

CHESHIRE EAST COUNCIL

LICENSING COMMITTEE

Date of meeting: 30th March 2009
Report of: A C Lee, Principal Licensing Officer
Crewe & Nantwich Borough Council
Title: Private Hire Vehicle licensing

1.0 Purpose of Report

- 1.1 On 13th March 2009 the Licensing Committee approved a set of licence conditions for private hire vehicles following a consultation exercise with the holders of current licences. This report draws attention to an error which has subsequently become evident in condition number 9.1 and proposes approval of an amendment to the condition to rectify the matter.
- 1.2 The proposed condition number 9.1, as amended, is attached at **Appendix A**.
- 1.3 If approved, the amended condition will come into force on 1st April 2009 in line with the remainder of the licence conditions previously approved on 13th March 2009.

2.0 Decisions Required

- 2.1 To approve the amendment to licence condition number 9.1 of the Cheshire East private hire vehicle licence conditions with effect from 1st April 2009.

3.0 Financial Implications for Transition Costs

- 3.1 None.

4.0 Financial Implications 2009/10 and beyond

- 4.1 None.

5.0 Legal Implications

- 5.1 The wording of condition number 9.1 as previously approved is incorrect in law.

6.0 Risk Assessment

If condition number 9.1 is not amended in line with the recommendation, the incorrect wording previously approved by the Committee could leave the Council open to a challenge as to the validity of the condition.

7.0 Background

- 7.1 Private hire vehicle licence condition number 9 relates to vehicles which are fitted with a taxi-meter. The fitting of a taxi-meter is not compulsory and most proprietors choose not to.
- 7.2 The Council has no power to set or control the fare charged in a private hire vehicle, including those vehicles fitted with a meter. The Council however has sought by means of the conditions to control the practical operation of any meter fitted, including the accuracy of the recording of the operator's tariff.
- 7.3 The proposed amendment to the condition at 9.1 at (iii) and (viii) respectively makes it clear that the tariff of charges is set by the operator and is not subject to the approval of the Council.

8.0 Overview of Day One, Year One and Term One Issues

- 8.1 The requirement to have private hire vehicle licence conditions in place is a Year One requirement.

9.0 Reasons for the Recommendations

- 9.1 The recommendation is made in order to remedy an error in the drafting of the conditions previously approved by the Committee on 13th March 2009.

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For further information:

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Background Documents:

None

APPENDIX A

Condition number 9 is amended to read as shown below. The substitute words are shown in bold type.

9. Taximeters

9.1 If the vehicle is fitted with a taximeter;

- i. the taximeter shall be of a calendar type approved by the Council and shall be maintained in a sound condition at all times and shall be located within the vehicle in accordance with the reasonable instructions of an authorised officer;
- ii. the tariff of fares shall be displayed inside the vehicle in clearly distinguishable letters and figures;
- iii. the taximeter shall be set to display the private hire operator's tariff of fares **which has been notified to the Council**;
- iv. the proprietor shall not use or permit to be used a taximeter that has not been sealed by the Council;
- v. the taximeter shall be fitted with a key to bring the machinery into action and cause the word "HIRED" to appear on the face of the meter as soon as the vehicle is on hire;
- vi. when the vehicle is not hired the key shall be locked and the machinery kept inactive and the meter shall show no fare at that time;
- vii. the taximeter shall not display a "FOR HIRE" sign at any time;
- viii. when the taximeter is brought into action the fare and permitted extras shall be shown legibly on the face of the meter and shall be no more than that permitted by the private hire operator's tariff of fares **which has been notified to the Council**;
- ix. the "FARE" shall be printed on the face of the meter in clear letters so as to apply the fare recorded thereon;
- x. the taximeter shall be in such a position in the vehicle that the figures recorded thereon are clearly visible to any passenger being carried therein;
- xi. the taximeter shall be sufficiently illuminated that when in use it is visible to all passengers;
- xii. the taximeter and all its fittings shall be affixed to the vehicle with seals or by other means so that it shall not be practicable for any person to tamper with the meter except by breaking or damaging or permanently displacing the seals or other fittings.

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