

Taxis Committee – 28th April 2010

Report of the Director of Corporate Resources

Proposed Policy in relation to the licensing of modified vehicles

Purpose of Report

1. To consider the adoption of a policy for the licensing of modified vehicles as hackney carriage or private hire vehicles.

Background

2. Historically the Council has licensed modified vehicles as both private hire and hackney carriages provided they have only eight passenger seats, meet the Council criteria and pass a mechanical test at Lister Road. There are currently 31 modified vehicles licensed by the Council.
3. An on going Court case has highlighted issues with the licensing of modified vehicles. The salient points to the case are set out below: -
 - A vehicle is originally manufactured with a seating capacity of 13 seats including the driver. The vehicle is then licensed with the Vehicle and Operator Services Agency (VOSA) as a Public Carrying Vehicle (PCV).
 - The proprietor holds a PCV operators licence
 - The logbook is not submitted to the DVLA for amendment from 13 seats to 9 seats including the driver.
 - Seating capacity lowered to 9 seats including the driver.
 - Application made to the Council for the vehicle to be licensed as a private hire vehicle.
 - Vehicle meets the Council's criteria and passes mechanical test at Lister Road and is licensed as a private hire vehicle.

4. As a result of enquiries made by licensing enforcement it appears that the vehicle has been operated as a private hire vehicle without a private hire operator's licence, which is the matter before the Court.
5. The defence is that the vehicle was licensed, as a PCV and operated under a PCV operator's licence therefore there was no need for a private hire operator's licence. However, a private hire driver who does not hold a PCV driver's licence has been driving the vehicle on a school contract. This may not only negate the defence but also highlight further offences in relation to the PCV licences. This will be for the Court to decide.
6. Notwithstanding the outcome of the Court case this makes the enforcement of either licence by the appropriate authority almost impossible. It allows the holder of the licences to use the regulations of either licence at will.
7. Following the information contained in the preceding paragraphs all files relating to modified vehicles were checked and of the 32 vehicles identified 25 vehicles were found not to have sent the logbook to DVLA for amendment.
8. Martin Hanson Licensing Clerk made enquiries with DVLA and was informed that any vehicle, which has been modified to enable the seating arrangements to be 9 seats including the driver or less than 9 seats. DVLA must be informed of this modification and then the vehicles V5 may then reflect the requirement of category M1 see (Appendix 1).
9. DVLA further informed Mr Hanson that the non-amendment of a logbook is a summary offence. They also informed Mr Hanson that on notification the DVLA have the right to demand a report from the converter certifying that the conversion/vehicle complies with all of the relevant safety regulations. If this is not available the DVLA can call a vehicle into a regional testing station for assessment. If it reaches the required standard, the classification on the registration document will not change, but the vehicle will be issued with a Single Vehicle Approval
10. Following this information a meeting was held with Pete Lloyd Fleet Compliance Manager, Les Lownes Fleet Compliance Officer, Brian Shipley Licensing Enforcement Officer, Martin Hanson Licensing Clerk and Janet Elliott Licensing Officer to discuss a way forward.
11. Taking into account all the information it was agreed that the following proposals should be put before the Taxis Committee:-
 - a) All new applications to licence a vehicle for 9 seats including the driver or for less than 9 seats as a private hire vehicle or a hackney carriage will submit a logbook showing that it is registered as category M1 and/or supply a 'Minister's Approval Certificate.
 - b) The 25 modified vehicles currently licensed with the council must have changed the designation of the vehicle with the DVLA and/or supply a Minister's Approved Certificate before the next Lister Road mechanical test.

- c) If the proposals are approved they would come into force on the 1st of June 2010.
12. A consultation meeting was arranged to discuss these proposals with the Taxi Focus Group On the 13th of April 2010 at 5.00pm. There was no attendance from the group at this meeting and no apologies were received either prior or post the arranged meeting.
13. A further meeting has been arranged on the 21st of April 2010 with all owners of modified vehicles currently licensed with the Council. Following this meeting the views of the trade will be verbally reported to the Committee at their meeting of the 28th April.

Finance

14. There are no financial implications.

Law

15. Section 57 (1) of the Local Government (Miscellaneous Provisions) Act 1976 states that a Council may require an applicant for a licence under the Act of 1847 or under this part of the Act to submit to them such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted.

Equality Impact

16. This report takes into account the Council's policy on equal opportunities.
17. The licensing of private hire and hackney carriage vehicles and drivers will impact on children and young people through their transportation in licensed vehicles.
18. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

19. That the Committee consider the proposals contained in paragraph 11 of this report.

A handwritten signature in black ink, appearing to be 'J. Elliott', written in a cursive style.

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DIRECTOR OF CORPORATE RESOURCES

Contact Officer: Mrs. J. Elliott 5377
Telephone: 01384 815377
Email: janetelliott@dudley.gov.uk

List of Background Papers