

To: General Purposes Licensing Committee

Date: 8th February 2010 **Item No:**

Report of: Head of Environmental Development

Title of Report: Criteria for licensed Private Hire Vehicle Licence

Summary and Recommendations

Purpose of report: To consider a request to amend the criteria for licensed Private Hire Vehicles

Report Approved by:

Finance: Gillian Chandler
Legal: Daniel Smith

Policy Framework: Improving local environment, economy and quality of life – Tackling climate change.

Recommendation(s):

To consider the report and decide:

- Not to amend the current criteria for private hire vehicles as requested at this time.
- Whether or not to request officers to report further on the possibility of a policy for low emission vehicles.
- To amend the current criteria in relation to rear seat leg room in accordance with paragraph 11 of the report.

1. The current criteria for Private Hire Vehicles has been in place for over 10 years with only slight alterations as new manufactured specifications or similar requests to this report have arisen. The basis for the criteria is the suitability of vehicles in terms of type, size and design and the safety and comfort of passengers. For example that each passenger has enough seat and leg room to be comfortable and with easy access/egress to the vehicle and that the vehicles are in a road worthy condition.
2. The Taxi Licensing Office has been approached by a licence holder who wants to licence a Mercedes Smart car as a Private Hire Vehicle. He thinks there is a market for this type of vehicle, 1 passenger, for business people visiting Oxford who might want a 'greener' short journey within the district. The Smart car currently has some of the lowest CO2 emissions with new technologies such as micro-hybrid drive and the forthcoming electrically powered smart electric drive planned for the future.
3. The current criteria for Private Hire Vehicles would not allow this type of vehicle to be licensed. The main reasons for this type of vehicle not complying is that all licensed vehicles have to have an engine size of more than 1500 cc (the largest engine currently for a Smart car is 999cc), seats for at least 4 passengers and 4 doors. **Appendix One – current criteria**
4. However, Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 provides the Council with a reasonably wide discretion when it comes to setting the criteria for suitability of vehicles. If evidence supports it, the Council may consider amending it's criteria so long as the objectives of:
 - suitability of vehicle in terms of type, size and design.
 - the safety and comfort of passengers.are fulfilled..

5. Vehicle criteria are designed to be a common standard and must be clear, certain and straightforward for proprietors to understand. Proprietors must be able to be reasonably certain that a proposed vehicle will or will not meet the criteria before they decide to purchase. Any criteria in place for licensed vehicles has to be able to cover the majority of large family saloon cars for licensing and as there are so many different types of vehicles currently being manufactured and many more that will be developed in years to come it is difficult to be to specific in any new criteria for licensed private hire vehicles that fall outside the large family saloon category. When considering any criteria for licensed vehicles the primary consideration must always be suitability of the vehicle and the safety and comfort of the travelling public.
6. It is not appropriate for the criteria to specify any particular brand of vehicle nor should the Head of Environmental Development be delegated to make an exception to the criteria in order to licence '*any such vehicle as he considers suitable*', this would undermine the other criteria as a whole and lead to uncertainty among proprietors as to which vehicles are acceptable.
7. Committee are therefore recommended not to make any amendment to the vehicle criteria to allow licensing of the Smart vehicle in isolation or to give an undefined and general delegation to Head of Environmental Development.
8. If Committee believe the criteria should be varied to allow ultra low emission vehicles which fail to meet some of the current requirements, it may request officers to investigate and report further on how a specific policy on low emission vehicles could be implemented.
9. It should be noted that the current restriction on vehicle age is already designed to ensure private hire vehicles meet the highest modern emission standards.

10. The possibility of changing the criteria for Private Hire Vehicles was discussed at a recent meeting that officers had with representatives from the Trade. The representatives felt unanimously that 'to water down the current criteria was a step in the wrong direction'. The general opinion at the meeting was that it had taken considerable time to have the high standard of vehicles to be licensed in Oxford compared to other neighbouring councils. That to change the criteria for a vehicle that might be greener but one that did not put the safety and comfort of the passengers first was not the way forward.

Appendix Two – comments from the Trade.

11. Whilst officers were reviewing the current criteria it became apparent that the criteria for the leg room for passengers using the rear seats was causing difficulties and/or misunderstanding for proprietors when considering which vehicle to purchase (condition 5 b) It was too vague as to the position that the front passenger's seats should be in when checking that there was 22cm leg room.

12. After checking several vehicles and consulting with the officers at Cowley Marsh where the vehicle testing is carried out it is recommended that the criteria change to :-

13. The minimum leg-room for passengers using the rear seats shall be 17cm. The measurement to be taken from the front edge of the rear seat to the back of the front seat when it is placed in the furthest possible position from the dashboard and the backrest part of the seat is at a 90% angle with the seat.

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Background papers:

Appendix One : Private Hire Vehicle Criteria

Appendix Two : Comments from Trade

Appendix One

www.oxford.gov.uk



Private Hire Vehicle

Criteria and Conditions of Fitness

17/9/09

Criteria and Conditions of Fitness for Private Hire Vehicles

A. GENERAL

B. TYPE OF VEHICLE & CONDITIONS OF FITNESS

C. DURATION OF CERTIFICATES OF COMPLIANCE

A General

1. It must be understood that although the conditions of fitness set out may have been complied with, approval will be withheld if the Council is of the opinion that the vehicle is unsuitable for use as a private hire vehicle.
2. Vehicles offered for licensing as private hire vehicles in Oxford must not be the subject of a private hire vehicle licence issued by another Licensing Authority or be the subject of a hackney carriage licence issued by this or another Licensing Authority.
3. It must be understood that although the conditions set out may have been complied with and a certificate of compliance and private hire vehicle licence issued, full payment of the current fee for the issue of a private hire vehicle licence must be made or the licence will cease to be valid.
4. It is the responsibility of the proprietor(s) of the private hire vehicle to ensure that all conditions of fitness are complied with at all times and that there is in existence for the vehicle a valid and current insurance policy, a current certificate of compliance and a current licence.
5. The Council does not accept responsibility for informing licence holders of the need to re-licence before a particular date nor for inspecting vehicles before a particular date, although every effort will be made to inspect vehicles prior to the expiry of the licence or certificate if an application is made in good time.
6. *At all times, the vehicle should be maintained in exceptional condition. The bodywork should be kept in a clean condition and the interior, including the floor, seats and any covers must be in good condition, clean and tidy. Any damage caused to the vehicle materially affecting its safety performance or appearance must be notified to the Licensing Office within 72 hours.*

B Type of Vehicle and Conditions of Fitness

No vehicle will be licensed as private hire vehicle unless it complies with the Council's Conditions of Fitness

1. Age of Vehicle

- a. No vehicle will be first licensed as a private hire vehicle unless it is less than five years of age from the date of first registration.
- b. **Date of first registration** will mean the date of first registration in the UK, or the date of manufacture in the case of vehicles first registered outside the UK.
- c. For vehicles older than the maximum age for first licensing, the application formalities and payment of fees must be fully completed within eight weeks of any expired licence.

2. General Construction

- a. Every private hire vehicle must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of licensing and must, in all respects, be in exceptionally well maintained condition.

b. "Exceptionally well maintained" means

- The vehicle to be in excellent mechanical condition;
 - The vehicle to be in all respects, safe and roadworthy, with no signs of corrosion to the mechanical parts, chassis, underside or body work.
 - The exterior of the vehicle to be clean and in excellent condition with no dents or damage of significance. The paintwork to be in excellent condition, of professional standard and consistent with the colour scheme of the vehicle
 - The interior of the vehicle to be in good condition. The upholstery, linings, seats and floor coverings to be clean with no holes, tears or signs of wearing.
 - The boot or luggage compartment to be in good condition, clean and uncluttered.
- c. Vehicles offered for licensing as private hire vehicles must be:

Fitted with an engine of a cubic capacity of not less than 1500cc.

Fitted with a minimum of four passenger doors

Allow unrestricted access and egress for every passenger. (SEE NOTE AT END OF DOCUMENT)

Be safe and comfortable

Be suitable in type, size and design for use as a private hire vehicle.

Not of such design or appearance as to lead any person to believe that the vehicle is a hackney carriage.

3. Colour of Vehicles

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.
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4. Alterations to vehicles

- a. All motor vehicles are required to have a type approval certificate before they can be licensed and used upon the public roads.
- b. No alterations to a vehicle as approved and granted the original manufacturers type approval certificate will be permitted, with the following exceptions.

A conversion for which a whole vehicle type approval certificate has been granted.

Following the grant of a whole vehicle type approval certificate, with the approval of the Council, the simple removal of a seat to allow the easy access to all seats, required by Council regulations

5. Passengers

- a. Every passenger must have a minimum of 40cm seat space. (If it is intended to licence a vehicle to carry 4 passengers then the rear seat must be at least 120cm.

- b. The minimum leg-room, for passengers using the rear seats shall be 22cm. The measurement to be taken from the front edge of the rear seat to the rear of the front seat.
- c. The minimum clear space in front of every part of each seat squab, in the case of non-saloon car with forward facing seats, shall be 66cm.
- d. The minimum clear space in the case of non-saloon cars where seats are placed facing each other, between every part of the front of a seat and any part of any other seat with faces it shall be 48cm.
- e. Suitable measures must be provided to assist persons to rise from the rear seats with particular attention to the needs of elderly people and people with disabilities.

6. Seat Belts

Every vehicle must be fitted with seat belts of a type that conform to the British Standards Institution standards. A seat belt must be provided for every passenger and the driver.

7. Steering

The steering wheel must be on the offside of the vehicle.

8. Wheels and Tyres

All wheels and the tyres fitted must be of the correct type, size and the correct pressure for the vehicle. Unless the vehicle is supplied by the manufacturer with approved run-flat tyres or a spare wheel and tyre of a compact design as original equipment, a spare wheel and tyre of the same type as that fitted to the vehicle and at the correct pressure must be carried.

It is essential that vehicles with run flat tyres be fitted with a working tyre pressure monitoring system.

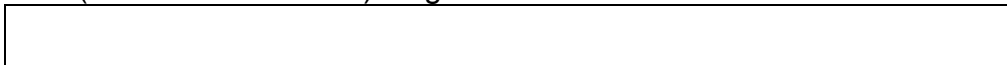
Where a wheel and tyre of compact design (space saver) is carried, tools sufficient to allow the spare wheel to be fitted during a journey will be carried in the vehicle in a safe and secure position.

The vehicle must only be used with a space saver tyre or when normal pressure has been lost from a run flat tyre to enable a hiring to

be completed and then must only be used in accordance with the parameters prescribed by the manufacturer. The vehicle may not be used for any further hirings until the wheel and tyre has been replaced by a wheel and tyre of the correct type for the vehicle or the run-flat tyre has been replaced.

9. Windows

- a. Windows must be provided at the sides and at the rear of the vehicle. The light transmission of any window in any position must not be less than that currently required of the front windscreen and side windows by The Road Vehicles (Construction & Use) Regulations 1986.



- b. The light transmission through the windows of vehicles, including those licensed prior to the introduction of this regulation may not be reduced in any way from that present when the vehicle was approved for licensing.
- c. Passenger door windows must be capable of being opened easily by passengers when seated. The control for opening a door window must be easily identified so as not to be mistaken for any other control.
- d. Where electrically operated windows are fitted they must be approved and comply with the following.

Switches must be available for passengers to operate the windows as required, but the driver's controls must be capable of overriding and locking out the passenger's controls when unescorted children are being carried.

An approved sensing device must be fitted that will stop the window closing when an obstruction is present.

10. Glass

The windscreen must be of laminated construction and not be tinted. All other windows and glass must be an approved safety type.

11. Luggage

Provision must be made for carrying a reasonable amount of luggage and an efficient method of securing it must be provided.

12. Fittings

No fitting other than those approved may be attached to or carried upon the inside or outside of the vehicle.

13. Certificate of Insurance and Form of Holder

A current certificate of insurance as required by any Acts or Regulations relating to Private Hire Vehicles, must be carried in a holder securely affixed to the vehicle in an approved position and be positioned in the holder in such a manner that the details of commencement, expiry and details of cover are clearly visible.

14. Licence Plates

A plate, as supplied by the Council, must be securely affixed to the vehicle in approved position, at the rear of the vehicle. The plate will bear the following information:

- a. the number of the licence issued in respect of the vehicle.
- b. the maximum number of passengers allowed to be carried.
- c. the registration number of the vehicle to which the licence has been issued.
- d. the expiry date of the licence.

15. Door stickers

Door stickers in a form supplied by the council, identifying the vehicle and bearing the words 'Office and Telephone Bookings Only' shall be affixed directly to the front doors on both sides of the vehicle. No method of attachment to the vehicle other than that intended or supplied by the council shall be used.

16. Plying for Hire Sticker

A sticker in a form supplied by the council, indicating that the private hire vehicle is not available for hire shall be affixed to the windscreen.

17. Operator's Sign

- a. A sign must be displayed on the rear doors on both sides of the vehicle containing details of the name of the Operator of the vehicle and any telephone number, fax number or email or web address of that firm.
- b. The sign shall be no larger than the door sign supplied by the Council to identify the vehicle and required under condition introduced in April 1993 and amended in September 2000, to be fitted on the front doors of the vehicle.
- c. The sign shall not contain the words “tax”, “taxi”, “cab”, “taxi-cab” or “for hire”, whether or not as part of another word.
- d. Exemption for the display of the sign will be granted to those vehicles, which have been granted exemption for the display of a licence plate under s74 (3) Local Government (Miscellaneous Provisions) Act 1976 and with the same conditions contained in legislation for that exemption.

18. Steps (for non-saloon vehicles)

- a. The top of the tread for any entrance must be at the level of the floor of the passenger compartment and must not exceed 38cm above ground level when the vehicle is unladen.
- b. The outer edge of the floor at each entrance must be fitted with non-slip treads and must be colour contrasted to an approved type to aid partially sighted persons.
- c. An additional, if standard step height is more than 19cm, removable step must be provided which must not exceed 19cm above ground level when the vehicle is unladen. The step must be fitted with non-slip treads and must be colour contrasted to an approved type to aid persons with disabilities to enter the vehicle. The step must be of an approved design and be designed in such a way as to make it impossible for the door to be closed when the step is in place.

19. Wheelchair Facilities (where fitted)

- a. Approved anchorages must be provided for the wheelchair. These anchorages must be either chassis or floor linked. If floor linked they must be affixed in such a manner that the forces are distributed evenly throughout the floor area by means of a suitable galvanised plate of minimum dimensions 200 x 200mm which must be used beneath the floor.
- b. Approved restraints must be provided for the wheelchair and the person using the wheelchair. These restraints must be independent of each other.

- c. Approved anchorages must also be provided for the safe storage of a wheelchair when not in use whether folded or otherwise if carried within the passenger compartment.
- d. All anchorages and restraints must be so designed that they do not cause a foreseeable danger to other passengers.
- e. An approved ramp or ramps or other apparatus for the loading and unloading of a wheelchair and occupant must be available at all times for use at an approved position. An adequate locating device must be fitted to ensure that the ramp(s) do not slip or tilt when in use. The ramp(s) must be capable of being stowed safely when not in use.

20. Swivel Seat (where fitted)

The nearside of the front seat must be capable of swivelling on its axis to a position where a person with disabilities or an elderly person may seat themselves prior to entering the vehicle. The seat should be capable of re-siting securely in its travelling position with minimum effort from the passenger or minimum assistance from the driver only.

21. Accessories

a. Fire Appliances

A fire extinguisher which complies with E.E.C. Standard EN3, which has a minimum capacity of 1.0 Kg must be carried securely in such a position as to be readily available for use.

b. First Aid Equipment

A first aid kit, which complies with the table set out below, must be carried securely in the vehicle and a first aid window sticker must be prominently displayed on the vehicle windscreen.

Contents of First Aid Kit	Requirements for Vehicle Licensed to Carry				
	UP TO 4	5	6	7	8
First Aid Guidance Leaflet	MINIMUM OF 1	1	1	1	1
Sterile Adhesive Dressings, Waterproof	20	20	24	28	32
Sterile Eye Pad with Bandage, No 16	1	1	2	2	2
Triangular Bandage, No 16	2	2	3	3	3
Safety Pins	8	10	12	14	16
Sterile Wound Dressing, Large No 9	1	1	2	2	2
Sterile Wound Dressing, Medium No 8	3	3	4	4	5
Moist Cleansing Wipes, each wrapped	8	10	12	14	16
Sterile Eye Wash, 500ml	1	1	2	2	2
Scissors, Blunt Ended	1	1	2	2	2
Adhesive Dressing Strip 6.3cm x 15cm	1	1	2	2	2
First Aid Windscreen Sticker	1	1	1	1	1

c. Booster Cushion

Every vehicle must carry a booster cushion of a type that conforms to BSI standards, for use when carrying a child.

22. Taximeter (where fitted)

- a. A taximeter, which conforms to the Council's criteria for taximeters may be fitted and if fitted must be fitted in an approved position.
- b. Taximeters fitted in private hire vehicles in Oxford **must:**

Conform to the standards set by the British Standards Institution **and E.E.C.** for taximeters and be certified by the manufactures that it does conform.

Be approved by the Public Carriage Office

only display tariff rates or other charges set out in the table of fares which must be displayed in a clearly visible position in the vehicle.

be tested, sealed and approved prior to usage.

not be used if, for any reason, the seal has been removed or the meter tampered with until such time as the meter has been retested, resealed and approved for use.

C. DURATION OF CERTIFICATES OF COMPLIANCE

1. Certificates of Compliance will be issued with duration of a minimum of four months and a maximum of six months. In general certificates will be issued with duration of six months.
2. Certificates of Compliance may be renewed up to 14 days in advance of expiry, when, and only upon immediate production of the expiring certificate by the person presenting the vehicle for testing, the new certificate will be dated to expire six months (four months) from the expiry date of the previous certificate.
3. The Council reserves the right to extend or shorten the above periods subject to a minimum and maximum durations given above. Each case will be decided upon its own merits.
4. It must be understood that it is unlawful for a private hire vehicle licensed by the Council to be driven on the highway without a current Certificate of Compliance.

Notes to help you avoid problems...

People carriers – ease of access.

In the same way that we do not licence two door saloon cars, access to the rear row of seats without tilting or moving a seat is required. In most people carriers this is normally achieved by the removal of the nearside seat of the middle row.

Tinted windows

The regulation is imposed for safety reasons.

Because 'that's how it came from the manufacturer', it does not mean that it is OK to be licensed. Our requirements for a vehicle carrying paying passengers are different than those applicable to a private car.

In order to avoid unnecessary expenditure, you should ensure that windows have no tint darker than that permitted by legislation for front side windows.

People carriers - colour

In order that they are not mistakenly identified as hackneys - Not black (and preferably not any very dark colour which could be confused with black)

UNLESS IT IS A STANDARD SALOON AND YOU CAN SEE
ONE ALREADY LICENSED IN OXFORD, DO NOT BUY IT
UNTIL YOU HAVE CHECKED WITH THE LICENSING
OFFICE

Appendix Two

E-mail dated 12th January 2010 from Jeff Measor, the license holder of Radio Cars

Ref: Licensing a Smart car as a PHV

I object to the licensing of a Smart car for the follow reasons,

- 1 **It would be discriminating against the disabled**, because the majority of disabled people are not in wheelchairs but have mobility problems; ie, stiff joints, arthritis, unable to bend, vision impairment, etc. and would not be able to use this vehicle. There is no space to put walking frames, luggage etc. As a licensing officer you already have concerns about licensing a vehicle that has three seats in the front, because of the proximity of the middle passenger to the driver. This would also be the case if you license a smart car, because of the narrowness of a smart car.
- 2 **The government has introduced a green legislation to further reduce exhaust emissions.** The effect of this, is that only newer vehicles which meet the new exhaust criteria will be able to be plated as a Private Hire Vehicle. In view of this a vehicle which does not meet any of the current legislation for a PHV should not be licensed on the grounds of "its green".
- 3 **Passenger safety.** All Oxford City Private Hire Vehicles have the council stickers (which include the car PHV number) on both front doors, and the Company name and telephone number on both rear doors. This is to ensure that the passenger getting into the vehicle can see that it is a licensed vehicle, can identify the PHV number of the car, and that it is a car from the company booked with. A smart car only has two doors, so passenger safety is compromised, as it is unable to meet these requirements.
- 4 I would also like to state that it is in the best interests of all, if licensing new types of vehicles is left to the licensing committee to decide.
- 5 Oxford City has a Hackney and Private Hire trade that it can be proud of, and this has been brought into effect because of the strict licensing standards that Oxford City has always required.

Yours sincerely

J Measor
Radio Taxis Oxford

E-mail dated 22nd January 2010 from the manager of Royal Cars

In regards to allowing Mercedes Smart car to be licensed as a Private Hire Vehicle, I am writing to object to licensing Smart car as a Private Hire Vehicle. As an operator we know customers always require vehicles that will enough boot space to carry shopping, push chairs and journeys that are ending at Airports we require vehicles to have enough boot space to accommodate two to three luggage. Although the Smart cars are environmentally friendly they will not fulfill the need of the public for normal day to day usage.

Regards

Ibrar Mohammed