

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to Licensing Sub-Committee

29th January 2016

TITLE:	Request to Extend Private Hire Vehicle Licence
PORTFOLIO:	Cllr. Arthur Forrester – Portfolio Holder for Environment
OFFICER:	Head of Regulatory Services
WARDS:	Non-Specific

Appendix Attached - Appendix A – Request Letter from Operator
- Appendix B - Private Hire Vehicle Conditions

1. Reason for the Report:

1.1 The purpose of this report is to allow members to consider an extension of a Private Hire Vehicle Licence following a request received by one of the Council's Licensed Private Hire Operators. A copy of the request is reproduced at Appendix A.

2. Recommendation

2.1 That Members approve the request to extend the Private Hire Vehicle Licence as detailed in the options and analysis.

3. Executive Summary

3.1 The current Staffordshire Moorlands District Council conditions for Private Hire Vehicles states that the maximum age for a licensed vehicle is 8 years old.

3.1.1. The condition states: "All vehicles should be of a maximum of 8 years old or 4 years old upon changing vehicles or a new application".

3.2 The Operator's current Private Hire Vehicle Licence is due to expire on 31st March 2016. The Operator applied for an extension to the vehicle licence at the same time last year which was granted by Members. The vehicle currently benefits from an extension to the maximum age limit and will turn 10 years old on 4th January 2017. The request was received in January 2016.

3.3 The vehicle in question has been licensed by the Council since 1st April 2009 and it has passed every MOT and Council Vehicle Test.

- 3.4 The vehicle is next due for an MOT by 15th March 2016, and if granted will be subject to a Council Test by 15th September 2016 and a further MOT in March 2017 to ensure suitability and safety.

4. Options and Analysis

- 4.1 To approve the request to extend the Private Hire Vehicle Licence detailed in Appendix A, until 31st March 2017.
- 4.2 To reject the request to extend the Private Hire Vehicle Licence.

5. Implications

5.1 Community Safety - (Crime and Disorder Act 1998)

Community Safety is one of the Council's key priorities and to ensure safety within the district by continuing regulation of the Private Hire Operators, Vehicles and Drivers.

5.2 Workforce

None.

5.3 Equality and Diversity/Equality Impact Assessment

This report has been prepared in accordance with the Council's Diversity and Equality Policies.

5.4 Financial Considerations

No implications.

5.5 Legal

1. Under section 48(2) of Local Government (Miscellaneous Provisions) Act 1976, the Council may attach conditions to the grant of a Private Hire Vehicle Licence.

2. The applicant has a right of appeal to the Magistrates' Court.

5.6 Sustainability

None.

5.7 Internal and External Consultation

None.

5.8 Risk Assessment

None.

Robert Weaver
Head of Regulatory Services

**Web Links and
Background Papers**

Appendix A and SMDC Private Hire
Vehicle Licence Conditions

Location

Regulatory Services -
Moorlands House,
Stockwell Street, Leek,
ST13 6HQ

Contact details

Matt Burton – Senior
Licensing Officer
Tel: 01298 28400
Ext: 4450

Tree Tops
147 Stallington Road
Blythe Bridge
Stoke on Trent
Staffordshire

TELEPHONE: 01782397359
MOBILES: 07801294970/71
Email:
russellac@waitrose.com

PRIVATE AND CONFIDENTIAL
For the attention of Mr Matt Burton
Senior Licensing Officer
Dear Sirs

I wish to apply for an extension on the life to my Private Hire Vehicle EN56 FYK Licence PVO036. The reasons for applying for this Extension are as follows:

1. Over the past two years my business has been decimated by the influx of Private Hire Vehicles from Newcastle under Lyme and Stoke on Trent areas. These vehicles are working and standing around in Blythe Bridge blatantly plying for hire, this has become more obvious since the policy of Deregulation.

It is doubtful whether these vehicles actually know where Newcastle and Hanley is, which is where they are supposed to be servicing the public in those areas.

2. My vehicle is garage maintained at all times and has no trouble in passing your Council Test and its M.O.T. In fact these tests are approximately six months apart so therefore my car is tested twice a year. My car passed your Council test in September and my M.O.T. is due shortly. My vehicle is clean and tidy and has good bodywork (no dents etc. Any mechanical problems are dealt with immediately.

3. Owing to the state of business it is economically untenable to replace the vehicle.

4. I have Private Medicals every year as required and I pass these without any problem. In fact it is the only time that I see my Doctor. I also keep fit with my pastime of Hill Walking.

5. I have held a Private Hire Licences with your Authority since 1983/84 without any problems and the only time you see me is when I come to pay my fees and any necessary paperwork that needs to be seen by your Licensing Officer.

6. I have a very good reputation for the service that I operate. A great percentage of my customers have been with me from the beginning of the business.

In conclusion I hope that all the above factors will stand me in good stead with my application for an extension until the end of March 2017.

Yours sincerely

C. RUSSELL





STAFFORDSHIRE
moorlands
DISTRICT COUNCIL

AIMING · FOR · EXCELLENCE
CONDITIONS ATTACHED TO A PRIVATE HIRE VEHICLE LICENCE

1. All Private Hire Vehicles shall have a sign painted on or affixed to the driver's door and front passenger door stating the trading name, the telephone number and the words 'PRIVATE HIRE'. The lettering shall be a minimum height of two inches and shall be of such colour as to be clearly visible against the colour of the vehicle. In addition the same details may be displayed on the boot or the rear windscreen or the bonnet of the vehicle. Wheelchair accessible symbols to be allowed of a type and size previously approved in writing by the Licensing Officer and the lettering "Providing wheelchair accessible transport for the Staffordshire Moorlands". E-mail addresses to be allowed of a type and size previously approved in writing by the Licensing Officer. Website addresses to be allowed of a type and size previously approved in writing by the Licensing Officer. Wheelchair accessible symbols to be allowed of a type and size previously approved in writing by the Licensing Officer and the lettering "Providing wheelchair accessible transport for the Staffordshire Moorlands." No signage shall be applied to the vehicle until it has BEEN APPROVED IN WRITING BY THE LICENSING OFFICER. No other advertisement, graphics, notice or sign shall be displayed on the vehicle, with the exception of the licence plates issued by the Council. The name of the firm, as stated on the sign, shall not include the words 'CAB', 'TAXI CAB', or 'TAXI' whether in the singular or plural and whether alone or as part of another word. Such signs to remain on the vehicle at all times.
2. There shall be affixed prominently to the front and rear of the Private Hire Vehicle plates issued by the Council bearing the number of the Licence and the Council's Coat of Arms, the colour of the plates to be yellow and green. These Licence plates shall remain the property of the Council and shall be returned to the Council within 7 days on the sale or transfer of licensed vehicles or in the event of the revocation, expiry or suspension of the Licence. The Licence plates should only be removed with the permission of the Local Authority.
3. All Private Hire Vehicles must be painted in manufacturers standard production livery.
4. All vehicles should be of a maximum of 8 years old or 4 years old upon changing vehicles or a new application.
5. Upon request there shall be issued to hirers receipts in respect of fares charged for hirings, and a card shall be prominently displayed in the vehicles advising hirers of this facility.
6. Private Hire Vehicles must carry a guide dog or assistance dog belonging to a passenger, free of charge, unless the driver has a proven medical condition that would preclude such action. Drivers have a responsibility to ensure that their company is aware of such a medical condition when they are first employed.

Continued

AGENDA ITEM 6 – APPENDIX B

7. The proprietor of a Private Hire Vehicle shall:-
 - (a) Provide sufficient means by which any person in the vehicle may communicate with the driver;
 - (b) Cause the roof or covering to be kept water-tight;
 - (c) Provide any necessary windows and a means of opening and closing not less than one window on each side;
 - (d) Cause the seats to be properly cushioned or covered;
 - (e) Cause the floor to be provided with a proper carpet, mat or other suitable covering;
 - (f) Cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - (g) Provide means for securing luggage if the vehicle is so constructed as to carry luggage;
 - (h) Provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
 - (i) Provide at least two doors fitted with child-proof latches for the use of persons conveyed in such a vehicle and a separate means of ingress and egress for the driver.
 - (j) Provide a First Aid Kit.
 - (k) Provide at all times a safe and suitable, mobile phone hands free facility for the driver of the vehicle.
 - (l) Display in a prominent position within the vehicle a “No Smoking” sign, which complies with the Smoke-free (signs) Regulations 2007.
8. The Licensee shall not assign or in any way part with the benefit of this Licence which is personal to the Licensee.
9. If taximeters are fitted to Private Hire Vehicles the current tariff of fares shall be displayed in the vehicle in clearly distinguishable letters and figures and the letter of figures shall not be concealed or rendered illegible at any time while the vehicle is being used for hire.
10. The Proprietor shall within seven days disclose to the Council, in writing, details of any convictions imposed on him/her (or, if the Proprietor is a company or partnership, on any of the directors or partners) during the period of the licence.
11. Before using the vehicle for private hire such insurances or securities as are required under Part VI of the Road Traffic Act 1972, shall be obtained in respect of such vehicle and the certificate in respect of the policy of insurance or security shall be produced to the Council for inspection.
12. The Council may vary any or all of the conditions herein contained at any time after consultation, if appropriate, with the Private Hire trade.

AGENDA ITEM 6 – APPENDIX B

13. The conditions contained herein are to be read in conjunction with the Local Government (Miscellaneous Provisions) Act, 1976, Part II, a copy of which should be obtained from Her Majesty's Stationery Office.

NOTE:

1. Appeals

A Licensee who is aggrieved by any of these conditions has a right of appeal to a Magistrates' Court.

2. Offences and Penalties

Contraventions of these conditions constitutes an offence under the Local Government (Miscellaneous Provisions) Act, 1976, in respect of which specific penalties are provided.

In addition it is also an offence to obstruct an authorised officer or police constable in his duty. There is a general penalty, applicable where specific penalties are not provided with a fine not exceeding level 3 on standard scale.

3. Use of Private Hire Vehicle for Personal Use

A licensed private hire vehicle remains a private hire vehicle at all times, until such a time as the private hire vehicle licence is either cancelled by the owner or suspended or revoked by the Council. The vehicle cannot, therefore, be driven by anyone other than a licensed private hire driver.

AGENDA ITEM 6 – APPENDIX B