

## REPORT

To: GENERAL PURPOSES COMMITTEE		Subject: PRIVATE HIRE CAR LICENSING - SPECIFICATION OF PRIVATE HIRE VEHICLES
From: DIRECTOR OF ADMINISTRATION		
Date: 6 February 2003	Ref: WBK/KH	

## 1. PURPOSE OF REPORT

- 1.1. The purpose of this report is to advise the Committee of the outcome of the consultation in respect of the proposed inclusion of people carrier type vehicles and estate cars in the private hire vehicle specification and to present the issue for decision.

## 2. INTRODUCTION

- 2.1. The Committee is reminded of a report on the private hire vehicle specification which was considered at its meeting on 8 May 2002. The Committee was advised that its current minimum vehicle specification for private hire cars had been arrived at on 26 August 1998 and that no firm decision had been reached on the issue of people carrier type vehicles at that time. The Committee approved a consultation process on the issue and that process has now been undertaken.
- 2.2. Initially, the views of the Director of Community Services, who is responsible for taxi and private hire vehicle inspections, and the Chief Constable of Strathclyde Police were sought. Neither had any objection to the inclusion of people carrier and estate type vehicles in the private hire vehicle specification. Thereafter, a draft minimum vehicle specification, capable of including people carrier and estate type vehicles, was prepared. All private hire operators were consulted and given the opportunity to make representations on the draft minimum vehicle specification. A small number of responses were received from the private hire trade and copies are available within the Department of Administration.

## 3. ISSUES FOR CONSIDERATION

- 3.1. The Committee requires to consider the draft minimum vehicle specification for private hire cars (Appendix A) with a view to deciding whether to approve the said specification.
- 3.2. The principal policy issue that arises from this exercise relates to passenger seating capacity. The proposed specification has a defined maximum seating capacity of six adult passengers. In the course of the consultation it was suggested by certain members of the private hire trade that there are vehicles appropriate for private hire use with up to eight passenger seats and that the full passenger capacity should be approved.
- 3.3. The Committee should bear in mind that the maximum passenger seating capacity currently available to taxi operators is six adult passengers. Despite the fact that there are purpose built vehicles which may be capable of seating seven adult passengers historically the Council has limited the seating capacity in taxis to six adult passengers primarily due to luggage considerations. The Committee is aware of the keen competition between taxi and private hire operators in North Lanarkshire

and whilst the Committee is keen to preserve and enhance the distinction between taxis and private hire cars, the Committee may feel that to approve a greater passenger seating capacity for one trade may leave the Council open to criticism from the other based on the creation of a potentially unfair trading advantage.

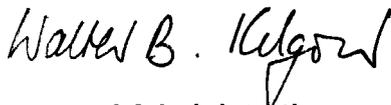
- 3.4. On the other hand, as advised at the meeting on 8 May 2002, a potential "grey area" between the provisions of the Civic Government (Scotland) Act 1982 and the Public Passenger Vehicles Act 1981 has come to light. The 1981 Act is administered at national level by the Traffic Commissioner whereas the 1982 Act is regulated by local authorities. It has become apparent that some hire operations previously thought to be covered by public service vehicle licences in terms of the 1981 Act, or thought to be exempt from both Acts, should in fact be covered by private hire car licences in terms of the 1982 Act. Consequently there was a potential that there were a number of operators who wished to carry on "executive" or "chauffeur" hire who previously thought that they did not require a private hire car licence for that type of work. Essentially vehicles up to eight passenger seats are potentially capable of falling within the ambit of a private hire car licensing.
- 3.5. There has of course been a full consultation process on the draft minimum specification and the Committee may feel that adequate opportunity has been given to those who would wish to make representations on this matter. Only one specific representation has been received on this issue. The general tenor of that representation is that the Traffic Commissioner should continue to licence vehicles with more than eight passenger seats whilst the Committee should licence vehicles with eight or less passenger seats thereby leaving no "gap" in between. The Committee may consider that there is insignificant opposition to the maximum six passenger capacity weighed against other considerations.
- 3.6. The Committee may wish to note in passing that certain operators have suggested a wider choice of vehicles to include people carriers and estate cars may have benefits for disabled or elderly passengers.

#### 4. **CORPORATE CONSIDERATIONS**

- 4.1. The determination of the Council's policy on the private hire vehicle specification should have no significant impact on the Council's wider corporate policies and positions.

#### 5. **RECOMMENDATIONS**

- 5.1. The Committee is asked to approve the minimum vehicle specification for private hire cars contained in Appendix A and that with effect from 1 March 2003.



**Director of Administration**

*(Members requiring further information on the contents of this report are asked to contact Kenny Hannaway, Senior Solicitor (Licensing) on Extension 2214.*

**North Lanarkshire Council  
Private Hire Cars - Vehicle Specification**

Please note that vehicles operated under private hire car licences issued by North Lanarkshire Council must comply with the undernoted specification and must be maintained in accordance with this specification throughout the currency of the private hire car licence:-

- (1) The vehicle must be a production line four/five door, right hand drive saloon, estate or hatchback type vehicle, or, if not such a vehicle, a vehicle falling within paragraph (1)(b) below. All seats must be forward facing.
  - (a) If the vehicle to be operated is a five-door saloon or hatchback type vehicle, it shall be a condition of the licence that the fixed rigid rear parcel shelf remain in position during the duration of the hire.
  - (b) If the vehicle to be used is a multi-person vehicle (MPV) or people carrier type vehicle, or is otherwise designed to be capable of carrying five or more adult passengers (that is, for the avoidance of doubt, excluding the driver) then it must comply with the additional requirements in respect of such vehicles referred to below. **It should be noted that a vehicle will be classed by the Council for the purpose of this specification as an MPV or people carrier, regardless of any manufacturer description, if it has three rows (including the front "driver's" row) of individual seats for passengers. All seats must be forward facing.**
- (2) The minimum engine capacities and fuel system requirements are:-
 

Minimum engine capacity of 1800cc for petrol engines  
Minimum engine capacity of 1800cc turbo diesel engines  
Minimum engine capacity of 2000cc naturally aspirated diesel engines

The Council has approved in principle dual petrol and liquid petroleum gas fuel systems. Approval for such vehicles will be granted when the vehicle meets all the other vehicle specifications and provided the conversion has been undertaken by an approved company (a list of the approved companies is held at the Licensing Office, Legal Services Division, North Lanarkshire Council, Civic Centre, Motherwell)
- (3) A minimum seating capacity of four adult passengers and a maximum seating capacity of six adult passengers (both stated capacities exclude the driver seat).
- (4) Seating capacities must allow for a minimum seating width of 410 mm per seat per passenger or 1230 mm overall, measured in accordance with the provisions of the Road (Registration and Licensing) Regulations 1971.
- (5) A minimum luggage capacity of 11.4 cubic feet (323 Litres ). Where the vehicle is not designed for luggage to be kept separate from the passenger compartment in a boot covered by a rigid fixed rear parcel shelf, then the vehicle must be fitted with a manufacturer approved load partition/restraint that can be fixed securely to the interior of the vehicle to form a secure partition between luggage space and passengers.
- (6) The vehicle shall not have had its specification altered from the original manufacturer's equipment, nor have been the subject of any other modification and shall remain painted in the original manufacturer's colours.  
**CENTRAL LICENSING AREA ONLY - The vehicle must not be black**
- (7) The vehicle shall be provided with seating of a uniform colour and material. The vehicle shall be provided with carpets of uniform colour and material.
- (9) The vehicle shall have external mirrors fitted to its nearside and offside.
- (10) The vehicle shall be fitted with a properly maintained and suitable fire extinguisher (Minimum 0.5-kg dry powder or foam) held in an appropriate fastener and in an appropriate position having regard to passenger safety and ease of access thereto. The vehicle shall have a properly maintained and suitable first aid kit. (Travel size for 1-5 people).

Additional requirements for MPV's/People Carriers

- (11) A minimum distance between the seats for legroom of 220 mm. Entrance height must not exceed 350mm (measured to top of sill )
- (12) Where a row of seats is available between the front seats and rear seats ("middle row"), the middle row must fold and tip to allow access to the rear row of the seats. Where there is a middle row of seats the rear seats must be able to stow to the side, fold forward or lie flat to provide luggage space.