

CITY OF PLYMOUTH

Subject: Licensed Private Hire Vehicle – Review of Vehicle Licence
Committee Licensing Committee (Hackney Carriage)
Date: 3 March 2011
Cabinet Member: Councillor Peter Brookshaw
CMT Member: Director for Community Services
Author: George Curness - Licensing Officer
Contact: Tel: 01752 307964
e-mail: george.curness@plymouth.gov.uk
Ref: ERS/LIC/GC/1114
Key Decision: No
Part: I

Executive Summary:

Mr. Andrew Leslie Wheeler is Private Hire vehicle proprietor, having first been granted a Private Hire vehicle licence by the Council on the 12 March 2009 to a Ford, registration number EF51UBA, with a licence number 1114. The current licence is due to expire on 11 March 2011 .

On the 1 February 2011, an inspection was carried out on the Private Hire vehicle when it was noted that the vehicle did not comply with the Private Hire vehicle specifications attached to its licence.

Mr. Wheeler has been invited to attend this Licensing Committee in order that this matter may be considered.

Corporate Plan 2010 – 2013 as amended by the four new priorities for the City and Council:

This report links to the delivery of the corporate priorities defined in the Corporate Improvement Plan. In particular:

Improving access across the City

Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land

Not applicable.

Other Implications: e.g. Section 17 Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.

Members should be aware that Section 17 of the Crime Disorder Act 1998 put a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

Recommendations and Reasons for recommended action:

That Members of the Licensing Committee consider this report.

Alternative options considered and reasons for recommended action

None.

Background papers:

None

Sign off: comment must be sought from those whose area of responsibility may be affected by the decision, as follows (insert initials of Finance and Legal reps, and of HR, Corporate Property, IT and Strat. Proc. as appropriate):

Head of Fin		Head of Leg	AG/10951/21.2.11	Head of HR		Head of AM		Head of IT		Head of Strat. Procurement	
Originating CMF Member											

Report

1. Mr. Andrew Leslie Wheeler is Private Hire vehicle proprietor, having first been granted a Private Hire vehicle licence by the Council on the 12 March 2009 to a Ford, registration number EF51UBA, with a licence number 1114. The current licence is due to expire on 11 March 2011 .
2. On the 1 February 2011, an inspection was carried out on the Private Hire vehicle when it was noted that the vehicle did not comply with the Private Hire vehicle specifications attached to its licence.
3. Members are made aware that the Private Hire conditions of vehicle licence state at paragraph 1 that the vehicle shall only be licensed by Plymouth City Council and shall comply with all the requirements contained within the Council's "Specifications for Private Hire Vehicles", which is included in the Council's Hackney Carriage and Private Hire Licensing Policy.
4. The Private Hire vehicle specifications, and in particular Paragraph 1, states

Additionally, all vehicles must have a category M1 classification.

And paragraph 5 (a)

All vehicles must have at least four doors, excluding any tailgate.

A copy of these specifications are reproduced at the end of this report as Appendix A

5. On 1 February 2011, an inspection of the vehicle documents revealed that the registration document stated that the vehicle was an N1 classification, which indicates that the vehicle is a goods vehicle. This could have implications regarding safety of seating, and crumple zones built within passenger vehicles but may not be included in goods vans. An Individual Vehicle Approval check would normally be required before allowing such a vehicle to convey passengers safely. It was noted that the vehicle had three doors for passengers to exit the vehicle and officers had concerns regarding;
 - passenger comfort,
 - safe access and egress,
 - passenger safety, in particular, in an emergency situation.

It is for these reasons that 4 doors are included as a vehicle specification. It was noted that it had rear two doors marked "emergency exit" which could be opened from the interior of the vehicle, but had to be accessed by passengers manoeuvring over a tail lift which has a raised board, with a large step down to exit the vehicle to the floor, which was not marked. Floor markings indicated that it was not for passengers to stand at the extreme rear of the vehicle.

These issues indicated that the vehicle did not comply with the vehicle specifications. Mr Wheeler voluntarily submitted the licence plate to the Licensing Officer. A copy of the suspension notice is produced as Appendix B. A copy of the registration document is reproduced as Appendix C.

6. Members are made aware that Mr Wheeler sent the vehicle to a registered testing station for approval on several occasions, where the vehicle was deemed to comply with vehicle specifications. This was not a correct assessment and the testing station should have failed the compliance test. Officers have since dealt with the testing station as a separate matter.
7. The actions open to Members are those contained in Section 18(1) of the Plymouth City Council Act 1975 which empowers the Council to suspend, revoke or refuse to renew the licence of a Private Hire vehicle for:-

(a) that the Hackney carriage or Private Hire vehicle is unfit for use as a Hackney Carriage or Private Hire vehicle

or (b) any other reasonable cause

In deciding whether this vehicle is fit for purpose, Members must have regard to the Council's Hackney Carriage and Private Hire Licensing Policy. The relevant parts of which are detailed below:

General Policy

The Council's Hackney Carriage and Private Hire licensing policy states that the Council will carry out its Hackney Carriage and Private Hire licensing function with a view to promoting stated objectives. Members must therefore ensure that they consider those objectives when forming a decision.

The Licensing objectives are as follows:

1. **Safety and health of drivers and the public.**
 - Consideration of history of convictions and cautions
 - Driver training, qualification and performance
 - Health and Fitness to fulfil the role
 - Crime prevention measures
2. **Vehicle safety, comfort and access**
3. **To prevent crime and disorder and to protect consumers.**
 - Commitment to work with the police and licensing authorities
4. **To encourage environmental sustainability**

Chapter 2. – Conditions of Licence

Paragraph 2.1 - States that the Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a Hackney Carriage or Private Hire vehicle licence.

Paragraph 2.2 - Paragraph 2.2 - In accordance with those powers the Council has set standard conditions of licence with respect to hackney carriages and private hire. These are provided in Appendix D to F. However where it considers it reasonably necessary additional conditions may be imposed. In considering what is reasonably necessary the Council will take into account its licensing objectives.

Chapter 3 – Vehicle Specifications

Paragraph 2.1 - All vehicles which are presented to the Council for licensing, and all vehicles whilst licensed must comply with the vehicle specifications contained within Appendix P, Q & R.

Paragraph 2.3 - The Council whilst making standard conditions of licence and vehicle specifications, may amend those conditions and specifications, or make additional conditions for a vehicle, as individual circumstances require.

Chapter 4 – Enforcement Policy

Paragraph 7.2 - Vehicles will be subject to periodic, random inspections by Authorised Officers of the Council or its agents (e.g. VOSA) to ensure the vehicle and/or its taximeter is fit for purpose.

Paragraph 7.3 - Where the Licensing Committee (Hackney Carriage) is satisfied that a vehicle fails in any respect to meet any specification or condition of license or the relevant construction and use regulations required by law they may suspend, revoke or refuse to renew a vehicles license for any specified period.

Paragraph 8.2 - requires that when considering revocation, the Committee will take into account all relevant facts and circumstances including the licensing objectives, the nature of the breach and any other information thought pertinent to the matter being considered.

8. Options open to Members are mentioned in Paragraph 7, Members also have the option to take no action. Members are in this instance unable to impose additional conditions to the vehicle licence as they are only able to impose additional conditions on the grant of a vehicle licence (Plymouth City Council Act section 5 (2))
9. Members are asked to consider whether this vehicle is fit for purpose in light of the above report, as Officers remain concerned that as the vehicle does not comply with vehicle specifications. It falls below the minimum standards required to meet the Licensing Objectives in respect to the safety of the travelling public. In order to assist Members, photographs of the vehicle are reproduced as Appendix D.
10. Mr. Wheeler has been invited to attend this Licensing Committee in order that this matter may be considered. He has also been requested to make the vehicle available for Members to inspect the vehicle.

Specifications for Private Hire Vehicles

Made by virtue of section 5(1)(a) of the Plymouth City Council Act 1975



1. Plymouth City Council may licence as a Private Hire vehicle, any vehicle suitable for carriage of up to and including eight passengers provided that it has European Whole Vehicle Certification, and such vehicle complies with the requirements as laid down in these vehicle specifications and those of the Testing Addendum. Vehicles with a Low Volume Certification will be considered on an individual basis. Such vehicles may, if the Council so require, be presented to the Vehicle Inspectorate (or Council approved testing centre) for examination and receive from them a report indicating that the vehicle is fit for use as a Private Hire vehicle, prior to the issue of a licence plate from the Council. The fee for such test, which shall be determined by the Vehicle Inspectorate (or Council approved testing centre) shall be met by the vehicle owner, or such person presenting the vehicle for test. Costs **will not** be met by the Council. The vehicle must not be of such design or type as to lead the public at large to be confused with a Hackney Carriage. Additionally, all vehicles must have a category M1 classification.
2. All licensed vehicles must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of licensing. Including any conditions of licence issued by the Council.
3. The body must be a fixed head type. A sunroof may be fitted.
4. The steering wheel and driving controls must be fitted to the off side of the vehicle and shall have been at the time of registration.
5.
 - (a) All vehicles must have at least four doors, excluding any tailgate.
 - (b) Estate and MPV type vehicles must be fitted with a grille or other manufacturer approved device, which prevents luggage entering the passenger compartment.
 - (c) All vehicles should have a wheelbase of at least 96" (2.4384 metres) and an engine size not less than 1290cc.
6.
 - (a) Windows must be provided at the sides and rear of the vehicle.
 - (b) Rear passenger door windows must be available for adjustment.
 - (c) No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.
 - (d) Vehicles with third row of seats fitted at the rear of the vehicle must have ventilation windows available in the absence of an approved Air Conditioning system.
7.
 - (a) Passenger doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism.
 - (b) Approved central locking systems are permitted and must be in full working order. Double catches of approved types must be fitted to all doors.
 - (c) The door to the offside of the vehicle fitted with sliding doors, must be capable of being

THIS NOTICE HAS IMMEDIATE EFFECT

Plymouth City Council Act 1975
Environmental Regulations Service – Licensing Section

Driver / Proprietor: * A. WHIGGERS

Address: 281
CLONMILL TARRIS

The following vehicle of which you are the driver / proprietor* was inspected pursuant to the provisions in section 26 of the Plymouth City Council Act 1975:

Plate no. 1114 VRM: EF51UBA

At (time): 10.45 hrs, on 1-2-11

At (place): BURRINGTON WAY

And I am not satisfied as to:

1. Its fitness as a licensed vehicle by reason of the following defects:

- (a) DOGS NOT COMPLETELY WITHIN
(b) VEHICLE SPECIFICATIONS
(c) PLATE REMOVED BY
(d) OWNER
(e) OWNER
(f) OWNER

2. The accuracy of its taximeter.

I therefore give you notice pursuant to section 26 of the Plymouth City Council Act 1975:

- (1) *That the above defects be rectified within days of the issue of this notice, and the vehicle presented to the issuing officer for further examination.
(2)*That the vehicle / taximeter must be made available for further inspection at a council approved registered test station for further testing by an authorised vehicle examiner as to its fitness / accuracy.
(3)*That the vehicle licence is **IMMEDIATELY SUSPENDED** (see Important Note 3 overleaf)

Signed: S. CURRIGAN

Issued by: S. CURRIGAN

For * Head of Environmental Regulations Service
* Chief Constable

IMPORTANT NOTES

- (1) If an unfit vehicle is used as a Hackney Carriage or Private Hire vehicle, the licence is liable to be **SUSPENDED** or **REVOKED**, and the driver may be prosecuted.
(2) If the vehicle is not satisfactorily tested within **2 months** the vehicle licence shall be revoked by virtue of section 26 of the Plymouth City Council Act 1975, and that section 18 sub-sections 2 and 3 shall apply.

* Delete as applicable

Continued overleaf

UK Registration Certificate (V5C)

4 Vehicle Details	
A Registration Mark	EF51 UBA 2 [A.1] Validation character 5 3
B Date of first registration	20 02 2002
[B.1] Date of first registration in the UK	20 02 2002
D.1 Make	FORD
D.2 Model/Type	TRANSIT 300 SWB TD

Variant
Version

D.3 Body type	MINIBUS
[X] Taxation class	LIGHT GOODS VEHICLE
[Y] Revenue weight	2880 KG GROSS
P.1 Cylinder capacity (cc)	1998 CC
V.7 CO ₂ (g/km)	
P.3 Type of fuel	HEAVY OIL
S.1 Number of seats, including driver	8
Number of standing places (where appropriate)	
[D.4] Wheelplan	2-AXLE-RIGID BODY
J Vehicle Category	N1
K Type approval number	022P111T
P.2 Max. net power (kW)	
E VIN/Chassis/Frame No.	WF0VXXBDFV1C88833
P.5 Engine Number	1C88833
F.1 Max. permissible mass (exc. m/c)	
G Mass in service	
Q Power/Weight ratio (kW/kg) (only for motorcycles)	
R Colour	WHITE
O Technical permissible maximum towable mass of the trailer	
O.1 braked (kg)	
O.2 unbraked (kg)	
U Sound level:	
U.1 stationary (dB(A))	
U.2 engine speed (min-1)	
U.3 drive-by (dB(A))	
V ² Exhaust Emissions:	
V.1 CO (g/km or g/kWh)	
V.2 HC (g/km or g/kWh)	
V.3 NOx (g/km or g/kWh)	
V.4 HC+NOx (g/km)	
V.5 particulates (g/km or g/kWh)	

5 Registered Keeper	
C.4.c - The Registered Keeper is not necessarily the legal owner.	
C.1.1	CROWN HILL TAXI SERVICES LTD
C.1.3	4 SKYLARK RISE PLYMOUTH PL6 7SN

I **ACQUIRED VEHICLE ON 26 02 2009**
Please write in **BLACK INK** CAPITAL LETTERS.

6 New Keeper or New Name/Address Details	
Mr 1 Mrs 2 Miss 3	Please tick <input checked="" type="checkbox"/> the appropriate box W 4
Title (e.g. Ms/Rev. etc) or business name	
Forename(s) in full	
Surname	
For Company use only DVLA/DVLI Fleet number 7 Please help us to help you by using your postcode	
Date of Birth 8	Postcode 9
Address	
Post town	
New keeper? If so, tick <input checked="" type="checkbox"/> here: K 12 Date of sale or transfer 13 14	
* Driver Number	
* Present mileage (to last complete mile) 15 * You are not required by law to provide your Date of Birth, Driver Number or present mileage	
ONLY tick <input checked="" type="checkbox"/> if you personally break up the vehicle Date of scrapping	
R 16 Scrapped	S 17 See notes on scrapping in Guidance Notes 18
Wheelplan / Body type H 19	
VIN / Chassis / Frame No. 20	
New revenue weight Date of change Cylinder capacity 21 22 23 24	
No. of seats, inc. driver 25	No. of standing places 26 Type of fuel 27
Engine number 28	
New colour	Date of change CLR 29 30
Taxation class* Y 31 32	

*The taxation class can only be changed on relicensing.
Please apply at your nearest DVLA Local Office

8 Declaration - You MUST sign and date this section when notifying any changes. Please see note opposite	
Registered Keeper (to sign when notifying any change). I declare that the new details I have given are true to the best of my knowledge.	New Keeper: I declare that this vehicle was sold or transferred to me on the date shown in Section 6 and my name and address are correctly shown.
Registered Keeper (Seller) _____ Date _____	New Keeper (Buyer) _____ Date _____
The Law: If the vehicle is sold or transferred, both the Registered Keeper and the New Keeper must sign this Certificate.	

Official use only - Please do not write below this line

Doc. Ref. N° **9069 534 0415** 10 03 09
Des. Codes **1093298820 / 1009** 41

EF51 UBA 5

& 33 ISC 34 PR 35 CM 36 8269 3329 0693 1390 4293 6653 MK 37 MD 38

Official Use Only





Shows “tail board” and marking to stop passengers standing on rear of vehicle

