

**To:** General Purposes Licensing Committee

**Date:** 22 February 2012 **Item No:**

**Report of:** Head of Environmental Development

**Title of Report:** Request from a Private Hire Operator to amend the current condition relating to the permitted colour of Private Hire vehicles that seat 5 or more passengers or of a non-saloon type vehicle

### Summary and Recommendations

**Purpose of report:** To seek the views of Committee in response to the request to amend to the current Taxi Licensing regulations, guidelines and criteria relating to the licensing of Private Hire Vehicles that seat 5 or more passengers or are of a non-saloon type vehicle.

**Report Approved by:**

**Finance:** Emma Burson  
**Legal:** Daniel Smith

**Policy Framework:** A vibrant and sustainable economy

**Recommendations:**

**Committee is recommended to:**

- i) determine whether or not to authorise amendment of the regulations, guidelines, and criteria relating to the licensing of Private Hire Vehicles that seat 5 or more passengers, to permit black coloured vehicles; and if having chosen to authorise such an amendment, to also:
- ii) delegate authority to the Head of Environmental Development to make the necessary textual changes to the current regulations, guidelines and criteria.

### INTRODUCTION

1. Following a review in 2010 of the conditions, regulations and criteria previously in place within the Taxi Licensing function, on 1<sup>st</sup> March 2011 the General Purposes Licensing Committee approved the implementation of revised regulations, guidelines and criteria applicable to the licensing of Hackney Carriage and Private Hire vehicles, drivers and operators.
2. Support had also been received from the City of Oxford Licensed Taxicab Association and the Private Hire Operators Association as to the implementation of all of the proposed revisions.

3. On 21<sup>st</sup> December 2011, a request to review the conditions, regulations and criteria relating to the licensing of Private Hire vehicles that seat more than 5 passengers (a historical condition that was implemented before the review in 2010) was received from Mr Niaz Mohammed, who holds a Private Hire Operator licence with this Authority.
4. Mr Mohammed's request seeks amendment of the conditions to allow black coloured vehicles and is attached as **Appendix One**.
5. The current criteria for Private Hire vehicles that seat more than 5 passengers is described within the Conditions applicable to the Licensing of Private Hire Vehicles at Condition 4, and states that:
  - **A vehicle submitted for licensing as a Private Hire Vehicle, to carry more than five passengers or of a non-saloon type will not be approved for licensing if it is black in colour.**
6. At the time the current condition was imposed, it was deemed appropriate in order that People Carriers and non-saloon style vehicles are not mistakenly identified as a Hackney Carriage.

## **BACKGROUND**

7. As a Licensing Authority, the Council has a statutory power to licence vehicles and drivers who wish to provide Hackney Carriage and Private Hire services within Oxford. These powers are granted under two Acts: the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
8. The following types of licence are issued by Oxford City Council: Hackney Carriage and Private Hire Drivers, Hackney Carriage and Private Hire Vehicles, Private Hire Operators.
9. Section 48 (2) of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to impose any conditions on hackney carriage and private hire licences that it considers reasonably necessary:
  - **A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.**

## **CONSIDERATIONS**

10. Oxford City Council is not alone in requesting that Hackney Carriage vehicles and Private Hire vehicles are not visibly alike, and a number of other Authorities seek to ensure that the colour of the coachwork of a Private Hire vehicle is different from that of a Hackney Carriage vehicle.

11. Whilst the Council requires all Hackney Carriage vehicles to be of the “Black Cab” variety, it does not require such vehicles to be of black coloured coachwork.
12. A number of other Authorities do not differentiate between the style or colour of vehicles to be licensed as either a Hackney Carriage vehicle or Private Hire vehicle.
13. When the matter was put to the Chair and Vice-Chair upon receipt of this latest request, their joint view was that it remains the Councils intention to ensure that Hackney Carriages and Private Hire vehicles can be clearly differentiated by the general public, without confusion.

## **FINANCIAL CONSIDERATIONS**

14. There are no financial considerations contained within the content of this report that apply to the Authority.

## **LEGAL CONSIDERATIONS**

15. The Local Government (Miscellaneous Provisions) Act 1976 at sections 47 and 48 allows the licensing authority to attach to vehicle licences such conditions as it considers reasonably necessary. Committee must decide whether they consider that the current requirement for all Private Hire vehicles that seat more than 5 passengers or are of a non-saloon type vehicle remains reasonably necessary. Any licence holder aggrieved by any condition attached to their licence may appeal to the Magistrates’ Court.

## **RECOMMENDATIONS**

16. Committee is recommended to:
  - i) determine whether or not to authorise amendment of the regulations, guidelines, and criteria relating to the licensing of Private Hire Vehicles that seat 5 or more passengers, to permit black coloured vehicles ; and if having chosen to authorise such an amendment to also;
  - ii) delegate authority to the Head of Environmental Development and the Head of Law & Governance to make the necessary textual changes to the current regulations, guidelines and criteria.

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**Background papers:**

**Version: 1.0**

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