

Private Hire Vehicle Licence Conditions

ANALYSIS OF CONSULTATION RESPONSES

1.0 Condition number 1.5 – minimum 406mm (16”) seat width

- 1.1 The object of the condition is to prescribe a minimum width of passenger seat which is acceptable.
- 1.2 One respondent states that some seats fitted by manufacturers in ECWVTA vehicles (which are crash tested to M1 standard) are less than 406mm in width.
- 1.3 Whilst the crash testing of vehicles to M1 standard measures the robustness of vehicle seats and their anchorages, it is understood that the dimensions of the seats so tested are not specified.
- 1.4 The minimum width measurement of 406mm is part of the current Macclesfield conditions.

2.0 Condition number 1.7 – seating configuration

- 2.1 The object of the condition is to prevent the layout of the seating in minibus type vehicles from being altered after the grant of the licence.
- 2.2 One respondent noted that the condition was imprecise and the wording has accordingly been amended to address this point.

3.0 Condition number 2.5 – vehicle shall not be fitted with a tow bar

- 3.1 The object of the condition is to prevent the towing of luggage trailers. None of the three constituent authorities have in place a licensing scheme for trailers and this has been carried forward in the proposed condition.
- 3.2 Many respondents made the point that a luggage trailer facilitates the carriage of bulky items such as skis and golf clubs, particularly in the case of vehicles such as MPVs (people carriers) where the luggage space is minimal if all the seats are occupied.
- 3.3 Some respondents want to be able to tow a trailer or caravan when the vehicle is used for their own personal use.
- 3.4 A licensing scheme for trailers would necessitate approved criteria whereby the construction, maintenance, safety and suitability of trailers could be tested by the Council or its agent garages. East Cheshire Council has no such criteria in place at the present time. This latter point is acknowledged in the response signed by 18 persons.

APPENDIX B

- 3.5 The towing of trailers also raises safety issues with respect to the competence of the driver to tow such a vehicle. Again, East Cheshire has no system in place at the present time to enable the capability of licensed drivers to be assessed to tow trailers.
- 3.6 Whilst it is not illegal for a licensed driver to drive a licensed private hire vehicle on his/her own personal or social use it is submitted that it would be inappropriate to make an exception from the proposed condition to accommodate such usage.

4.0 Condition 2.7 – Tinted windows

- 4.1 The object of the condition is to provide a safer environment within the vehicle by enabling the passengers to remain visible from the outside. Excessively tinted windows make enforcement more difficult as the vehicle must be stopped in order to ascertain whether or how many passengers are on board.
- 4.2 An 18 signature response makes the point that any restriction which is over and above that allowed by UK law is unnecessary. A further respondent claims that tinted windows are safer in the event of damage in an accident.
- 4.3 UK Construction and Use Regulations prescribe that the minimum light transmission must be 75% through the windscreen and 70% through the front side windows of a vehicle. The Regulations permit any level of tint to the rear of those windows. The proposed condition would extend the minimum light transmission of 70% to include the rear window and rear side windows.
- 4.4 It is submitted that it is not unreasonable to have a condition the purpose of which is to ensure that the occupants of a licensed vehicle remain visible to enforcement authorities from the outside.

5.0 Condition number 4.2 – additional six monthly testing for vehicles over seven years old

- 5.1 The object of the condition is to impose more a frequent inspection regime on older vehicles licensed by the Council on the ground that vehicles in general become less roadworthy with age.
- 5.2 The respondents have commented that the twice yearly testing of vehicles is an excessive requirement and also imposes an additional cost upon the proprietor.
- 5.3 A regime of twice yearly testing for older vehicles is currently in force at Macclesfield Council. It is submitted that the practice adopted by Macclesfield be applied by East Cheshire Council as a matter of good practice.

APPENDIX B

6.0 Condition 5.2 – vehicles converted to use LPG

- 6.1 The object of the condition is to ensure the safe operation of vehicles converted to run on LPG.
- 6.2 The respondents commented that the part of the condition relating to the provision of a gas tight box for the LPG tank is either unclear or incorrect.
- 6.3 It is accepted that part of the condition number 5.2 is at best superfluous and the reference to the subject of the comments has accordingly been removed.

7.0 Condition number 6 – safety equipment

- 7.1 The object of the condition is to make provision for the carriage of a reasonable amount of basic safety equipment in a licensed vehicle, ie, first aid kit, fire extinguisher, warning triangle and high visibility safety vest.
- 7.2 Two respondents raised the question of liability in the case of misuse of first aid equipment by an untrained driver. 18 respondents queried the safety aspect of the use of a fire extinguisher made implicit by the provision of a fire extinguisher. The other respondents commented that the provision of a warning triangle and a high visibility vest are excessive requirements and also impose additional costs upon the proprietor.
- 7.3 It is submitted that these are basic safety items in common usage and are relatively inexpensive to provide.

8.0 Condition number 7 – signs and notices

- 8.1 The object of the condition is to identify clearly vehicles which are licensed as private hire vehicles.
- 8.2 The reason for this is twofold. Firstly it is important for the safety of the travelling public that the vehicle is clearly identifiable as a licensed vehicle and therefore easily distinguishable from unlicensed vehicles.
- 8.3 Secondly it is a legal requirement that a private hire vehicle must not have the appearance of a hackney carriage and clear signage to this effect helps to make that distinction.
- 8.4 A number of respondents questioned the need for the signs (ie, the words 'private hire', 'advanced bookings only' and the operator's telephone number, all subject to a minimum size). Additional reasons given were that the signage would be unsightly or indiscreet, particularly where an operator caters for more discerning passengers,

APPENDIX B

and the expense incurred in both providing the signs and any subsequent adverse effect on the vehicle paintwork.

- 8.5 An 18 signature response made the point that the condition could lead to a loss of work from clients who would find the signage indiscreet. A further respondent stated that the signage would lose him business as a wedding car.
- 8.6 A licensed private hire vehicle is a vehicle which is licensed to perform a particular service to the public by virtue of its status in law.
- 8.7 A licensed private hire vehicle however performs a different function from a hackney carriage which has its own separate and distinct status in law. Unfortunately in the minds of a great many of the travelling public the distinction is not so clear.
- 8.8 It is submitted therefore that the requirement for clear signage is a fundamental one. Firstly it clearly differentiates to the public in the street the difference between a licensed private hire vehicle and a hackney carriage. Secondly, from a public safety point of view, there is less scope for a potentially vulnerable member of the public to be enticed into getting into a bogus unlicensed (ie, unmarked) vehicle.
- 8.9 For those proprietors whose vehicle is used exclusively on what is sometimes termed corporate or account work and for which it is felt necessary to retain a more discreet appearance, the proposed condition number 10 - Special condition for executive limousines – will provide an opportunity to license a private hire vehicle without the usual display of signs and licence plates provided that certain safeguards are met.
- 8.10 The legislation also provides that cars which are used exclusively for weddings (or funerals) fall outside the scope of private hire licensing.
- 8.11 The proposed condition requiring the display of signs in a minimum size of the lettering has been in force at the Borough of Crewe and Nantwich since 1999.

9.0 Condition number 8.6 - identification stickers

- 9.1 The object of the condition is to generally help the public to identify that the vehicle is not only a licensed vehicle, but, more specifically, which particular vehicle in the event of a complaint.
- 9.2 One respondent has questioned the need for the window stickers in addition to the vehicle licence plates.
- 9.3 It has been the practice for Macclesfield and Crewe & Nantwich to issue further identifications stickers in addition to the vehicle licence plates. The stickers display towards a passenger within the vehicle.