

**AMENDMENT HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE
CONDITIONS IN RELATION TO MODIFIED VEHICLES: LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1976, TOWN POLICE CLAUSES ACT
1847**

REPORT BY: Head of Environmental Health and Trading Standards

Purpose

1. To consider implementing revised vehicle licence conditions due to trade members converting vans to private hire and hackney carriage vehicle.

Legal Background

2. Under the terms of the Local Government (Miscellaneous Provisions) Act 1976 s 47 (Private Hire Vehicle), Town Police Clauses Act 1847 s 42 (Hackney Carriage), local authorities may make reasonable conditions for the regulation of both hackney carriages and private hire vehicles.
3. Any person aggrieved by any conditions, which have been imposed, has a right of appeal to the Magistrates Court.

Background

4. The licence conditions were last reviewed in April 2007 following full consultation.
5. It has been brought to the Council's attention that vehicle proprietors are converting vans into hackney carriage vehicles.
6. The conditions require new vehicles to have wheelchair access and conform to the M1 standard of the European Whole Type Approval 70/156/EEC as amended. Also to comply with the Road Traffic (Construction and Use) Regulations 1986.
7. The M1 Standard is a destructive test therefore only applies to vehicles manufactured to carry passengers, when alterations such as adding wheelchair facilities are added the test is destroyed.
8. Currently there is no condition that covers provisions for vehicles that are converted from a van to a hackney carriage/private hire vehicle or for the installation of wheelchair access facilities in to a vehicle manufactured without such facilities.

Current conditions

5. Section 20 of the vehicle licence conditions refers to wheelchair access.
6. Section 17 deals with Vehicle Inspections

Proposed Conditions

Option A

17.6 For vehicles that have been modified

- a) In order to accept an application to licence the vehicle any modification must be listed on the Registration Document in accordance with Road Traffic Legislation.

- b) The vehicles must be registered as a passenger vehicle.
- c) If there is a structural modification to the vehicle, the vehicle shall have satisfactory test certificate issued by DVLA to show the vehicle complies with the Road traffic (construction and use) Regulations 1986 or have a Voluntary Single Vehicle Approval (enhanced) certificate tested by VOSA or an equivalent test certificate as agreed by the Licensing Authority.
- d) Any modification must be notified to DVLA and the registration document amended accordingly prior to submission for a licence.

Option B

17.6 No vehicle other than a vehicle that was originally manufactured for the purpose of carrying people will be accepted as part of an application as a new vehicle for a hackney carriage/private hire vehicle.

Issues

- 6. There are no provisions within the council currently conditions to require test certificates for modified vehicles.
- 7. If vehicles are modified the authority has to be satisfied that the vehicle is safe and legal to be used as a hackney carriage or private hire vehicle.
- 8. The requirement to provide test certificates will increase the cost and time required to licence a modified vehicles including vehicles installed with wheelchair access facilities. The applicant will pay the additional cost.
- 9. These conditions have not been consulted with the trade but in light of recent applications to licence modified vans as hackney carriages/ private hire vehicles it is felt the matter is serious enough for the council to consider adopting without consultation.

Options

It is for the Regulatory Committee to decide whether the new conditions can be added and the amendments made: -

- To adopt option A
- To adopt option B
- or reach some other decision.

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

2. 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.
9. Any proprietor aggrieved by a decision of a district council under this section may appeal to the Magistrates Court.

Background

10. 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
11. 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.
12. 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)
13. 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

14. 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.

15. 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.