

CHESHIRE EAST COUNCIL

LICENSING COMMITTEE

Date of meeting: 13th 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 January 2009 the Licensing Committee approved a set of licence conditions for private hire vehicles for the purpose of holding a consultation exercise with the private hire trade. The report puts forward the results of the consultation exercise with a proposal that the private hire vehicle licence conditions be approved, subject to certain amendments made in response to some of the comments received, and be brought into effect from 1st April 2009.
- 1.2 The proposed conditions, as amended, are attached at **Appendix C**.
- 1.3 The report also puts forward a proposal to hold a further consultation exercise on the single topic of a proposed *further* amendment to the conditions proposed for approval at this meeting whereby the overall size of a vehicle to be licensed for private hire purposes may be more effectively controlled (see paragraph 9).

2.0 Decisions Required

- 2.1 To approve the licence conditions in relation to private hire vehicles, as amended following the consultation exercise, to take effect from 1st April 2009.
- 2.2 To approve a further consultation exercise with the holders of private hire vehicle licences on the proposal to amend the wording of the first sentence of condition number 1.4 to;

‘It shall have a minimum number of four doors, including two on the near side and two on the offside’.

3.0 Financial Implications for Transition Costs

- 3.1 None.

4.0 Financial Implications 2009/10 and beyond

- 4.1 The cost of the consultation exercise can be met from the licensing budget for 2009/10.

5.0 Legal Implications

- 5.1 If the conditions for licensing private hire vehicles are not in place by 1st April 2009 Cheshire East will rely on the provisions of the Transitional Regulations¹ in order to perform its statutory function as the licensing authority from Day One.

6.0 Risk Assessment

- 6.1 There would be a risk of a legal challenge to the validity of the conditions if the responses to the consultation exercise were not considered before arriving at a decision.
- 6.2 Failure to carry out a consultation exercise on the proposed amendment to condition number 1.4 could lead to a legal challenge about its validity.

7.0 Background

- 7.1 The private hire vehicle conditions approved by the Committee for the consultation exercise were largely drawn from the conditions currently in force at either one or more of the three constituent authorities of Cheshire East. They were chosen to reflect the best of the current practices from those authorities.
- 7.2 A consultation exercise with the existing holders of private hire vehicle licences at Crewe and Nantwich, Congleton and Macclesfield was held over the period from 14th January to 27th February 2009 on the proposed conditions.
- 7.3 **The responses received are appended to the report.**
- 7.4 **A Summary of the Responses** is set out at **Appendix A**.
- 7.5 **An Analysis of the Responses** is set out at **Appendix B**.

8.0 Proposed further consultation - overall size of a private hire vehicle

- 8.1 A private hire vehicle is limited by law to being fitted with no more than eight passenger seats. A PSV (public service vehicle) is a vehicle, usually a bus or a minibus, which is fitted with more than eight passenger seats.
- 8.2 The conditions upon which the consultation exercise has taken place will not however preclude the possibility of the Council being obliged to license a former PSV at the upper end of the 3.5 tonnes weight limit and which has had a number of passenger seats removed in order to bring the vehicle within the scope of private hire vehicle licensing legislation.

¹ Local Government (Structure Changes)(Transitional Arrangements)(No.2) Regulations 2008

- 8.3 In order to more effectively limit the size of vehicles which are acceptable for licensing for private hire purposes, it is proposed to revise condition number 1.4 to include a requirement that the vehicle have a minimum of four doors including two on the nearside and two on the offside. Such a requirement would in practice exclude former PSVs from being licensed for private hire as such vehicles are typically constructed with only two or three side doors.
- 8.4 It has for example been the practice at Macclesfield to prescribe a limit for the size of private hire vehicles in this way whilst at Crewe and Nantwich it has been the practice to license fairly large size ex PSVs for private hire.
- 8.5 As this proposal differs substantially from that upon which the Council went out to consultation, it is therefore proposed that a further consultation with the private hire trade be undertaken on this specific point and the results be reported to a further meeting of the Committee.

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

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

10.0 Reasons for the Recommendations

- 10.1 The recommendation to introduce Cheshire East licence conditions with effect from Day One has been made after giving due consideration to the responses received to the consultation exercise held with current holders of private hire vehicle licences.
- 10.2 The recommendation to hold a further consultation exercise on the proposed amendment to condition 1.4 has been made because the proposal could have a substantial effect on some types of vehicle which have hitherto been licensed for private hire by one of the former authorities.

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For further information:

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Background Documents:

The current private hire vehicle licence conditions of Crewe and Nantwich BC, Congleton BC and Macclesfield BC
Letter sent to holders of private hire vehicle licences
Road Vehicles (Construction and Use) Regulations 1986 No.1078