

PUBLIC PROTECTION COMMITTEE: 7 August 2018

Report of the Head of Regulatory Services

LICENSING OF PRIVATE HIRE VEHICLES USED FOR SPECIAL EVENTS

1. Background

- 1.1 An application has been received from Mr Daniel Morgan to approve a 1965 Volkswagen Beetle as a private hire vehicle at special events such as School proms. At present, this vehicle is unable to be licensed as it does not meet the Council's Private Hire Vehicle Licence conditions.

2. Details of the Application

- 2.1 Mr Morgan has set up a business primarily dealing with bookings for weddings, which are exempt from the licensing requirements of the Local Government (Miscellaneous Provisions) Act 1976.
- 2.2 Mr Morgan has received a booking request for a School prom, which at present he is unable to fulfil as the vehicle is not licensed.
- 2.3 Mr Morgan's vehicle is a 1965 Volkswagen Beetle 1200, registration number CJE 281C. Photographs of the vehicle are attached at Appendix A.
- 2.4 Mr Morgan states that his car is in immaculate condition and despite being exempt from requiring an MOT test (due to its age), he has had it MOT tested with no advisories.
- 2.5 In order to fulfil such booking requests, Mr Morgan will also be required to obtain a private hire operator licence and will only be able to use licensed hackney carriage/private hire drivers.

3. Private Hire Licensing Regime

- 3.1 Under Section 80 of the Local Government (Miscellaneous Provisions) Act 1976, 'private hire vehicle' is defined as '*...a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle or a London cab or tramcar, which is provided for the hire with the services of a driver for the purpose of carrying passengers...*'
Consequently, there are no restrictions that prevent such vehicles being considered for use as private hire vehicles.

- 3.2 Private hire vehicles must be pre-booked through a private hire operator and must be driven by a licensed private hire driver. All three licenses must be issued by the same local authority.
- 3.3 All private hire vehicles licensed in Cardiff must comply with the Councils' Taxi Licensing Policy and Conditions. The Policy aims to ensure that licensed vehicles are safe, suitable and comfortable for use by the fare paying public.
- 3.4 The age and size of Mr Morgan's Volkswagen Beetle makes it unable to comply with the council's current Licensing Policy and Conditions on the following points:
- *'All vehicles must be fitted with a right hand drive and four doors'* – The vehicle only has 2 doors.
 - ***Knee Space***
'The measurement between the rear of the front seats and the squab of the back seat must be not less than 30 inches. Where the front seats are capable of adjustment, the measurement is to be made in the mid position'. – The vehicle has fewer than 30 inches.
 - ***Rear seat (door to door panel)***
'The distance between the internal panels of the two rear doors, measured in a straight line lengthways at its widest part must be not less than 54 inches - The vehicle has fewer than 54 inches.
- 3.5 All licensed vehicles must undergo testing at an MOT station within Cardiff.
- 3.6 The current policy states that vehicles presented for licensing must be under 25 months old and will not be relicensed if they are over 6 years old, apart from Prestige Vehicles which can be presented for first time licensing under 10 years old and will not be relicensed if over 10 years old. Mr Morgan's vehicle is 53 years old.
- 3.7 The policy on age restrictions cannot be absolute so an Exceptional Condition Policy is in place to assess the suitability of vehicles over the maximum licensable age. Due to the nature of vehicles used for special events, it would not be possible to apply the Exceptional Condition Policy.
- 3.8 If the Committee were minded to approve this application, a special set of conditions would need to apply in place of the standard conditions to ensure that vehicles licensed for special events are structurally and mechanically safe. A draft set of conditions in relation to vehicles licensed for special events is detailed in Appendix B.

4. Passenger Safety

- 4.1 One of the main aims of the Taxi Licensing Policy is to ensure that licensed vehicles are safe for use by the public, the driver and do not pose any risk to other road users.
- 4.2 Modern vehicles have a range of safety features as standard such as seat belts, driver and passenger airbags, crumple zones, anti-lock braking systems (ABS), and traction control. As technology improves, newer cars are being manufactured with more advanced safety features such as autonomous emergency braking, pedestrian detection, adaptive cruise control, visibility aids, speed limiting devices, attention monitoring systems, tyre pressure monitoring systems, These features aim to minimise the likelihood of collisions and aim to reduce injuries to the driver and passengers in the event of an accident.
- 4.3 Many vehicles licensed for special events, such as classic cars, have far fewer safety features than modern cars generally used as private hire vehicles. Cars manufactured before 1965 can be retrofitted with seat belts but they offer comparatively little protection to the driver/passenger(s) in the event of a collision.

5. Passenger Comfort

- 5.1 Standard licensed vehicles have numerous features in the interests of passenger comfort such as conventional suspension, heating/air conditioning systems, comfortable seats, and are of a closed watertight design to eliminate the effects of adverse weather and reduce noise.
- 5.2 Vehicles licensed for special events may have smaller internal dimensions, no rear passenger doors and may also have an open compartment design, meaning that passengers are subject to any adverse weather.

6. Vehicle Accessibility

- 6.1 Vehicles licensed for special events may not be suitable for all people with disabilities, especially passengers in wheelchairs. It is unlikely that such vehicles will be able to accommodate a passenger in a wheelchair and in many cases there will only be a very small luggage compartment. Therefore, it is unlikely that vehicles licensed for special events will comply with the requirements of the Equality Act 2010 in relation to disabled access.
- 6.2 Consultation with Cardiff Access Group has been undertaken, and a response is detailed in Appendix C.

7. Consultation

- 7.1 The trade consultation procedure was undertaken in accordance with the consultation procedure on any policy matters. The draft reports intended for consideration were made available at the licensing offices for any interested party to provide written submissions.

8. Achievability

This report contains no equality personnel or property implications.

9. Legal Implications

- 9.1 Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a Council has a discretion to grant a private hire vehicle licence provided that a Council shall not grant such a licence unless they are satisfied that the vehicle is insured and is:
- (i) suitable in type, size and design for use as a private hire vehicle;
 - (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
 - (iii) in a suitable mechanical condition;
 - (iv) safe; and
 - (v) comfortable
- 9.2 Pursuant to section 48 (7) of the Local Government (Miscellaneous Provisions) Act 1976 any person who is aggrieved by the refusal to grant a vehicle licence under this section, or by any conditions specified in such a licence , may appeal to a magistrates' court
- 9.3 The Council currently has a strict policy regarding the type and specification of vehicles, which may be licensed as Private Hire Vehicles.
- 9.4 The specification is designed to ensure the safety of fare paying passengers as well as other road users. It also aims to ensure that vehicles are comfortable and suitable for use as a Private Hire Vehicle.
- 9.5 The Council would need to consider if it is appropriate to deviate from the specification to allow vehicles licensed for special events to operate as licensed private hire vehicles.

10. Financial Implications.

- 10.1 There are no financial implications arising from this report.

11. Recommendations

- 11.2 That the Committee approve the Special Event Private Hire Vehicle Conditions detailed in Appendix B.

11.1 That the Committee approve Mr Morgan's request to licence his 1965 Volkswagen Beetle for use as a special event private hire vehicle.

12. Reasons for the Recommendations

12.1 In recognition of the nature of the work carried out, the conditions detailed in Appendix B will only apply to vehicles used solely for special events and will not apply to standard private hire vehicles. Each application for a special event private hire vehicle licence will be determined on its merits.

12.2 Mr Morgan's vehicle will be used solely for a limited number of special events and as such the special event private hire conditions are considered acceptable as the vehicle will not be used for regular private hire work.

Dave Holland
HEAD OF SHARED REGULATORY SERVICES

11 June 2018

This report has been prepared in accordance with procedures approved by Corporate Managers.

Background Papers:
ROSPA Seat Belts: History