

TO REVIEW LICENSED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES THAT HAVE BEEN MODIFIED: LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, TOWN POLICE CLAUSES ACT 1847**REPORT BY: Head of Environmental Health and Trading Standards****Purpose**

1. To Review Hackney carriage and private hire vehicles that have been modified to ensure they are safe and the modifications have been notified to the DVLA.

Legal Background

2. Under section 60 of the local government (Miscellaneous Provisions) Act 1976 the local authority has the power to suspend or revoke a hackney carriage or private hire vehicle licence under the following grounds:-
 - a) That the Hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
 - b) Any offence under, or non-compliance with the provisions of the Town and Police clauses Act 1847 or of Part of this Act by the operator or driver; or
 - c) Any other reasonable cause.
3. Any proprietor aggrieved by a decision of a district council under this section may appeal to the Magistrates Court.

Background

4. It has been brought to the attention of the licensing service that some of the licensed hackney carriages and private hire were originally manufactured as panel vans and have subsequently been converted to Hackney Carriage / private hire vehicles
5. The Registration documents still specify the vehicle as a panel van but there are no test certificates to establish whether the conversion has been safely carried out.
6. The DVLA have been asked to clarify the matter concerning notifications of modifications. (a response has not been received at the date of the print of this document)
7. Some of the vehicles that are manufactured as passenger vehicles have had disabled facilities installed. The standard conditions require that they should meet the M1 standard but the M1 standard is a destructive test and only applies to vehicles at manufacture.

Issues

8. To ensure the vehicles are safe the local authority should consider requiring all those vehicles that are modified to notify the DVLA of the modification and to have the vehicle tested in accordance with the Voluntary Single Vehicle (enhanced) Approval.
9. Some of the vehicles have the disabled facilities installed during manufacture but were installed prior to the M1 Standard consequently the registration certificate does not specify that the vehicle is to the M1 standard.

Options

It is for the Regulatory Committee to decide whether: -

Question 1 – in relation to modified vehicles.

- a) To suspend all vehicles that have not notified DVLA of the modification until such time the registration has been issued with the modification added and to require the vehicle is tested and passes the vehicle tested in accordance with the Voluntary Single Vehicle (enhanced) Approval.
- b) To give the vehicles a specified time to prove the DVLA has been notified of the change and has been safely converted (proof equivalent to the Voluntary Single Vehicle (enhanced) Approval).

Question 2 – In relation to Factory manufactured wheelchair vehicles without M1 standard.

- a) Require the vehicle proprietors to provide evidence that the wheelchair accessible facilities are safe.
- b) The local authority to arrange for the test centre to carry out checks of the operation, security and condition of the disabled access facilities.