

| | | |
|------------------|--|-------------|
| Report to | Licensing committee | Item |
| | 3 December 2015 | |
| Report of | Head of citywide services | 6 |
| Subject | Local Government (Miscellaneous Provisions) Act 1976 - Private hire vehicle licensing - standard conditions | |

Purpose

This report invites members to consider updating the current standard Norwich City Council private hire vehicle licence conditions.

Recommendation

That members resolve to consider authorising the proposed changes to the private hire vehicle licence conditions as set out in the report.

Corporate and service priorities

The report helps to meet the corporate priority of a safe and clean city and the service plan priority of protecting the interests of the public through the administration of the licensing function.

Financial implications

None

Ward/s: All wards

Cabinet member: Councillor Driver - Neighbourhoods and Community Safety

Contact officers

Tony Shearman, licensing manager

01603 212761

Background documents

None

Background

1. The licensing of private hire vehicles is regulated under the Local Government (Miscellaneous Provisions) Act 1976.
2. Section 48 of this Act sets out some of the requirements of licensed vehicles, including the ability of a district council to attach conditions to that licence. A copy of this section is attached at appendix A.
3. Norwich City Council has previously adopted a set of standard private hire vehicle licence conditions. A full copy of the current conditions, are attached at appendix B.

Report

4. In order to protect some visible distinction between private hire and hackney carriages, no. 22 of the current private hire vehicle conditions states:-

Any vehicle conforming to the standard specification for Hackney Carriages as from 1st November, 1984 shall not be used as a private hire vehicle

5. Prior to 2009 the Norwich City Council hackney carriage specification referred to in this condition, restricted the type of vehicle that could be licensed as a hackney carriage, to the traditional 'London black cab' as manufactured by London Taxi Company and Metrocab.
6. In 2009 the Norwich City Council hackney carriage specification was updated to make allowance for alternative vehicles to be licensed. This was agreed by the regulatory committee on the 24 November 2009.
7. In order to reflect this update, members are asked to consider changing the wording of the current private hire vehicle licence standard condition no. 22 to the following:-

Any vehicle conforming to the standard specification for Hackney Carriages as from 24 November 2009 shall not be used as a private hire vehicle

8. In order to ensure a certain level of comfort and substance for private hire vehicles, the current standard conditions contain the following condition no. 19:-

The vehicle shall not be less than 1400cc.

9. Norwich City Council has recently been approached by a private hire operator who is looking to invest in adding some electric vehicles to his fleet, however at present any proposed electric vehicle or any hybrid vehicle with an engine smaller than the above requirement, would automatically fall foul of this condition.
10. In order to make provision to allow appropriate electric and hybrid vehicles to be licensed, members are asked to consider altering the wording of the current condition no. 19 to:-

The vehicle shall not be less than 1400cc, except for electric and hybrid vehicles.

Summary

11. The current private hire vehicle licence conditions are considered to be out of date in respect of condition no. 22, and restrictive to incorporating newer technologies in respect of condition no. 19. Therefore members are asked to consider the proposed minor amendments to the standard conditions as detailed in the report.

48 Licensing of private hire vehicles.

- (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 of 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 a 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; and
- (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 **[F94Part VI of the Road Traffic Act 1988]**,

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.

APPENDIX B

CONDITIONS ATTACHED TO A PRIVATE HIRE VEHICLE LICENCE

1. Throughout these conditions “proprietor” includes a part-proprietor and, in relation to a vehicle which is the subject of a hiring agreement or a hire-purchase agreement, means the person in possession of the vehicle under that agreement.
2. In the event of the proprietor of a private hire vehicle changing his/her address he/she shall within fourteen days give notice in writing to the Director of Organisational Development and shall produce the vehicle licence at the office of the Director of Organisational Development to enable details of the new address to be endorsed thereon.
3. The licence shall be in force only whilst the vehicle has a current valid Test Certificate issued by the Norwich City Council.
4. The vehicle shall be kept in good order, the interior clean and the braking machinery efficient. There shall be an electric light fitted in the interior of the vehicle, in working order.
5. If any alteration is proposed to be made to any part of the vehicle the Director of Organisational Development shall be notified and consent obtained before any such alteration is carried out.
6. A fire extinguisher of an approved type must be, in satisfactory working order, shall be fitted to the vehicle at all times.
7. The floor of the vehicle shall be covered with a proper carpet, mat or other suitable covering.
8. The vehicle shall be equipped with a satisfactory arrangement for quickly replacing any punctured or damaged tyres and shall in any case carry a roadworthy spare wheel with fitted tyre.
9. The number of the licence shall be legibly marked:-
 - (i) inside the vehicle, on a card affixed to the vehicle, so as to be visible to passengers;
 - (ii) outside the vehicle on a yellow plate affixed vertically to the rear of the vehicle, on the opposite side to the exhaust and a reasonable distance above the ground.
10. There shall be displayed inside the vehicle a notice supplied by the Council stating to the effect that:-
 - (i) The vehicle is a private hire vehicle;
 - (ii) The vehicle may not be hailed in the street or boarded from a rank;
 - (iii) Fares cannot be controlled by the City Council and should be negotiated with the operator;
 - (iv) Any complaints should be referred to the City Council.

11. Signage identifying the vehicle is a Private Hire Vehicle, as approved by the Director of Organisational Development, shall be displayed on both rear doors of the vehicle.
12. The vehicle shall contain sufficient means by which the passenger may communicate with the driver, a watertight roof or covering and a means of opening and closing the windows.
13. The seats shall be properly cushioned or covered, fittings and furniture shall be kept clean and adequate for the convenience of persons conveyed therein and a means shall be provided for securing luggage.
14. If the vehicle is equipped with a taximeter, the same and all fittings thereof shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them, except by breaking, damaging or permanently displacing the seals or other appliances.
15. The vehicle may only be equipped with a taximeter of the type specified in the Council's Byelaws with respect to hackney carriages or such other type as may be approved by the Council from time to time.
16. Any sign or lettering displayed shall be non-illuminated and shall be confined to the nearside and offside front doors of the vehicle, and the words "taxi" or "cab" whether in the singular or plural or any word of similar meaning or appearance should not appear on any private hire vehicle even to denote the name of the firm concerned, except:
 - (a) as authorised by these conditions or any Act or Byelaw;
 - (b) a permanently fitted roof bar or permanently fitted roof sign with the wording "pre-booked only" back and front which must be clearly visible by day and night of a size and dimension approved by the Director of Organisational Development.
17. On initial licensing the vehicle shall not exceed 5 years of age.
18. The vehicle shall not be more than 10 years old unless passed by the Director of Organisational Development as in exceptionally good condition.
19. The vehicle shall not be less than 1400cc.
20. The number of passengers carried in the vehicle shall not exceed such number as that for which the vehicle is licensed and the number of such passengers shall be clearly marked upon the licence plate.
21. The seating capacity of the vehicle will be determined as follows:-
 - a. where separate seats for each person are provided one person shall be counted for each separate seat provided; and

- b. where the vehicle is fitted with continuous seats one person shall counted for each complete length of 16 inches measured in a straight line lengthwise on the front of each seat and where such continuous seat is fitted with arms for the purpose of separating the seating spaces and such arms are so constructed that they can be folded back or otherwise put out of use such seat shall be measured for the purpose of this condition as if it had not been fitted with such arms.
22. Any vehicle conforming to the standard specification for Hackney Carriages as from 1st November, 1984 shall not be used as a private hire vehicle.
23. The licence shall be revocable in the event of the Council being reasonably satisfied that a breach of any of the foregoing conditions has occurred and the licence holder may be liable to prosecution.
24. These conditions are in addition to the provisions of Part II of the Local Government (Miscellaneous Provisions) Act, 1976.