. Ref. N° **7290 996 1834 17 10 07**
 Des. Codes **1033898520/1506 29**

NKZ 8952 L

& 33 ISC 34 PR 35 CM 36 8269 3327 2905 1334 4889 0236 MD 37 38

VT20

MOT Test Certificate



Vehicle & Operator Services Agency

This certificate has been issued according to the conditions and notes on the back of this certificate.

Note: If you have doubts as to whether this certificate is valid, please use the service described in note 3 overleaf to check.

MOT test number	Make	Odometer reading
94863108251	LINCOLN	91898 Miles
Registration mark	Model	Test class
MZ8952	LIMO	IV

Vehicle identification or chassis number	Colour
LJEM81WXWY612049	WHITE

Expiry date	Issue date/time
JULY 20th 2009 (ZERO NINE)	JULY 21st 2008 (ZERO EIGHT) 12:38

Additional Information

N/A

To preserve the anniversary of the expiry date the earliest you can present your vehicle for test is 21/06/2009

Advisory Notice Issued Yes

Test station number 4061B3

For all vehicles with more than 8 passenger seats

Seat belt installation checked this test	N/A	Number of seat belts fitted at time of installation check.	N/A	Previous installation check date	N/A
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Tester's name in CAPITALS

BARDWELL

Signature of Issuer

Warning: A test certificate is not evidence that the vehicle is in a satisfactory condition.

Check carefully that the above details are correct.

Do not accept a certificate which has been altered.

Stick this sticker to inside of windscreen as a reminder

Reg Mark	MZ8952
Make	LINCOLN
Test Station	4061B3
MOT Expiry	JULY 20th 2009 (ZERO NINE)

Peel here

Inspection Authority

WATTOS
BEECHTREE WAY
WENDOVER ROAD
RACKHEATH
NORWICH
NR13 6LH

01603720091

IMPORTANT

1. A cover note must be obtained from your Broker/Agent before:
(a) Any change of Vehicle, (b) Any change in Use or Driving.
2. Any termination or suspension of the insurance to which the Company may on request agree will operate only from the return of this Certificate.
3. Cover under the driving other vehicle extension, if applicable, is limited solely to Third Party liability. **WARNING** - this extension does not operate if your vehicle is sold or disposed of.

ADVICE TO THIRD PARTIES

Nothing contained in this Certificate affects your right as a Third Party to make a claim.

Certificate of Motor Insurance

Certificate No. 40/1CF115431/109543/001 W X/S 75

1(a). Registration mark. NKZ8952

(b). Any motor vehicle supplied to the policyholder under the NIG recommended repairer network whilst the vehicle described above is being repaired as a direct result of damage covered by this policy.

2. Policyholder. ALAN BELL

3. Effective date of the commencement of insurance for the purposes of the relevant law. 16.00 HRS 6TH MARCH 2008

4. Date of expiry of insurance. NOON 6TH MARCH 2009

5. Persons or classes of persons entitled to drive.
THE POLICYHOLDER

ANY PERSON WHO IS DRIVING ON THE POLICYHOLDER'S ORDER OR WITH HIS OR HER PERMISSION.

THE POLICYHOLDER MAY ALSO DRIVE WITH THE CONSENT OF THE OWNER THEREOF A MOTOR CAR OR MOTOR CYCLE WHICH DOES NOT BELONG TO HIM OR HER AND IS NOT HIRED TO HIM OR HER UNDER A HIRE PURCHASE OR LEASING AGREEMENT AND PROVIDED THAT HE OR SHE IS NOT IN THE MOTOR TRADE OR CAR HIRE BUSINESS FOR THIRD PARTY ONLY COVER.

Provided that the person driving holds a licence to drive the vehicle or has held and is not disqualified for holding or obtaining such a licence.

6. Limitations as to use.
USE FOR SOCIAL, DOMESTIC AND PLEASURE PURPOSES AND IN CONNECTION WITH THE POLICYHOLDERS BUSINESS, INCLUDING THE CARRIAGE OF GOODS AND PASSENGERS FOR PRIVATE HIRE WHICH IS THE LETTING OF A PREVIOUSLY BOOKED VEHICLE TO A CUSTOMER, INCLUDING UNPAID TOWING OF ONE DISABLED VEHICLE. EXCLUDING USE WHILE DRAWING A TRAILER, RENTING OUT, RACING, PACEMAKING, SPEED TESTING, RALLIES, TRIALS, COMPETITIONS, OR USE ON ANY MOTOR SPORT CIRCUIT.

I hereby certify that the Policy to which this Certificate relates satisfies the requirements of the relevant law applicable in Great Britain, Northern Ireland, the Isle of Man, the Island of Jersey, the Island of Guernsey, and the Island of Alderney.

The National Insurance and Guarantee Corporation Ltd,
Crown House, 145 City Road, London EC1V 1LP.

(Authorised Insurers)

nig



1CF115431

Note:- For full details of the insurance cover reference should be made to the Policy.

NIG is the trading name for The National Insurance and Guarantee Corporation Ltd. Registered Office. Crown House, 145 City Road, London EC1V 1LP. Registration number 42133. NIG is authorised and regulated by the Financial Services Authority.

CA Crawley
Managing Director

PART A –

All Vehicles

Breckland Council will not grant or renew a licence unless satisfied that the vehicle is suitable to be a licensed vehicle, is in a suitable mechanical condition, safe and comfortable.

Duration of Licence

A vehicle licence, once granted, will be for one year.

Insurance

A vehicle must have a current certificate of insurance or cover note which complies with the requirements of Part VI of the Road Traffic Act 1972 and which clearly covers the use to which the vehicle is to be put.

Excise Licence (Road Tax)

There should be a valid excise licence for the vehicle.

Vehicle Registration Document (V5)

A vehicle registration document must be produced at the grant or renewal of a licence.

Age

Breckland Council will licence vehicles up until the vehicle is **8 years** of age from the date of first registration with the DVLA subject to the passing of the Council's annual inspection and mechanical test at a Council approved testing station.

Once a vehicle exceeds 8 years of age from the date of first registration with the DVLA, the vehicle will be considered for licensing subject to passing a 6 monthly vehicle inspection and mechanical test at an approved Council testing station.

Exceptions to Age Requirement

The exception to this are:-

- Limousines/Specialist Vehicles

The Authority will not re-licence this type of vehicle if it is more than 10 years old.

Vehicle Specifications

- a. The vehicle shall have four side opening doors (designed for the purpose of permitting persons access to/from the interior) - any lift-up tailgate shall not be included; or a vehicle shall have three side opening doors (designed for the purpose of permitting persons access to/from the interior) and two rear opening doors (designed for the purpose of permitting persons access to/from the interior).

Unit 18 – Damgate Industrial Estate – Damgate Lane – Acle – Norfolk – NR13 3DJ

T: 01493 752 152

F: 01493 752 134

e: sales@usautocare.co.uk



To whom it may concern.

Re. Bells Limousine .
Girling Road
Dereham
Norfolk.

Date 01 / 08 / 08

Service Schedule for limousines. NKZ 6730 and NKZ 8952.

We have been requested by the above mentioned Company to inspect and carry out repairs and servicing on a regular basis to the high standard required by the client to maintain them in first class condition.

Yours sincerely
Malcolm Toll

Director.