

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1. Meeting:	Licensing Board
2. Date:	19 May 2010
3. Title:	Applications for Exemption from Display of Private Hire Vehicle Plate and Door Signs Under the Local Government (Miscellaneous Provisions) Act 1976 Section 75 (3) – Company – Ascot Cars (Vehicle - C10LTY Mercedes E Class)
4. Programme Area:	Neighbourhoods and Adult Services

5. Summary

This report concerns an application made for an exemption to the display of the private hire vehicle licence plate and door signs on a private hire vehicle (Mercedes E Class – Registration C10 LTY) to be operated by a company to be known as “Ascot Cars”.

The applicant has been invited to attend today’s meeting and have been advised that they may bring a legal or civilian representative with them.

6. Recommendations

THAT MEMBERS INFORM THE LICENSING OFFICER OF THEIR DECISION ON THE MATTER.

7. Proposals and Details

Following an email request received by the Licensing Office consideration of an exemption under the Local Government (Miscellaneous Provisions) Act 1976 Section 75 (3) to display private hire vehicle plate & door signs on a specified vehicle has been requested by:-

Operators Company Name:	<u>Ascot Cars</u>
Premises Location	Broom Lane, Rotherham
Proprietor/applicant	Mr Michael Anthony Coult
Vehicle Details	Mercedes E Class, Silver, Reg. C10 LTY

The letter of request is attached at "Appendix A" of this report.

Sections 48(6)(a) of the Local Government (Miscellaneous Provisions) Act 1976 is to the effect that subject to the provisions of this part of the Act, no person shall use or permit to be used in a controlled district as a private hire vehicle in respect of which a licence has been granted under this section unless a plate or disk 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.

However the Board is entitled to consider under application from the proprietor of a named private hire vehicle an application for an exemption to display any plate or disk, as stated in the above mentioned section 48(6)(a) of the Act, in the case of a specific licensed vehicle only.

Members must have careful regard to Section 75 (3) on this matter which states; where a licence under section 48 of this Act is in force for a vehicle, the council which issued the licence may, by a notice in writing given to the proprietor of the vehicle, provide that paragraph (a) of subsection (6) of that section shall not apply to the vehicle on any occasion specified in the notice or shall not so apply while the notice is carried in the vehicle; and on any occasion on which by virtue of this subsection that paragraph does not apply to a vehicle section 54(2)(a) of this Act shall not apply to the driver of the vehicle.

Section 54(2)(a) of the Local Government (Miscellaneous Provisions) Act 1976 is to the effect that; A driver shall at all times when acting in accordance with the driver's licence granted to him wear such badge in such position and manner as to be plainly and distinctly visible.

8. Finance

Local Authorities set fee levels which are reasonable and proportionate to the costs incurred in providing the licensing service in terms of administration processes and enforcement responsibilities. Applicants are required to pay a standard application fees with regard to all the licences they obtain.

9. Risks and Uncertainties

Failure to consider each application to the extent that members feel necessary to satisfy themselves they have reached a reasoned decision could lead to inappropriate vehicle operating without identification within the borough.

10. Policy and Performance Agenda Implications

The consideration of plate display exemption requests ensures deliver under the themes of Achieving and Proud whilst ensuring that the Council continues to maintain its statutory functions and undertakes appropriate licensing of vehicles, drivers and operators to support the delivery of safe communities in Rotherham.

11. Background Papers and Consultation

Local Government (Miscellaneous Provisions) Act 1976.

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