



**Reigate & Banstead**  
BOROUGH COUNCIL  
Banstead | Horley | Redhill | Reigate

<b>REPORT OF:</b>	HEAD OF ENVIRONMENTAL HEALTH SERVICES
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<b>TO:</b>	REGULATORY COMMITTEE
<b>DATE:</b>	21 OCTOBER 2009

<b>AGENDA ITEM NO:</b>	4	<b>WARD(S) AFFECTED:</b>	ALL
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<b>SUBJECT:</b>	<b>APPLICATION BY CRUISERS LTD: Renewal Of Three Specialist Private Hire Vehicle Licences: (a) V572 MOE; (b) V 577 MOE; (c) W 903 BOJ</b>
<b>RECOMMENDATION:</b>  <b>1. To determine the applications listed at (a) to (c) above for renewal of the specialist private hire vehicle licence.</b>	

## Background

1. The Council has received applications from Cruisers Limited to renew the private hire vehicle licences for three LDV 400 Series specialist wheelchair accessible minibuses, registration numbers V572 MOE, V577 MOE and W903 BOJ, for one year. The vehicles are beyond the 9 year age limit for wheelchair accessible vehicles.
2. The application forms and supporting paperwork have been checked and confirmed as correct and accurate by licensing officers.
3. Photographs taken on 1 October 2009 and information relating to each of the three vehicles are attached at **annexes 1, 2 and 3**. Colour photographs will be tabled on the day of the hearing and the vehicles will be available for inspection in the Town Hall car park.
4. As the vehicles were over 4 years old at time of first licensing the Council's Regulatory Committee considered and granted the application for licensing at its meeting of 7<sup>th</sup> November 2007.
5. The vehicles did not require licensing prior to January 2008, when the 'contract exemption', Section 75(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976, was removed by Section 53 of the Road Safety Act 2006.
6. Certain purpose built wheelchair accessible vehicles may continue to be licensed provided they are less than nine years old at last licensing. This extended time reflects the additional purchase price proprietors have paid for these types of vehicles.
7. The applicant has provided a letter in support of the applications. This letter is attached at **annex 4**.

### **Legislative Framework**

8. Section 46(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 provides that no person being the proprietor of any vehicle, not being a hackney carriage [or London Cab] in respect of which a vehicle licence is in force, shall use or permit the same to be used in a controlled district as a private hire vehicle without having for such vehicle a current licence under section 48 of this Act.
9. Section 48(1) of the 1976 Act provides that a district council may, on receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence. Section 48(1)(a) and (b) continue to provide that a district council shall not grant the licence unless they are satisfied that the vehicle is:
  - Suitable in type, size and design for use as a private hire vehicle;
  - Not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
  - In a suitable mechanical condition;
  - Safe;
  - Comfortable;
  - 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 Road Traffic Act 1988]

Applications may not be refused for the purpose of limiting the number of vehicles in respect of which such licences are granted by the council.

### **Factors for Consideration**

10. The applications are for vehicles that reflect a large part of Cruisers' business, being the transport of wheelchair bound children to and from school under contract with Surrey County Council (SCC).
11. The vehicles have been inspected and meet the requirements laid down by section 48(1)(a).
12. The mechanical fitness of each vehicle is checked every 4 to 6 weeks by the applicant's own qualified mechanics. The checks undertaken are exactly the same as those carried out to Cruisers' other much larger coaches. The record sheets for these checks have been examined and verified by licensing officers at Cruisers' mechanical workshops.
13. Each vehicle is in good, clean condition taking into consideration each vehicle's age and mileage, none show any signs of accident damage, bumps or scrapes.
14. If licensed the vehicles would continue to be required to undergo 4 month checks by licensing officers. Cruisers would also continue to require the vehicles to complete their monthly PSV safety inspection.

15. Cruisers currently operate 16 wheelchair accessible vehicles that are licensed with this Authority, these are being replaced on a rolling basis. The company intends to replace three older vehicles this year with newer wheelchair accessible models in order to maintain that number. Prior to Cruisers licensing their vehicles, only one Reigate and Banstead licensed private hire vehicle was wheelchair accessible.
16. Councillors should note that it is possible to deviate from standard conditions should there be good reason for doing so.

### **Options**

17. The Committee is invited to consider each application individually, on its own merits, and to decide whether:
  - there are exceptional circumstances to justify licensing the vehicle for another year; or
  - there are no exceptional circumstances, meaning that the current licensing conditions apply and the application is rejected.

### **Legal implications**

18. Case law arising from the Human Rights Act 1998 has determined that a licence may be regarded as a possession and there is a legitimate expectation that it will be renewed however, the applicant is fully aware that the Committee may refuse one, two or all of the vehicles for licensing.

### **Appeal Procedure**

19. Any applicant aggrieved by the refusal of a district council to grant a private hire vehicle or by any conditions specified in such a licence, may appeal to a magistrates' court within 21 days.

### **Resource Implications**

20. There are no financial implications for the Council from these changes to the conditions.

### **Conclusions**

21. The specialist nature and design of these vehicles is unique to Cruisers allowing several wheelchair passengers to travel at once whether under contract from SCC or as a private hire booking. The vehicles are in good condition and well maintained in Cruisers' own workshops to PSV standards and are a useful addition to the private hire vehicle fleet licensed by this Authority.

Background Papers:

Report and minutes of Regulatory Committee meeting of 7 November 2007

## Vehicle 1

**Registration Number:** V572 MOE

**Make:** LDV Convoy 400 series Wheelchair accessible minibus

**Mileage:** 327363 km

**Date First registered:** 24/12/2000

**Age on 21 October 2009:** 9 yrs 9 months



## **Vehicle 1**

**Registration Number:** V572 MOE

**Make:** LDV Convoy 400 series Wheelchair accessible minibus

**Mileage:** 327363 km

**Date First registered:** 24/12/1999

**Age on 21 October 2009:** 9 yrs 9 months



## Vehicle 2

**Registration Number:** V577 MOE

**Make:** LDV Convoy 400 series Wheelchair accessible minibus

**Mileage:** 262247 km

**Date First registered:** 31/01/2000

**Age on 21 October 2009:** 9 yrs 8 months



## **Vehicle 2**

**Registration Number:** V577 MOE

**Make:** LDV Convoy 400 series Wheelchair accessible minibus

**Mileage:** 262247 km

**Date First registered:** 31/01/2000

**Age on 21 October 2009:** 9 yrs 8 months



## Vehicle 3

**Registration Number:** W903 BOJ

**Make:** LDV Convoy 400 series Wheelchair accessible minibus

**Mileage:** 108581 m

**Date First registered:** 30/03/2000

**Age on 21 October 2009:** 9 yrs 6 months





## **Vehicle 3**

**Registration Number:** W903 BOJ

**Make:** LDV Convoy 400 series Wheelchair accessible minibus

**Mileage:** 108581 m

**Date First registered:** 30/03/2000

**Age on 21 October 2009:** 9 yrs 6 months



# Cruisers

Mr B Murray  
Reigate & Banstead BC  
Environmental Health Services  
Town Hall  
Reigate  
Surrey RH2 OSH

September 29 2009

Dear Mr Murray

## PRIVATE HIRE VEHICLE LICENCING

We apply for an extension of one year for the vehicle licences of the following beyond their expiry dates.


All are coachbuilt minibuses which cover a very low mileage per annum (approx 12 -15000). They are used for home to school transport of children with special educational needs. All are maintained to the highest standards in our own workshop to the same schedule as our PSV coach fleet.

Over the next school year there will be a greater fluctuation in our vehicle requirement as result of a revised contract procurement by Surrey County Council, who will be moving all routes onto a planning system using Trapeze software. This automatically designs each journey and overall has resulted in a greater number of smaller buses being used replacing taxis and the larger buses such as those below.

The minibuses are

V 572 MOE	first reg	24/12/99	R&B lic.expiry	27/11/09
V 577 MOE		31/01/00		27/11/09
W903BOJ		30/03/00		14/11/09

yours sincerely



**Michael Walter**

for more information visit our website @ [www.cruisersltd.co.uk](http://www.cruisersltd.co.uk)

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