



# Walsall Council

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## **REPORT OF THE HEAD OF PUBLIC PROTECTION**

### **TO A MEETING OF THE LICENSING AND SAFETY COMMITTEE**

**WEDNESDAY 24<sup>TH</sup> JANUARY 2007**

### **APPLICATION FOR DISCREET PLATES ON PRIVATE HIRE VEHICLE**

#### **KABAL HUSSAIN**

#### **1. PURPOSE OF REPORT**

- 1.1 The report is in response to a letter submitted by Mr. Kabal Hussain requesting the issue of discreet private hire licence plates on a vehicle.

#### **2. RECOMMENDATION**

- 2.1 The Committee is recommended to consider the application and either
- (1) approve the application or
  - (2) refuse the application.

#### **3. FINANCIAL IMPLICATIONS.**

- 3.1 Within budget: Yes.
- 3.2 The cost of any appeal to a Magistrates court by any person aggrieved by the decision of the Council when setting conditions relating to the issue and grant of Licenses for private hire and Hackney Carriage drivers, vehicles and operators.

#### **4. POLICY IMPLICATIONS.**

- 4.1 Within Council Policy: Yes.

#### **5. LEGAL IMPLICATIONS.**

- 5.1 Legal Services Consulted: Yes

5.2 The Local Government (Miscellaneous Provisions) Act 1976 permits a Council to set conditions in respect of the issue and grant of licences relating to private hire and Hackney Carriage drivers, vehicles and operators.

5.3 Section 48 of the Act states:

(1) Subject to the provisions of this part of this Act, a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such licence unless they are satisfied-

(a) 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 person to believe that the vehicle is a hackney carriage;

(iii) in a suitable mechanical condition;

(iv) safe;

(v) comfortable;

(b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of Part VI of the Act of 1972,(Road Traffic Act) and shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the council.

(2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary, including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.

(3) In every vehicle granted under this section there shall be specified-

(a) the name and address of-

(i) the applicant; and

- (ii) every other person who is a proprietor of the private hire vehicle in respect of which the licence is granted, or who is concerned, either solely or in partnership with any other person, in the keeping, employing or letting on hire of the private hire vehicle;
  - (b) the number of a licence which shall correspond with the number to be painted or marked on the plate or disc to be exhibited on the private hire vehicle in accordance with subsection (6) of this section;
  - (c) the conditions attached to the grant of the licence; and
  - (d) such other particulars as the district council consider reasonably necessary.
- (4) Every licence granted under this section shall-
- (a) be signed by an authorized officer of the council which granted it;
  - (b) relate to not more than one private hire vehicle; and
  - (c) remain in force for such period not being longer than one year as the district council may specify in the licence.
- (5) Where a district council grant under this section a vehicle licence in respect of a private hire vehicle they shall issue a plate or disc identifying that vehicle as a private hire vehicle in respect of which a vehicle licence has been granted.
- (6)
- (a) subject to the provisions of this Part of this Act, no person shall use or permit to be used in a controlled district as a private hire vehicle a vehicle in respect of which a licence has been granted under this section unless the plate or disc issued in accordance with subsection (5) of this section is exhibited on the vehicle in such manner as the district council shall prescribe by condition attached to the grant of the licence.
  - (b) if any person without reasonable excuse contravenes the provisions of this subsection he shall be guilty of an offence.
- (7) Any person aggrieved by the refusal of a district council to grant a vehicle licence under this section, or by any conditions specified in such a licence, may appeal to a magistrates court.

**6. EQUAL OPPORTUNITIES.**

6.1 None.

**7. WARD(S) AFFECTED.**

7.1 All.

**8. CONSULTEES.**

8.1 None.

**9. CONTACT OFFICER.**

9.1. Bruce Corlett – Licensing and Enforcement Officer. Ext. 2682.

**LICENSING AND SAFETY COMMITTEE**

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<i>Not for publication by virtue of paragraphs 3 and 7 of Schedule 12(A) of the Local Government Act, 1972 (as amended)</i>
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**1. BACKGROUND**

- 1.1 The report concerns an application by Mr. K. Hussain who requests that Members consider the issue of discreet licence plates on a private hire vehicle. **(Copy of letter appended).**
- 1.2 Mr. Hussain submitted his first letter on the 17<sup>th</sup> November 2006. A reply was sent requesting the additional information. **(A copy of the reply letter is appended)**
- 1.3 Following a telephone conversation with Mr Hussain, on the 30<sup>th</sup> November 2006 he submitted a further letter concerning the purpose of the application. **(Copy of letter appended).**
- 1.4 Following the receipt of this letter, Mr. Hussain was asked for further information about the type of work shown in the letter and he stated that although he did not have any contracts at the moment he was hoping to have more work from hotels in the town for transporting people to and from the airport and railway and was also hoping to be able to carry out work for the BBC.
- 1.5 The Conditions attached to the grant of a licence for limousines and special event vehicles states:-  
  
‘All applications for Chauffeur driven vehicles will be referred to the Licensing Committee on application.’
- 1.6 Members are asked to consider whether the purposes for which Mr Hussain proposes to use the vehicles would exempt them from the normal plating requirements.