

MANCHESTER CITY COUNCIL

REPORT FOR RESOLUTION

COMMITTEE: Licensing and Appeals Committee

DATE: 2 June 2008

SUBJECT: Proposed Exemptions Policy and Conditions for Non Standard Private Hire Vehicles

REPORT OF: Head of Environmental Services

Purpose of the Report

At the licensing and appeals committee meeting on 17 March 2008 Members approved formal consultation on proposed policy and vehicle licence conditions for non standard private hire vehicles.

This report details the results of that six-week consultation period with businesses whose vehicles were previously exempt from the licensing regime.

The report presents for Committee's consideration a proposed policy outlining criteria which will be used to determine whether a vehicle is non standard, together with a set of proposed non standard private hire vehicle licence conditions that would normally be applied to such vehicles.

Recommendations

1. To agree the adoption of the proposed policy outlining criteria which will be used to determine whether a vehicle is non standard, together with the set of proposed non standard private hire vehicle licence conditions that will normally be applied to such vehicles.
2. To agree the positioning of the identification stickers as proposed in 3.2 of the report and the type of identification sticker as proposed at **Appendix B**.

Financial Consequences for the Revenue Budget

Additional income will be generated through the issue of additional licences. This will be used to offset the costs of the administration and enforcement of the taxi licensing service.

Financial Consequences for the Capital Budget

None.

Contact Officers

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Background documents

Manchester City Council's Conditions For Private Hire Proprietors revised August 2004
Manchester City Council Private Hire Vehicle Age and Colour Policy September 2001
Manchester City Council Tinted Windows Policy September 2001

Wards Affected

All

Implications for Key Council Policies

Anti-Poverty	Equal Opportunities	Environment	Employment
No	No	No	No

Report

1.0 Background & Legislation

- 1.1 Section 53 of the Road Traffic Safety Act 2006, repealed the part of Section 75 of the Local Government (Miscellaneous Provisions) Act 1976, which exempted certain categories of drivers and vehicles from the need to be licensed if the vehicle was used under hire contracts of not less than seven days.
- 1.2 This change was made in the interests of public safety, enabling local authorities to conduct suitability and safety checks on private hire drivers and vehicles offering this type of service.
- 1.3 There is a wide range of categories of drivers, vehicles and operators who were previously exempt but who will now need to be licensed. As a general guide this includes vehicles which are used for executive hire, chauffeur services, park and ride for private car parks, airport travel, up to a maximum of 8 passengers or other similar business activities. This is not an exhaustive list, but does give an indication of those previously using 'notional' seven-day contracts who now must be licensed by the local authority for the area in which they operate.
- 1.4 The only vehicles still exempt are vehicles used solely in connection with weddings and/or funerals.
- 1.5 Under the Local Government (Miscellaneous Provisions) Act 1976, councils have the power to licence vehicles for private hire use provided they carry a maximum of eight passengers (excluding the driver) and can satisfy all the necessary licence criteria. Vehicles carrying over 8 passengers are licensed by the North West Traffic Commissioner.
- 1.6 A report was brought before Members on 17 March 2008, which proposed a six - week consultation period with affected businesses.

2.0 Current Situation

- 2.1 As part of the six-week consultation a copy of the proposed policy criteria and proposed conditions were sent to 23 companies and hotels who were identified from responses to an earlier letter as potentially requiring a licence. There have been five responses to the consultation, with only three of these having any comment. These are reproduced at **Appendix A**, Summary of consultation responses.
- 2.2 Officers have consulted AGMA authorities to identify policies in respect of licensing of non-standard private hire vehicles. Officers from other AGMA authorities have requested a copy of the Manchester draft documentation and have indicated that they will be seeking adoption of similar standards.

3.0 Issues for Consideration

- 3.1 The type of signage required by non-standard private hire vehicles is an issue, which needs to be considered.

3.2 The current means of identification for private hire vehicles consists of a plate which is attached externally by screws, stickers of the Council crest attached externally to the bonnet, insurance sticker on each of the three passenger windows, an external sticker on the top of the rear window and stickers on the rear wings giving the operator name. Due to the inherent nature of non-standard vehicles such signage may not be necessary or appropriate. It is proposed that non standard private hire vehicles be identified by means of an internal tax disc type sticker, which can be seen clearly from the front of the vehicle and a rectangular sticker which can be displayed either on the back window or rear of the vehicle so as to be seen clearly from the rear of the vehicle. Examples of the proposed identification stickers are shown in **Appendix B**

4 .0 Proposed Policy

4.1 A proposed policy outlining proposed criteria to be used to determine whether a vehicle is non standard and guidance on the circumstances under which certain conditions, of the conditions for private hire proprietor issued in August 2004 may be waived, excluded or varied, is attached as **Appendix C**.

4.2 Following consideration of the responses from the consultation the proposed policy has been modified as follows:

6.2. has been added to enable consideration of the waiver of the colour policy.

6.7. has been modified to remove the reference to the BCGS and replace it with members of any recognised professional body.

5.0 Proposed Non Standard Private Hire Vehicle Conditions

5.1 The proposed non-standard private hire vehicle conditions are attached at **Appendix D**.

5.2 Following consideration of the responses from the consultation the proposed conditions have been modified as follows:

Condition 10 – A number of these vehicles will be of a type, which require testing at a specialist garage. In these circumstances it is proposed that they be treated in the same manner as a limousine, receive an ancillary equipment check at the garage and be licensed for a period of 6 months. A 6 month licence fee will be charged at half of the normal annual fee. This would also be of benefit where a vehicle is only used for seasonal work.

6.0 Implications for Private Hire operators and drivers

6.1 It is recognised that current policy and licence conditions in respect of private hire drivers and operators will need to be reviewed, to ensure compatibility in light of the change in legislation.

6.2 Officers will bring a further report to a future meeting of this committee outlining proposals in relation to operators and drivers.

7.0 Conclusion

- 7.1 This report presents for Members' consideration a proposed policy and proposed conditions in respect of licensing non standard private hire vehicles. The report also presents for Members' consideration issues surrounding the type of identification which will be required.

Summary of Consultation Responses

	Policy /Condition	Evaluation Comment	Evaluation of Comments	Policy/ Conditions Amended
16/04/2008 Corbiere Executive Chauffeur Drive	Policy 6.7 Business Plan Condition 28 Conditions 6.1, 6.6 & 6.7	The business plan will be hard to generate, as booking with blue chip companies can be short notice, instead of long-term booking. 1) the right car, 2) The right clients 3) Dressed Drivers 4) Advanced drivers for all make of executive hire	The business plan is an integral part of indicating if a vehicle can be categorised as being a non standard private hire. It is not envisaged that a short term notice of a booking would constitute a change in a business plan. Agree with 1 –3 4. To require all drivers to be advanced drivers may be excessive.	No No No
23/04/2008 Elysian Ltd t/a/ Pinnacle Chauffeur Transport	Policy - Colour	My vehicles are dark blue does this still make a difference for MCC	The colour of vehicles has not been addressed in the policy.	Yes a new policy 6.2 added to include colour
08/05/2008 Tristar World Wide	Policy 4	It is unclear how this relates to a business such a Tristar which does not operate an 'owner driver' type model. Tristar currently employs over 50 chauffeurs on a PAYE basis and leases new cars which are used by these chauffeurs. Responsibility for the vehicle rests with Tristar and there is no renting of the vehicles to the chauffeur. With over 50 vehicles being rotated every 9 months it would seem inappropriate to supply a business plan for each vehicle.	The business plan should be on the operation of the business as a whole and would not require a BP for each individual vehicle.	No

	Policy 6.7	We are concerned by the reference to the British Chauffeur Guild Services. Whilst we recognise that this is not mandatory we would argue that such membership should not be seen to be desirable or as part of any selection criteria. We understand the body to be a commercial organisation, which does not necessarily reflect the type of business or the quality of service offered. Reference to it within the document is promoting membership of this organisation, which is unfair to other service or training providers.	Agree that we should remove the reference to the BCGS and replace it with members of any recognised professional body	Yes 6.7. has been modified
	Condition 2	We would like to see detailed proposals relating to signage and windscreen stickers to be able to comment fully. We would wish any indication of use of the vehicle to be discreet. We would not wish any signage to require fixing to vehicle bodywork as vehicles are expensive to repair, particularly as they are only used for 9 months from new.	This has already been identified and the proposed signage is in the form of stickers and not plate, which would have to be fixed.	No
		Furthermore we occasionally will get extremely important VIP's who would not wish to be carried in a vehicle with any signage. This may for example, be for security reasons. We would suggest that there remains scope for operators to apply to have a vehicle exempted from displaying any signage under these circumstances.	There would be no circumstances where it would be envisaged that a vehicle would be exempted from displaying identification. It is normal for high profile dignitary's to be driven in vehicles with some form of identification ie Royal Standard, number plate.	No
	Condition 4	In London this is on the reverse of the sticker and I believe this works well	The proposed stickers would incorporate this.	No
	Condition 8	Our vehicles are rotated every 9 months from new and it would seem un-necessary for a new executive vehicle with no modification made to be subject to this level of inspection. Where vehicles are brand new at start of use and are used for less than one	MCC does not currently make any distinction between a new or old vehicle. If vehicles are being replaced every 9 months then they would only ever have one inspection.	Yes a new Condition 10 has been added

		<p>year it is suggested that no inspection is necessary but that appropriate documentation is supplied to the licensing authority.</p>	<p>It is of consideration that a number of these vehicles will be of a type, which will require testing at a specialist garage. In these circumstances it is proposed that they be treated in the same manner as a limousine, receive a ancillary equipment check at the garage and be licensed for a period of 6 months. This would also assist where a vehicle is only used for seasonal work</p>	
	Condition 26	<p>It is unclear what grounds the City council use to approve or otherwise Insurance Companies. It is suggested that a specification of required insurances is all that is necessary.</p>	<p>The City Council will only decline to approve an insurance company if there are strong public interest grounds requiring it to do so, and will then only do so if it is reasonable. The condition has been amended accordingly.</p>	
	General	<p>It is unclear what the process will be for licensing a non standard vehicles or what the costs will be. Key consideration for Tristar would be:-</p> <ul style="list-style-type: none"> a) The process recognises that Tristar will operate a fleet of new vehicles which are used for 9 months only. Tristar would like to ensure that licensing of these vehicles is rapid and that any required signage can be applied at its own facilities. b) The costs are reasonable and do not penalise Tristar for having market leading vehicle replacement policies which keep the age of the fleet to a minimum. It is Tristar's belief that licensing costs should both reflect the reduced requirement for inspection of operating a new fleet and should be refunded for any part of a year not used. 	<p>There are a wide range of different types of business which the change in legislation has effected and it would be impossible for any council to be able to tailor any policy or conditions to suite all.</p> <p>It is also the case the businesses may have to make changes to the way in which they operate in order to be licensed.</p>	

PROPOSED SIGNAGE FOR NON STANDARD PRIVATE HIRE VEHICLES

To be displayed on the inside of the front windscreen



Proposed Signage for non standard Private Hire Vehicles

To be placed on the rear of the vehicle or rear window


MANCHESTER
CITY COUNCIL

EXPIRY **28 JUL 2008** V.R.M **AB01 CDE**
SILVER VOLKSWAGEN PASSAT

EXECUTIVE HIRE LICENSED TO CARRY **4** PASSENGERS

4567

**Policy in Connection with Applications
for Non-standard Private Hire Vehicle Licences**

1. This policy applies to non-standard private hire vehicles, which includes vehicles which will be used exclusively for the purposes of executive hire, chauffeur services, park and ride for private car parks, airport travel or other similar business activities.
2. This policy provides guidance to the circumstances under which certain conditions of the conditions for private hire proprietors issued in August 2004 may be waived, excluded or varied.
3. This policy does not apply to standard private hire vehicles, which are used in conventional operator/private hire set-ups.
4. As part of the application process for a non-standard private hire vehicle licence, applicants must submit a business plan.
5. In determining whether a vehicle should be licensed as a non-standard private hire vehicle the City Council will take into account the business plan, the nature and style of operation of the business that the vehicle will be used in connection with, as well as the type of vehicle to be licensed.
6. Whilst each case will be determined on its own merits, the Council will normally take the following matters into account in determining whether a vehicle shall be licensed in accordance with this policy:

6.1 Type of vehicle

The type of vehicle may be an indicator of its day-to-day use. The City Council will therefore take into account the make and model of the vehicle proposed to be licensed, for example it may be expected that only prestige vehicles would be licensed for executive hire businesses.

6.2 Colour of vehicle

The colour of a vehicle will be taken into consideration, and whilst this policy prescribes the particular colour of a standard private hire vehicle it is not expected that the colour of a non standard private hire vehicle will prevent it being licensed.

6.3 Age of vehicle

The age of a vehicle will be taken into consideration, and whilst this policy does not prescribe particular ages for particular vehicles it is expected that older vehicles are less likely to be licensed.

6.4 Vehicle modifications

Modified vehicles, or vehicles with additional facilities (such as internet access, catering facilities, additional in-car entertainment, privacy glass) may be an indication of the type of business the vehicle is used for.

6.5 Insurance category

The insurance category of the vehicle may be an indication of the type of business the vehicle is used for.

6.6 Imported vehicles

The safety of any vehicle is of paramount importance to the City Council. Factors including whether the vehicle is an imported vehicle and whether it is a left hand drive model may be an indication of a vehicle's safety.

6.7 Drivers

Drivers of non-standard private hire vehicles require a private hire driver's licence, therefore the suitability of each individual driver will be considered via the private hire driver's application process.

However as the required dress code of a driver may be an indication of the use of the vehicle the City Council will take into account matters such as whether the proprietor of the vehicle requires their drivers to wear full chauffeur uniform, or whether the driver is required to comply with any other dress code.

Drivers of non-standard private hire vehicles may require specialist skills. Depending on the nature of the business specified in the business plan, the City Council will also take into account matters such as whether the proprietor of the vehicle requires their drivers to undertake any defensive or other additional driver courses, or whether they require their drivers to be members of any recognised professional body.

6.8 Nature of business

The way in which a business operates may be an indication of the how the vehicle will be used. The City Council will therefore take into account matters such as the type of customers targeted by the business; the type of work undertaken; the methods of advertising the business; details of any website; customer method of payment; the method used by customers to book a vehicle; details of records kept (in respect of existing businesses).

Conditions to be attached to
Non Standard Private Hire Vehicle Licences

(Conditions given in italics are those additional to the current PHV conditions or reproduced PHV conditions which have been re-worded)

1. In this licence "authorised officer" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976;

The "Council" means the Council of the City of Manchester;

"The personalised licence sign and windscreen sticker" means the sign and windscreen sticker issued by the Council for the purpose of identifying the vehicle as a non standard private hire vehicle; and

For the purpose of these conditions, "non standard private hire vehicle" means any vehicle used for private contract work, which would have been exempt from being licensed as a private hire vehicle under the provisions of section 75(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 prior to its repeal on 28th January 2008:

- *that is capable of carrying up to, but not exceeding eight passengers;*
- *that could not currently be licensed by the Council as a private hire vehicle or will be used exclusively for the purposes of executive hire, chauffeur services, park and ride for private car parks, airport travel or other similar business activities (PHV)*

Any reference in these conditions to "vehicle" is to a "non-standard private hire vehicle"

2. *The signage and windscreen sticker issued by the Council shall be securely affixed, and shall be kept securely affixed at all times, to the vehicle by the Proprietor, in accordance with the reasonable instructions of an authorised Officer of the Council, but in such a*

manner as to be easily removable by an authorised Officer of the Council, or a Police Constable.

3. *The Proprietor of the vehicle shall ensure that the signage and windscreen sticker is maintained and kept in such condition so that the information contained thereon is clearly visible to public view at all times.*
4. The Proprietor of the vehicle shall cause the number of the vehicle's licence, granted by the Council in respect of the vehicle, to be clearly marked and kept and maintained inside the vehicle in such a position as to be clearly visible at all times to persons being conveyed in the vehicles.
5. The Proprietor shall ensure the vehicle is maintained in a sound mechanical and structural condition at all times and be capable of satisfying the Council's inspection at any time during the continuation of the vehicle's licence in respect of the vehicle.
6. *The vehicle shall be fitted with tyres that meet both the size and weight specification at all times for the duration of the licence.*
7. The Proprietor shall not allow the colour or the mechanical or structural specification of the vehicle to be varied without the consent of the Council. Such consent will not be unreasonably withheld.
8. *The vehicle shall be submitted for Council testing twice a year in line with current private hire vehicle testing.*
9. *With prior written approval from the Council, where the type of vehicle requires the mechanical test to be carried out, to VOSA standard, at a specialist or main dealer garage the vehicle the vehicle shall be subject to an ancillary equipment check. Where this type of testing is preferred the vehicle will only licensed for a period of 6 months.*
10. *Seatbelts shall be fitted to all seats and shall be worn at all times by passengers whilst the vehicle is in motion.*

11. *Any "glass" drinking-ware in the vehicle shall be made of either toughened glass or plastic.*
12. *Any passenger under the age of 18 shall not have access to alcohol in the vehicle. Where all passengers are under 18 there shall be no alcohol in the vehicle for consumption or otherwise.*
13. *The licence holder shall not supply any media that, given its age classification or content, is unsuitable for the age of the passengers in the vehicle.*
14. *The licence holder shall ensure that a performing rights licence is held where appropriate.*
15. The vehicle shall contain a fully functional portable multipurpose powder type fire extinguisher, which bears a kite mark and is tested and installed in accordance with HSE requirements. The vehicle shall also carry a HSE approved First Aid Kit.
16. The Proprietor of the vehicle shall:
 - a. provide sufficient means by which any person in the vehicle may communicate with the driver during the course of the hiring;
 - b. cause the interior of the vehicle to be kept wind and watertight;
 - c. provide any necessary windows and means of opening and closing with not less than one window on each side of the passenger compartment;
 - d. provide at least two doors for the use of persons conveyed in such private hire vehicle and separate means of ingress and egress for the driver;
 - e. *cause the interior of the vehicle to be kept clean and maintained in good condition.*

- f. cause the seats in the vehicle to be properly cushioned and covered. The coverings shall be kept clean and maintained in good condition.*
 - g. cause the floor in the vehicle to be provided with a proper carpet, mat or other suitable covering. The coverings shall be kept clean and maintained in good condition.*
 - h. cause fittings and furniture of the vehicle to be kept in a clean condition and well maintained and in every way fit and safe for public use;
 - i. provide facilities for the conveyance of luggage safely and protected from inclement weather.
 - j. The vehicle may only be fitted with a roof luggage box that is recommended by the vehicle manufacturer and fitted by a suitably qualified person.*
17. The Proprietor shall not cause or permit any sign, notice or advertisement to be displayed in, on or from the vehicle except with the express consent of the City Council, such consent will not be unreasonably withheld. Failure to obtain such express consent may render the vehicle's licence liable to immediate suspension.
18. The Proprietor shall cause to be affixed and maintained in a conspicuous position in accordance with the directions of an authorised officer of the Council any sign or notice reasonably required from time to time by the Council. Failure to properly display or maintain any signs or notices on the vehicles as required by the Council may render the vehicle's licence liable to immediate suspension.
19. *The Proprietor shall not permit the vehicle to be used to carry a greater number of passengers than the number prescribed in the licence. A babe in arms of whatever age is classed as a passenger.*

20. The Proprietor shall not permit any animal belonging to or under the control of the Proprietor or the driver to ride in the vehicle and any animal of the hirer is to be conveyed in the rear of the vehicle . This condition does not apply in the case of a guide, hearing or other assistance dog, which must be allowed to remain with the passenger.
21. Disabled persons or those who accompany them shall not be refused conveyance on the grounds that they are accompanied by a guide, hearing or other prescribed assistance dog. There shall be no additional charge for conveyance of the assistance dog and it shall be allowed to remain with the passenger. This condition will not apply if the driver concerned has applied for and been granted a medical exemption by Manchester City Council and is properly exhibiting a notice of such exemption in the private hire vehicle.
22. The Proprietor shall keep a copy of the private hire Driver's Licence for all drivers driving his/her vehicle and produce the same to an Authorised Officer or Police Constable on request.
23. The Proprietor shall ensure that no radio equipment, which allows the driver to communicate with an Operator, is fitted to the vehicle without the prior written consent of the Council.
24. The Proprietor shall ensure that any radio equipment fitted to the vehicle is at all times kept in a safe and sound condition and maintained in proper working order.
25. *The Proprietor shall ensure that no taxi meter is fitted to the vehicle.*
26. The Proprietor of the vehicle shall disclose to the Council in writing details if he is convicted or cautioned for any offence during the currency of his licence, no later than 7 days after any such conviction or caution.
27. The Proprietor of the vehicle shall keep in force in relation to the user of the vehicle, a Policy of Insurance issued by an Insurance Company

approved by the City Council (such approval not to be unreasonably withheld), and containing such cover as the City Council shall specify from time to time and comply with the requirements of Part VI of the Road Traffic Act 1988. On being so required by an Authorised Officer, the Proprietor shall produce to that Officer for examination, a Certificate of Insurance issued by the approved Insurance Company in respect of the vehicle for the purpose of Part VI of the Road Traffic Act 1988. If the Proprietor fails to produce such certificate to the Officer on request, the Proprietor shall, within five days of such request, produce such certificate to the Officer or other authorised officer at the offices of the Licensing Unit at the Council.

28. *A vehicle may not be fitted with privacy glass without the prior written consent of the Council. Where such consent has been granted any privacy glass fitted shall comply with any relevant construction and use regulations.*
29. *No amendment to the business plan or change of operation shall be permitted without the express written consent of the Council, such consent not to be unreasonably withheld. The proprietor shall inform the Council in writing of any proposed change in the business plan or a change of operation no later than 5 working days prior to any such proposed change.*
30. *The Proprietor shall ensure that the vehicle is only operated in accordance with the business plan submitted with the application, or amended with the express written consent of the Council in accordance with condition 27, and attached to these conditions as appendix 1.*

Pursuant to Section 48 (7) of the Local Government (Miscellaneous Provisions) Act 1976, any person aggrieved by any conditions attached to the grant of a licence, has the right of appeal.

Any appeal must be made at Manchester Magistrates Court, Crown Square, Manchester, within 21 days of receipt.