

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to Licensing Sub-Committee

29th January 2016

TITLE:	Request to Licence a Hackney Carriage Vehicle
PORTFOLIO:	Cllr. Arthur Forrester – Portfolio Holder for Environment
OFFICER:	Mr. R. Weaver - Head of Regulatory Services
WARDS:	Non-Specific

Appendix Attached

- Appendix A – Request Email from Applicant

- Appendix B – Hackney Carriage Vehicle Conditions

1. Reason for the Report:

1.1 The purpose of this report is to allow members to consider an application to licence a Hackney Carriage Vehicle following a request received by an individual. A copy of the request is reproduced at Appendix A.

2. Recommendation

2.1 That Members approve the request to licence the vehicle as a Hackney Carriage (Taxi).

3. Executive Summary

3.1 The current Staffordshire Moorlands District Council conditions for Hackney Carriage Vehicles states that the maximum age for a vehicle to be licensed initially is 4 years old and when a licensed vehicle becomes 8 years old it ceases to be licensed unless it is a vehicle custom built to be a taxi:

3.1.1. (c) *In the case of a saloon, estate, hatchback or a people carrier, the vehicle shall be a maximum of eight years old or four years old upon changing the vehicle or new application.*

In the case of a London Type Cab or Eurocab, the vehicle shall be a maximum of 12 years old.

3.2 The request was received on 21st December 2015 following a face to face meeting earlier on in the day to discuss the matter.

- 3.3 The vehicle in question is a Black Peugeot 8 Estate. It was first registered on 15th September 2011 which meant it became 4 years old on 15th September 2015, falling outside of the age restriction in the policy prior to application.
- 3.4 The vehicle passed its most recent MOT in September 2015 but with a number of advisories listed. The applicant has receipts proving that all advisories have subsequently been rectified.
- 3.5 The applicant purchased the vehicle to licence it as a taxi in Stoke-on-Trent or Newcastle Borough but both of their policies limit new taxi licences to Wheelchair Accessible Vehicles only.
- 3.6 It is the applicant's intention that, if his application is successful, to operate the vehicle as a taxi in the Staffordshire Moorlands. He currently works for Intercity in Stoke and undertakes regular bookings in the Leek and Cheddleton areas.

4. Options and Analysis

- 4.1 To approve the request to licence the vehicle as a Hackney Carriage detailed in Appendix A.
- 4.2 To reject the request to licence the vehicle as a Hackney Carriage.

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 Hackney Carriage 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 47(1) of Local Government (Miscellaneous Provisions) Act 1976, the Council may attach conditions to the grant of a Hackney Carriage 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 Hackney
Carriage Vehicle Licence
Conditions

Location

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

Contact details

Matt Burton – Senior
Licensing Officer
Tel: 01538 395400
Ext: 4180

Burton, Matthew

From: Aydin Kulat <aydinkulat@gmail.com>
Sent: 21 December 2015 13:39
To: Licensing (SMDC)
Subject: Re: Jackie Lane Mr Aydin Kulat Service Request - Licensing - Taxi Licensing vJ1.23
Ref: 3685460 [2779984]

3 oak Close
Uttoxeter
ST147PS
21.12.2015

Dear Mr Burton,

Senior Licensing Officer
SMDC/HPBC

First of all I like to thank you for your time today and your advice.

I like to write you about my vehicle and would like to be licensed here at SMDC.
Vehicle is only 3 months over the 4 years age limit, passed mot and all advisory
information's has been fixed.

Would like to license as a Hackney Carriage, can not license as a Hackney in Stoke, Newcastle or
Uttoxeter because it is not wheelchair Accessible.

Currently I'm working for intercity in Stoke On Trent and do 1 of jobs Leek because there are not enough
taxis here.

Doing jobs in Leek ,Cheddleton and almost we covering rest of the Morlands nearly everyday and evening.

Looking forward hearing from you about my vehicle if it is ok to be licensed here
in Leek, thanks.

Kind Regards

Aydin Kulat

On 15 December 2015 at 11:34, Licensing (SMDC) <Licensing-1@staffs Moorlands.gov.uk> wrote:
Dear Mr Kulat,

Thank you for speaking with me. Please find attached a number of documents that relate to licensing a
Hackney Carriage.

If you have any further questions then please let me know.

Kind Regards,
Matt

Matt Burton
Senior Licensing Officer
SMDC/HPBC

01538 395468 (Leek)
01298 28450 (Buxton)

matthew.burton@staffs Moorlands.gov.uk

-----Original Message-----

From: customer-services@highpeak.gov.uk [mailto:customer-services@highpeak.gov.uk]

Sent: 14 December 2015 10:56

To: Licensing (SMDC)

Subject: Jackie Lane Mr Aydin Kulat Service Request - Licensing - Taxi Licensing vJ1.23 Ref: 3685460 [2779984]

Request for Service Received by Customer Services

Date of Call 14 December 2015

Operator Jackie Lane

TAXI LICENSING SERVICE REQUEST

Caller Details

Mr Aydin Kulat

3 Oak Close

Uttoxeter

Staffordshire

ST14 7PS

07768375904

AYDINKULAT@GMAIL.COM

The above customer has contacted us with a General Enquiry regarding a taxi licence.

Full details of the enquiry - Could you please phone Mr Kulat to discuss process with him. Wants to apply for taxi licence for Leek. Tel: 07768375904

Please contact the customer withing 3 working days.

Thank you.

CONDITIONS ATTACHED TO HACKNEY CARRIAGE VEHICLE LICENCE

1. The Hackney Carriage shall be a London Type Cab, a Eurocab, a saloon, an estate, a hatchback or a people carrier subject to any vehicle providing free and unobstructed access as a safe means of escape.
 - (a) A roof sign bearing only the word 'TAXI', the licence plates issued by the District Council and a sign painted on or affixed to the driver's door and the front passenger door stating the trading name of the firms. The lettering shall be a minimum height of 2" and shall be of such colour as to be 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". 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 any Hackney Carriage Vehicle with the exception of the licence plate referred to in Condition 2 of these conditions. Purpose built taxis, e.g. Austin FX4's are to be exempt from the requirement to display the roof sign. During the hours of darkness, the 'TAXI' sign shall only be illuminated when the vehicle is available for hire and extinguished as soon as the vehicle is hired. For the purpose of this condition, the 'hours of darkness' shall be the hours in which lighting up times operate in the District.
 - (b) The taximeter, flag or other device bearing the words 'FOR HIRE' in clearly legible letters as required by the Hackney Carriage Byelaws.
 - (c) In the case of a saloon, estate, hatchback or a people carrier, the vehicle shall be a maximum of eight years old or four years old upon changing the vehicle or new application.

In the case of a London Type Cab or Eurocab, the vehicle shall be a maximum of 12 years old.
2. There shall be affixed prominently to the exterior at the front and rear of the Hackney Carriage 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 blue. 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.
3. The Proprietor shall keep a record of any Hackney Carriage Vehicle operated by him/her showing the following details:-
 - (a) Make of the vehicle;

AGENDA ITEM 7 – APPENDIX B

- (b) Model of the vehicle;
- (c) Manufacturer of the vehicle;
- (d) Registration number of the vehicle;
- (e) Hackney Carriage Vehicle Licence number;
- (f) The issuing authority of the Licence;
- (g) The date of expiry of the Hackney Carriage Vehicle Licence.

The Licensee shall produce this record of Hackney Carriage Vehicles operated upon request to any Officer authorised by the Executive Director and Monitoring Officer or to any constable for inspection.

All records kept by the Proprietor shall be preserved for a period of not less than six months.

4. The proprietor of a Hackney Carriage 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.
5. The Operator shall record particulars of any property accidentally left in a vehicle and reported to him/her by the driver of such vehicle before the driver delivers the property to a Police Station in the District.

AGENDA ITEM 7 – APPENDIX B

6. Taximeters may be tested on behalf of the Council on not more than three separate occasions during any one period of twelve months, without prejudice to the Council's right to carry out spot checks from time to time.
7. Any person who tampers with any seal on any taximeter without lawful excuse, or, alters any taximeter with intent to mislead, shall be guilty of an offence.
8. 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 Hackney Carriage advising hirers of this facility.
9. 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 licensee shall not assign or in any way part with the benefit of this Licence which is personal to the licensee.
11. The proprietor shall within seven days disclose to the Council, in writing, details of any convictions imposed on him (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the Licence.
12. The Licensee shall notify the Council in writing within seven days of any change of circumstance relating to the business including changes of vehicles and the engaging or discharge of drivers.
13. Before using the vehicle for Hackney Carriage use, 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.
14. The Council may vary any or all of the conditions herein contained at any other time after consultation, if appropriate, with the Hackney Carriage trade.
15. The conditions contained herein are to be read in conjunction with the Council's Hackney Carriage Byelaws, with the appropriate provisions of the Town Police Clauses Act, 1847 and the Local Government (Miscellaneous Provisions) Act, 1976, Part II. Copies of the Council's Hackney Carriage Byelaws may be obtained from the Licensing Section, Moorlands House, Stockwell Street, Leek and copies of the Acts 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.

AGENDA ITEM 7 – APPENDIX B

Offences and Penalties

Contravention of these conditions constitutes an offence under the Town Police Clauses Act, 1847 or 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 fine not exceeding level 3 on standard scale.

AGENDA ITEM 7 – APPENDIX B