

REPORT FOR DECISION

DECISION OF:	LICENSING AND SAFETY PANEL
DATE:	10th OCTOBER 2013
SUBJECT:	APPLICATION TO RENEW A HACKNEY CARRIAGE VEHICLE LICENCE CONTRARY TO CURRENT COUNCIL POLICY
REPORT FROM:	ASSISTANT DIRECTOR (LOCALITIES)
CONTACT OFFICER:	MR M BRIDGE
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	Review of the five fault criteria in respect of a Hackney Carriage Vehicle licence
OPTIONS & RECOMMENDED OPTION	<ol style="list-style-type: none"> 1. To grant the application 2. To refuse the application
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes ✓ No
Statement by the S151 Officer: Financial Implications and Risk Considerations:	There are no specific issues from the report other than potential costs/risks associated with legal appeals.
Statement by Executive Director of Resources:	The cost of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and Crown Courts.
Equality/Diversity implications:	Yes No ✓ The review of the existing hackney carriage vehicle age policy will impact on the identified stakeholders, but does not impact

	on any aspect of protected equality characteristics. A copy of the equality analysis form is attached at appendix 2.
Considered by Monitoring Officer:	Yes. The purpose of the consultation is to consider an amendment to the existing policy to ensure consistency of approach when dealing with applications for licences from existing licence holders and from new applicants.
Wards Affected:	All
Scrutiny Interest:	Internal Scrutiny Panel

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
N/A			
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

- 1.1 Prior to February 2006, Hackney Carriage vehicles over 10 years old were not licensed by Bury Council unless the vehicle was in 'exceptional condition'. On the 2nd February 2006, following a request from the Hackney Carriage Association, the Licensing and Safety Panel reviewed the 'exceptional condition' criteria and resolved to allow vehicles to be licensed beyond 10 years of age subject to the vehicle passing requisite inspections with no more than 5 faults being identified.
- 1.3 On the 10th June 2013, following representations from the Hackney Carriage trade, the Licensing and Safety Panel considered a report on the review of the 5 fault rule. Members resolved to extend the 5 fault rule so as to encompass all hackney carriage vehicles over 6 years old from the date of first registration and to amend the criteria at serials 3 and 4, so as to redefine any number of areas of damage to the vehicle bodywork or to the paintwork as counting as only 1 fault in respect of each type of damage. These changes have made the 5 fault rule more achievable for affected licence holders. A copy of the defined fault criteria is attached at appendix1.

2.0 INTRODUCTION

- 2.1 Since the 9th November 2001, Bury Council has licensed a Citroen Dispatch vehicle, Reg No: LC51 URT, Plate No: H128, as a hackney carriage. On the 12th May 2011, the vehicle was transferred to Mr Abdul Majid, a licensed hackney carriage driver and the applicant in this matter. The current vehicle licence is due to expire on the 12th October 2013.

2.2 On the 10th April 2013, the vehicle underwent a routine 6 month interim test at the councils test centre at Bradley Fold and failed the test with 9 faults and 2 advisory observations being identified. Due to the fact that the vehicle is now over 10 years old from the date of first registration and the number of identified faults (copy attached at appendix 2), the council policy in terms of applying the 5 fault rule to this vehicle prevents the Licensing Service from renewing the vehicle licence under delegated authority when it expires. This has been explained to Mr Majid who has insisted on making an application to renew the vehicle licence.

3.0 CONCLUSION

3.1 Members are requested to consider the application.

List of Background Papers:-

Vehicle renewal application
Copy of 5 fault rule criteria
Typed copy of Vehicle Inspection Sheet observations
Copy of hand written Vehicle Inspection Sheet

Contact Details:-

Mr M Bridge
Licensing Unit Manager
Town Hall,
Knowsley Street
Bury
BL9 OSW
Telephone: 0161 253 5509
Email: m.bridge@bury.gov.uk

Definition of a fault for the '5 Fault Rule' testing purposes

Ser:	Category of fault:	Description of fault:	Number of faults:	Remarks:
1	MOT ITEMS	Any individual fault which would cause the vehicle to fail the standard MOT test will count as:	1 Fault	e.g. leaking brake cylinder plus a bald tyre is 2 faults.
2	INTERIOR	Any combination of a number of faults within the interior of the vehicle (not including the dashboard instruments working correctly e.g. a broken speedometer) will count as:	1 Fault	(e.g. a torn passenger seat plus stained upholstery plus a hole in carpet will count as only 1 fault).
3	PAINTWORK	Damage to the vehicle paintwork regardless as to the number of areas concerned, will count as:	1 Fault	e.g. Damaged paintwork on 4 panels will count as 1 fault.
4	BODYWORK DAMAGE / RUST	Any number of dents / scratches / rusting which materially effects the appearance of the vehicle will count as:	1 Fault	e.g. A damaged passenger door and a damaged / rusted n/s wing will count as 1 fault.
5	EXCLUDED ITEMS	For the purpose of the '5 Fault Rule', the following items would require rectifying before a pass certificate was issued but would not be counted as faults:	Nil Fault	Light bulbs not working No fire extinguisher No Fare card on display Absence of vehicle signage A missing licence plate No taxi meter fitted / not accurate / not operating correctly.

Typed copy of Interim Vehicle Test Sheet observations. Note that the * do not appear on the original test sheet but have been included for information to panel members.

Date: 10/04/13

Make: Citroen

Reg No: LC51 URT

Rec Mileage: 278,490

Plate No: H128

Type of Test: Interim

1. Interior needs cleaning. Roof/Seats shabby
2. Number plate light not working*
3. Lower wheel chair belt not working
4. Rear exhaust mounting rubber missing* (failure if the exhaust is insecure)
5. O/S Outer CV boot small clip defective*
6. N/S Steering track rod end excess play*
7. R/O/S tyre -rotation wrong way*
8. N/S Reflector dirty inside*
9. Rear bumper shabby

Advise:

1. Excess play in gear lever
2. No airbag warning light

* Denotes an identified MOT failure

ect
Ha

Date 10/4/15 Make CITROEN

Mileage 278410 No. H128 test 1VT

CARRIED ON
REQUIRED

INTERIOR NEEDS CLEANING - ROOF/SEATS SHABBY
2. MINOR PLATE LIGHT - NOT WORKING
LOWER WHEEL CHAIR BITE - NOT WORKING
REAR EXHAUST MOUNTING RUBBER MISSING
C/S OUTER CL. BOOT - SMALL CLIP DEFECTIVE
N/S STEERING TRACK ROD END - EXCESS PLAY
R/O/S TIRE - ROTATION - WRONG WAY
N/S RED REFLECTOR - DIRTY INCISE
REAR BUMPER SHABBY

11.
13.

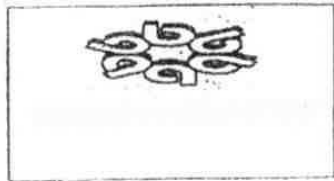
TEST FEE £20
ALL VEHICLES TO RETURN WITHIN
14 DAYS OR FULL TEST FEE APPLIES

16.
17.
19.
20.

24. ADVISE - EXCESS PLAY IN GEAR LEVER
25. - NO AIR FORWARD LIGHT

28.
29.

with
being charged.
advance



SIGNA _____ TESTER _____