

LICENSING AND SAFETY COMMITTEE

2 MARCH 2010

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE SPECIFICATION - AMENDMENT

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Summary

The purpose of this report is to ask the Committee to consider an amendment to the Council's hackney carriage and private hire vehicle specification.

1. Budget and Policy Framework

- 1.1 The current vehicle specification was agreed by the Finance and Performance Management Overview and Scrutiny Committee on 1 April 2004.
- 1.2 Changes to the Council's hackney carriage and private hire vehicle specification must be agreed by the Licensing and Safety Committee.

2. Background

- 2.1 There are two exemptions in the current vehicle specification:
 - a Private hire vehicles used solely for executive car hire (top of the range models), providing an executive service shall be exempt from the standard colour, stripes and signing referred to above.
 - b Private hire vehicles used solely for school contracts shall be exempt from the standard colour, stripes and signing detailed above but shall have door signs to show that they are school transport licensed by Medway Council. Licence plates shall be of a different colour to that of full private hire or hackney carriages. The age of these vehicles shall be covered by the contract

- 2.2 An additional exemption is required for independent fee paying schools that provide a transport service to staff and pupils on an ad hoc basis. This vehicle would not be used for any other purpose.

The exemption to be added is as follows:

“Private hire vehicles used solely by independent fee paying schools that provide a transport service to staff and pupils on an ad hoc basis shall be exempt from the standard colour, stripes and signage.”

- 2.3 It is proposed to amend the penultimate paragraph in the current specification (attached at Appendix A) from “Vehicles not falling within the above criteria but with special characteristics will be considered on their individual merits by the Licensing Manager and if necessary the Licensing and Safety Committee” to read “Vehicles not falling within the above criteria but with special characteristics will be considered on their individual merits by the Service Manager responsible for the Licensing function and if necessary the appropriate Committee and the vehicle specification amended accordingly”.

3. Advice and analysis

- 3.1 The legal definition of a private hire vehicle is “a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle or a London cab or tramcar, which is provided for hire with the services of a driver for the purpose of carrying passengers”.
- 3.2 Money does not have to change hands for it to constitute a hiring.
- 3.3 Whilst the transport service provided by some independent fee paying schools does not charge the pupils or staff directly, the costs of the service is recouped via the school fees paid by their pupils. Therefore, the private hire licensing legislation applies.
- 3.4 Members should note that a council may attach to the grant of a licence such conditions as they may consider reasonably necessary including, without prejudice to the generality of the provisions of legislation, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.

4. Risk Management

- 4.1 The risk would be that unlicensed activity could take place if the Council does not introduce this exemption.
- 4.2 By attaching the condition for transporting staff and pupils only, it will encourage these drivers and vehicles to be licensed and they would therefore, be subject to the Council’s licensing enforcement regime.

5. Financial and legal implications

- 5.1 There will be a small additional income from the issuing of licences for drivers not previously registered.

6. Recommendations

- 6.1 The Committee is asked to agree the following exemption be added to the Council's hackney carriage and private hire vehicle specification:

“Private hire vehicles used solely by independent fee paying schools that provide a transport service to staff and pupils on an ad hoc basis shall be exempt from the standard colour, stripes and signage.”

- 6.2 The Committee is asked to approve the additional amendments to the current specification as set out at paragraph 2.3 of this report.

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Background papers

Medway Council's current vehicle specification.

MEDWAY COUNCIL VEHICLE SPECIFICATIONS

Age Criteria:

Both hackney carriage and private hire vehicles shall be no older than three years at a time of first licensing (and no older than five years on licence renewal) but that the vehicle age limit shall be relaxed in the case of vehicles in exceptional condition;

“exceptional condition” shall mean:

The vehicle must be in good running order. It must have been correctly and regularly serviced and the interior, upholstery, roof lining and seats must be free from tears or marks. The bodywork must be near perfect with no dents or visible evidence of repairs or rust and the doors and windows must operate properly. Mechanically the car must be completely sound with all parts and equipment in good working order. The tyres, battery, silencer and brake linings should not need replacing for another 8000km (about 5000 miles). The mileage must not exceed 120,000 unless the vehicle has undergone regular servicing and a full service history can be produced.

NB: The vehicle must be presented (by appointment) to the Licensing Unit for a compliance inspection prior to purchase. Should you purchase a vehicle without the Council first inspecting it, and it is subsequently refused as it does not comply with the above criteria, the council will not be liable for any expense incurred by the applicant/driver.

Vehicle Conditions – Fitness:

All vehicles must be in good condition, clean and presentable.

All vehicles shall be of at least 1350cc engine capacity.

All vehicles shall have a suitable and sufficient boot compartment for luggage.

Steering – The steering wheel should be on the offside.

Doors – Four doors, being two on each side of the vehicle, a rear door not being accepted as one of the four doors. Converted van type vehicles without a nearside door are not acceptable, nor are vehicles with exits sited over petrol tanks. Doors should be open to angle of 90° to the body of the vehicle, except in the case of sliding doors. Minibus conversions should have at least two lateral doors (one on either side to the rear of the driver's seat) and possibly one rear.

Multi-seater vehicles affording no direct access to the rear door (eg: a non-collapsible bench seat at the rear of the vehicle) shall have a minimum of two lateral doors, one on either side to the rear of the driver's seat, in addition to the other criteria in this specification sheet.

Multi-seater vehicles affording direct access to the rear door shall have a minimum of one lateral side door to the rear of the front passenger seat, in addition to the other criteria on this list.

Seat Width – The size requirement is 16” per person. The distance of 48” for 3 persons should be taken between the arm rests as these can in some cases significantly reduce the width. A height of 34” between seat and roof and 7” from back of the front seat to the front of the rear seat (when front seat is fully pushed back) is required.

Seating Arrangements – The maximum number of passenger seats allowed is 8 and all should have access to a door without the need to climb over a seat. Seats should not be sideways to the direction of travel and all should comply with the seat belt regulations.

It must be remembered that a licence is issued for a maximum number of passengers (regardless of age or size) and it is an offence to carry more than the number licensed for. Medway fare tariffs allow 2 children under a certain age to be counted as one adult for calculating fares only.

Tinted Windows - Medway Council will only grant licences for hackney carriage or private hire vehicles that have very low level tint where passengers and the driver can be clearly seen from outside the vehicle through all windows. This will be at the discretion of the vehicle inspector. Private hire vehicles used solely for Executive Car Hire are exempted from the council's criteria but these vehicles must comply with the Road Vehicles (Construction & Use) Regulations 1986: the windscreen must allow at least 75% of light to be transmitted through it. The front side windows must allow at least 70% of light to be transmitted through them. This is a legal requirement.

Resprays – The inside on boot lid and bonnet lid and door shuts to be sprayed also.

Standardisation

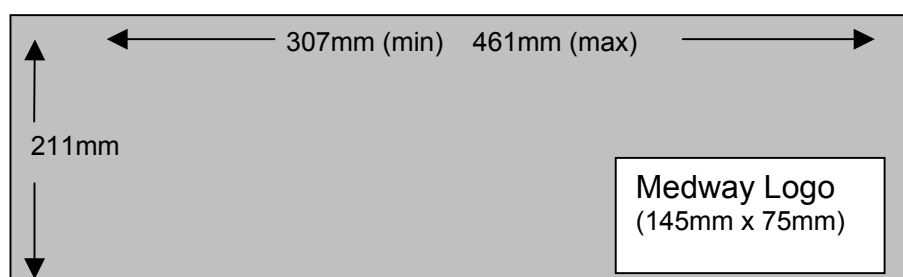
Hackney carriages shall be a standard colour of white.

Private hire vehicles shall be a standard colour of red, not metallic (the DVLA Registration Document must include or specify red in the log book).

Hackney carriage top lights shall be fitted on the roof, centrally, at the front of the vehicle. The top light must be yellow and of streamline design 18” x 7” x 4 ½” high, with 'MEDWAY COUNCIL' in the centre on the front and “FOR HIRE” on either side on a green square background. Vehicles with wheelchair accessibility to have one “FOR HIRE” square replaced with the disabled logo;

Hackney carriages and private hire vehicles shall have door signs.

- i) The sign shall be 8.25” (211mm) in height and a minimum of 12” (307mm) and maximum of 18” (461mm) wide.
- ii) The sign shall be magnetic and placed centrally on the front passenger and driver doors. The wording must include the word TAXI (in addition to the circuit name) for hackney carriages, or PRIVATE HIRE VEHICLE (for private hire vehicles), circuit name and telephone number.
- iii) The Medway Council logo shall be placed in the lower right hand corner of the sign (see below) and shall measure 5.75” X 3” (145mm x 75mm). The logo will be set against a white background and the supplier must obtain the logo from the Council’s licensing team (telephone: 01634 -333597).



- iv) All lettering and numbers are to be of a contrasting colour to the door or background on which they appear.
- v) The signs are to be easily read and should be clear, informative and unambiguous.
- vi) It is not permitted for the rear doors of vehicles to be used to display door signs.
- vii) **ANY DOOR SIGN DESIGNED TO COMPLY WITH THE ABOVE SPECIFICATIONS SHALL BE SUBMITTED TO MEDWAY COUNCIL’S LICENSING UNIT FOR PRIOR APPROVAL.**

Private hire vehicles shall have a white chequered stripe to be adhered centrally on either side of the vehicle. The chequered stripe shall be on a transparent background and be of two rows width with white squares measuring 25mm x 25mm eg:

White		White		White
	White		White	

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Private hire vehicles used solely for school contracts shall be exempt from the standard colour, stripes and signing detailed above but shall have door signs to show that they are school transport licensed by Medway Council. Licence plates shall be of a different colour to that of full private hire or hackney carriages. The age of these vehicles shall be covered by the contract;

Companies that only do "airport runs" do not have specialised vehicles and therefore would have to comply with the standards detailed above.

Vehicles not falling within the above criteria but with special characteristics will be considered on their individual merits by the Licensing Manager and if necessary the Licensing and Safety Committee.

Whilst the above criteria may have been complied with, a licence may nevertheless be withheld if the Council is of the opinion that the vehicle is unsuitable for public use.