

COMMITTEE: CENTRAL LICENSING COMMITTEE
DATE: 22 OCTOBER 2010
TITLE: UPDATING HACKNEY / PRIVATE HIRE CONDITIONS
PURPOSE: FOR INFORMATION
AUTHOR: LICENSING MANAGER

HISTORY:

When receiving any type of licence in the hackney / private hire field, every licence holder is required to comply with conditions imposed by the Council. It is required that the conditions are up to date, in order to reflect any changes in legislation or circumstances. This is a field of continuous change, with technical developments and vehicles changing regularly, and as we noted that the conditions had not been reviewed in full for quite some time, this report is submitted before the committee for consideration.

THE MAIN CHANGES

The main changes and the logic behind why we are recommending the change are noted below:

Vehicles

- Doing away with the maximum vehicle age when a vehicle can be licensed, but that an additional mechanical test is required on any vehicle after it reaches 10 years of age.

Our logic here is that we as officers believe that it is not up to us as to when a vehicle is suitable or not and that the age of the vehicle is a poor consideration, provided that every vehicle complies with the mechanical requirements. We are unique in north Wales in terms of setting the 10 year old restriction.

- That we need every vehicle being licensed for the first time to be less than 6 years of age.

Our logic here, bearing in mind the above-mentioned condition, is that we wish to see our vehicles meeting some standard. In imposing this condition, we believe, noting the use made of these vehicles, that their natural age will lead to their replacement in a few years, but not necessarily when they reach 10 years of age. This condition will prevent vehicles that are 9 years and 11 months to be licensed for the first time, as happens at the moment.

- That every vehicle over 10 years of age receives three annual tests – one statutory MOT test and two mechanical inspections carried out by a Council appointed garage.

The logic here is that this can ensure that every vehicle is suitable and it also goes some way towards mitigating any concerns regarding the propriety of vehicles over 10 years of age.

- That we adopt a procedure of having specific colours for the various vehicles. It is recommended that hackney vehicles are black with a red bonnet and boot and that private hire vehicles are white with a yellow bonnet and boot. The changes would come into force as the vehicles are replaced.

Our logic here is that we are attempting to make it obvious to the public that there is a difference between a hackney vehicle and a private hire vehicle. We receive complaints on a regular basis from the industry itself that there is confusion amongst the public in terms of the difference and we are attempting to inform the public by means of articles in the press, however, adopting a policy of this type would make it visibly easier to transfer the message. This procedure exists in many councils countrywide. The impact of this is that the image of hackney vehicles in particular would be increased as a result of seeing a row of cars of a similar colour on a rank.

This condition will not be relevant to vehicles receiving a Conditional Licence, e.g. only undertaking work for the Education department and being licensed in that way.

- Private hire vehicles are not permitted to display signage on their roofs.

The logic behind this is that national guidance press on us to ensure that there are obvious differences between the appearance of a hackney vehicle and a private hire vehicle. The logic is similar to the one relating to colour, therefore, we as officers are willing to accept that this condition will not be implemented should the condition relating to colour be accepted.

Individuals

- A points procedure is introduced that could lead to a driver being called before the sub-committee once the relevant number of points is reached. The points will be relevant for any 12 month period.

Our logic here is that there are relevant circumstances relating to the behaviour of a driver or operator, but which are not sufficient, in themselves, to call an individual before the sub-committee. This condition would enable our enforcement officers to place points against an individual, however, should the individual reach 12 points in any 12 month period, he would be called before the sub-committee. This authorises enforcement officers as they attempt to ensure that conditions and standards are protected.

- A maintenance book will need to be kept in every vehicle, and the driver will be responsible for keeping the book.

The logic here is that every driver, prior to taking ownership of a vehicle at the beginning of his shift, signs to say that those items of relevance to the vehicle are genuinely in place, e.g. fire extinguisher in place, any appropriate badges / plates in place. The driver is responsible to ensure this and by signing, there is no excuse for him/her to say that they do not know.

- Before an application for a new licence will be considered, an applicant will need to undertake a written test, with the questions based on these conditions. The test will need to be completed satisfactorily before a licence application will be considered.

The logic this time is that we often receive observations from individuals that they were unaware of the conditions and that nobody had told them anything. The logic here is that they will have to be aware of the conditions before receiving a licence in the first place. The test will not be exceptionally difficult and we are not there to catch them out, rather to ensure that every driver / operator has had an opportunity to examine the conditions. Tests of this type are increasingly common in various councils across England and Wales.

RECOMMENDATION

That the Committee accepts the new conditions and that the conditions are subsequently adopted.