

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Licensing Board
2.	Date:	10 October 2012
3.	Title:	Proprietor's Request for Individual Exemption to Licensed Vehicle Conditions - Advertisements
4.	Programme Area:	Neighbourhood and Adult Services

5. Summary

This report concerns a written request made to the Licensing Manager by a Licensed Operator, that Members of the Board consider granting the licensee an exemption to condition 6 on the private hire vehicle conditions of licence.

6. Recommendations

THAT MEMBERS CONSIDER THE REPORT AND INDICATE TO THE OFFICER IF THEY ACCEPT OR REJECT THE REQUEST.

7. Proposals and Details

Mr Michael Burns is the owner of the private hire Operating Company “HRB Travel” and operates private hire vehicle NM04 LXT. He has requested permission to display an advertisement in the form of the company name and phone number, and some wording on journey information on both side door panels the boot and bonnet of the vehicle.

The vehicle licence conditions relating to the Proprietor’s Licence are attached at Appendix A of this report.

Pictures of the advertisements supplied by the applicant and his letter of explanation are attached as Appendix B of this report.

8. Finance

Any changes to an individual’s vehicle are entirely funded by the applicant including any related maintenance costs raised through vehicle inspections. Should the Board choose to allow the advertisements the applicant will also be required to pay the current advertisement application fee.

9. Risks and Uncertainties

All matters should be treated in a fair and even handed way with due consideration being shown. Any failure to observe the terms and conditions of licence by licensees as laid out within the hackney carriage or private hire vehicle Conditions of Licence could result in the requirement for enforcement actions as appropriate.

10. Policy and Performance Agenda Implications

The provision of clear, relevant and informed decisions when considering matters ensures that elected Members make a decision consistent with the cross cutting priority theme of fairness. Furthermore enabling Elected Members to make informed and fair decisions supports the priority theme Rotherham safe by helping to ensure the public is protected from inappropriate or illegal activities of licensees.

11. Background Papers and Consultation

Conditions of licence for private hire vehicle proprietors.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

PRIVATE HIRE VEHICLE LICENCES – CONDITIONS OF LICENCE

1. Maintenance of Vehicle

The vehicle and all its fittings and equipment shall at all times, when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations shall be fully complied with.

2. Alteration of Vehicle

- (a) No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.
- (b) Any conversion, modification or alteration to the vehicle which permanently allows it to carry eight or less passengers (excluding the driver) must be notified to H.M. Customs and Excise immediately on completion of the conversion, modification or alteration.

3. Identification Plate

- (a) The plate identifying the vehicle as a private hire vehicle and required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 shall be securely fixed by at least two mechanical fastenings directly to the rear outside of the vehicle, on a vertical part of the bodywork, in such a position that the vehicle's registration mark is not obscured, and in such a manner that the licence plate is clearly visible by daylight from the road, and also in such a manner as to be easily removable by an authorised officer of the Council or a constable. No plate may be displayed in the rear windscreen of a vehicle or on any type of bracket or fixing.
- (b) The licence plate referred to in (a) shall remain the property of the Council and shall be returned forthwith to the Head of Environmental Health, Howard Building, College Lane, Rotherham, if the Proprietor no longer holds a private hire licence issued by the Council, which is in force and has been suspended, in respect of the vehicle.

4. Safety Equipment

There shall be provided and maintained in the vehicle at all times, when it is in use or available for hire, a suitable and efficient fire extinguisher of a make and type suitable for use on a motor vehicle and approved by the Council, i.e. 2.0 kgs. dry powder or 2.0 kgs. AFFF. Such fire extinguisher shall be fitted in a bracket in such a position in the vehicle as to be readily available for immediate use in an emergency. All fire extinguishers must be fitted with a gauge.

5. Signs, Notices, etc.

- (1) There shall not be displayed on or from the vehicle:-
 - (a) any sign or notice which consists of or includes the word 'taxi' or 'cab' whether in the singular or plural or 'hire' or any word of similar meaning or appearance to any of those words whether alone or as part of another word; or
 - (b) any sign, notice, mark, illumination or other feature which, having regard to that time

and place at which it is displayed, may suggest to a person seeking to hire a taxi that the vehicle is a taxi.

- (2) (a) The proprietor shall cause to be affixed to both front doors of a vehicle an identification sign bearing the words "Rotherham Private Hire Vehicle", and "Insured for Advance Bookings only", together with the trading name and telephone number in a form previously approved by the Council.
- (b) condition 5. (2) (a) shall not apply on any occasion upon which a notice has been issued under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976.
- (3) The proprietor shall cause to be affixed and maintained in the vehicle in a conspicuous position in accordance with the directions of the Council any sign or notice relating to private hire vehicles which the Council may from time to time require.
- (4) There may be displayed within the vehicle for the information of passengers a table of fares in a form and printing previously submitted to and approved by the Council.

6. Advertisements

In order that advertisements on vehicles are of a standard type, the following conditions shall apply:-

- (a) That advertisements shall only be allowed on both rear passenger doors and the bonnet of a vehicle;
- (b) That the advertisement shall be the same size as the existing private hire door signs, or will cover a similar area if different in shape;
- (c) That no advertisement should promote tobacco or alcohol products;
- (d) That no advertisement shall be of a sexual, religious or political nature and that it shall not be likely to cause offence;
- (e) That no advertisement be displayed without the written approval of the Head of Environmental Health;
- (f) That a proposed advertisement is to be submitted for approval by a licensed proprietor or operator, not individual vehicle owners;
- (g) That the licensed proprietor or operator submitting any advertisement for approval pay an appropriate fee to cover the cost of the administration involved.

7. Unauthorised Scanning Equipment

There shall not be installed (either permanent or temporary) in the vehicle any equipment which is capable of intercepting or listening to any radio or telephone transmission.

8. Change of Address

The proprietor shall notify the Council in writing of any change of his/her address during the period of the licence within seven days of such change taking place.

9. Convictions

The proprietor shall within seven days disclose to the Council in writing details of ANY conviction (not just motoring convictions) imposed on him/her (or, if the proprietor is a

company or partnership, on any of the directors or partners) during the period of the licence.

10. Deposit of Drivers' Licences

If the proprietor permits or employs any other person to drive the vehicle as a private hire vehicle he/she shall, before that person commences to drive the vehicle, cause the driver to deliver to him/her his/her private hire driver's licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle and any other vehicle of his/hers.

11. Insurance

At all times the proprietor shall, during the currency of this Licence:-

- (a) keep in force in relation to the user of the vehicle as a private hire vehicle a policy of insurance complying with the requirements of Part VI of the Road Traffic Act 1988.
- (b) on being so required by an authorised officer, produce for examination at the Licensing Office within seven days of such request, the certificate of insurance issued by an insurer in respect of the vehicle for the purpose of Part VI of the Road Traffic Act 1988.

Failure to comply with this condition may result in the suspension of the vehicle licence.

12. Window Discs

- (a) The window disc provided by the Council, identifying the vehicle as a licensed private hire vehicle, shall be fixed to and exhibited at all times on the near side (passenger side) of the front windscreen in such a position where it is not obscured and so that all the particulars thereon are clearly visible by daylight, from the near side of the road.
- (b) The window disc shall be fixed to the front windscreen in such a manner as to be easily removable by any authorised officer of the Council or constable.

Notes

In addition to the foregoing Conditions, the Licensee is required to comply with statutory requirements and attention is drawn in particular to Part II of the Local Government (Miscellaneous Provisions) Act 1976.

APPENDIX B

Return address
Michael burns
15 Kingsley Drive
Ravenfield
Rotherham
S65 4GY

Licensing Manager
Maltby Leisure & Service Centre
Braithwell Road
Maltby
Rotherham
S66 8JE

Dear Sir/Madam

I would like to first of all apologise for not following the correct process when having signs put on my vehicle.

I was unaware that you had to have prior authorisation for signage but fully take the responsibility for the mistake as I should of double checked with the licensing office first.

Please except this letter as my request to have the attached signage remain on my Mercedes Vito Minibus. I take my Private Hire DSA driving test on the 20th September.

I have to date passed my theory test, Medical, CRB check and sent of my application for my licence.

If there is any fee I have to pay please let me know.

Regards

Michael Burns



