

	Meeting:	Licensing Board
1.	Date:	Wednesday 14 August 2013
2.	Title:	Proprietors Request for Individual Exemption to Licensed Vehicle Conditions – Hackney Carriage
3.	Programme Area:	Neighbourhood and Adult Services

1. Summary

This report concerns a written request made to the Licensing Manager by a licensed hackney carriage vehicle proprietor for Members of the Board to consider granting the licence holder an exemption to condition 2 and to condition 5 on the hackney carriage vehicle conditions of licence.

2. Recommendations

THAT MEMBERS CONSIDER THE REPORT AND DETERMINE WHETHER THEY ACCEPT OR REJECT THE REQUEST.

7. Proposals and Details

Mr Mohammad Khalil is the owner of the hackney carriage vehicle “KHA111S Toyota Avensis White” plate number HC0012. He has requested permission to remove his Rotherham hackney carriage identity door signs and roof light from the vehicle when it is being operated as a private hire vehicle in another local authority area.

The vehicle licence conditions relating to the proprietors licence are attached at Appendix A of this report.

His email making the request is 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 exemption, the applicant will still be required to comply with all the licence requirements when operating the vehicle in Rotherham and be required to pay any related costs in reversing the alterations.

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 licence holders as laid out within the hackney carriage vehicle conditions of licence could result in the requirement for enforcement action 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 licence holders.

11. Background Papers and Consultation

Conditions of licence for hackney carriage vehicle proprietors.

Contact Name: Deborah Bragg, Licensing Manager, 34524, deborah.bragg@rotherham.gov.uk

ROTHERHAM METROPOLITAN BOROUGH COUNCIL
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
TOWN POLICE CLAUSES ACT 1847

CONDITIONS OF LICENCE – HACKNEY CARRIAGE VEHICLE LICENCES

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 in accordance with By-law No. 3 and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Constructions and Use) Regulations shall be fully complied with.
2. Alteration of Vehicle
No material change or alteration 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.
3. Identification Plate
The licence plate provided by the Council, identifying the vehicle as a hackney carriage shall be securely fixed by at least two fastenings to the rear of the vehicle on a vertical part of the bodywork other than the rear windscreen in such a position that the vehicle's registration mark is not obscured and so that all the particulars thereon are clearly visible by daylight from the road, and in such manner as to be easily removable by any authorised officer of the Council or a constable.
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.
 - (i) (a) The proprietor shall cause the vehicle to carry a standard type roof sign bearing the word "TAXI" to the front of the sign in black lettering of 3¹/₂" high on a yellow background, and his/her trade name and telephone number to the rear of the sign in black lettering of 2" high on a red background. The sign must be able to be illuminated.
 - (b) Condition 4(i)(a) shall not apply to purpose built Metropolitan-type hackney carriages which have in-built illuminated taxi signs.
 - (ii) The proprietor shall also cause to be affixed to the vehicle two signs on both the front doors. The signs must measure 14" wide by 8" deep bearing the words "ROTHERHAM HACKNEY CARRIAGE" in black lettering on a white background. These signs are available from the Council. Only the type, size and design provided by the Council are to be affixed to the vehicle.

- (iii) No other signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicles except as may be required by any statutory provision (including by-laws) or required or permitted by these conditions, provided however, that this condition shall not apply to any indication on a taximeter fitted to the vehicle.

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 hackney carriage 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. Colour

The vehicle will be coloured white.

8. Inspection of Vehicle

- (a) The proprietor shall permit an authorised officer or any constable to inspect the vehicle at all reasonable times.
- (b) If the authorised officer or constable is not satisfied as to the condition of the vehicle for use as a hackney carriage, the proprietor shall after being notified in writing present the vehicle for inspection at such time and such place within the Borough of Rotherham as is specified in such notice.
- (c) If the authorised officer or constable is not satisfied as to the condition of the vehicle for use as a hackney carriage upon completion of the inspection as required in (b) above, the proprietor shall forthwith upon being required to do so by the authorised officer or constable cause the licence plate to be removed from the vehicle and handed to the authorised officer or constable, who shall keep it in his custody until such time as he is satisfied as to the condition of the vehicle whereupon the licence plate will be returned to the proprietor.

9. Accidents

Without prejudice to the provisions of Section 25 of the Road Traffic Act 1988, the proprietor of a hackney carriage licensed by the Council shall report to them as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, any accident to such hackney carriage causing damage materially affecting the safety, performance or appearance of the hackney carriage or the comfort or convenience of persons carried therein.

10. 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 hackney carriage 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.

11. Transfer of Licence

If the proprietor of a hackney carriage licensed by the Council transfers his interest in the vehicle to a person not named in the licence, he shall within fourteen days after such transfer give notice in writing thereof to the Council specifying the name and address of the person to whom the hackney carriage has been transferred.

12. Window Discs

- (a) The window disc provided by the Council, identifying the vehicle as a licensed hackney carriage 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.

Note: In addition to the foregoing conditions, the proprietor is required to comply with statutory requirements and attention is drawn in particular to the Town Police Clauses Act 1847, the Hackney Carriage By-laws made under that Act and Part II of the Local Government (Miscellaneous Provisions) Act 1976.

Appendix B

Giller, Katy

From: Bragg, Deborah
Sent: 09 July 2013 13:18
To: 'Mansha Hussain'
Cc: Giller, Katy
Subject: RE: Hackney carriage

Hello Mr Khalil

Thank you for your application - unfortunately it is too late to be presented for Licensing Board this month but it will be considered at the next meeting in August.

Nearer the time you will receive a letter confirming the date and time.

Kind regards

Deborah

Deborah Bragg
Licensing Manager
Neighbourhoods and Adults Services Directorate Rotherham Metropolitan Borough Council
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Internal from new: 34524

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-----Original Message-----

From: Mansha Hussain [<mailto:manshahussain786@gmail.com>]
Sent: 09 July 2013 12:14
To: Bragg, Deborah
Subject: Hackney carriage

I Mohammad Khalil of 7 Oakdale Road, Kimberworth, Rotherham, S61 2NU would request to the licensing board to consider for me to use my hackney carriage license plate number 12 for removal off the roof sign and door signs when working on private hire in another borough, as result of this action of the signs it wouldn't confuse the local people and would maintain the identity of the local hackney carriages.

As you can appreciate in the current financial climate it is very difficult to run a new vehicle in this difficult time we would be great full if consider my application.

Mohammad Khalil