

**Manchester City Council  
Report for Resolution**

**Report to:** Licensing & Appeals Committee – 23 March 2015

**Subject:** Implementation of an addendum to the hackney carriage vehicle policy and private hire vehicle proprietor conditions relating to the provision of evidence relating to the servicing/maintaining of hackney carriage and private hire vehicles

**Report of:** Head of Planning, Building Control and Licensing

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**Summary**

On 15 December 2014 the Committee considered a report which included information regarding the introduction of an addendum to the current hackney carriage vehicle policy and private hire vehicle proprietor conditions; the objective being to ensure as far as possible that such vehicles are safe and fit for purpose for both the travelling public and the individuals who drive them. The Committee agreed the addendum and asked officers to implement as soon as practicable.

Since the meeting officers have met with relevant persons and considered the best and most effective way to introduce the addendum to the policy.

This report provides the Committee with the proposals for implementation of the agreed addendum to the current hackney carriage vehicle policy and private hire vehicle proprietor conditions.

**Recommendations**

That the Committee agree:

- (i) A revision to the wording of the addendum to the current hackney carriage vehicle policy and private hire vehicle proprietor conditions, as outlined in 2.5 of the report.
  - (ii) That reasonable written evidence should include the production of a 'check sheet (or comparable document) as provided in **Appendix 1**
  - (iii) That the policy is implemented on 5 May 2015
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**Wards Affected: All**

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<b>Community Strategy Spine</b>	<b>Summary of the contribution to the strategy</b>
Performance of the economy of the region and sub region	Not applicable to content this report
Reaching full potential in education and employment	Not applicable to the content of this report
Individual and collective self esteem – mutual respect	Not applicable to the content of this report
Neighbourhoods of Choice	Not applicable to the content of this report

**Full details are in the body of the report, along with any implications for:**

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

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**Financial Consequences – Revenue**

None

**Financial Consequences – Capital**

None

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**Contact Officers:**

Name: Julie Roscoe

Position: head of Planning, Building Control and licensing

Telephone: 0161 234 4552

E-mail: j.roscoe@manchester.gov.uk

Name: Ann Marku

Position: Principal Licensing Officer (Taxis)

Telephone: 0161 2196291

E-mail: a.marku@manchester.gov.uk

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**Background documents**

Licensing and Appeals Committee report of 15 December 2015 (Min LAP/14/30) refers.

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## **1.0 Introduction**

- 1.1 Members of the Committee will recall on 15 December 2014 agreeing an addendum to the hackney carriage vehicle policy and private hire vehicle proprietor conditions relating to the provision of evidence of regular servicing and maintenance of hackney carriage and private hire vehicles.
- 1.2 The Committee asked officers to implement the addendum as soon as practicable.
- 1.3 Since the date of the Committee officers have consulted with vehicle inspectors, compliance officers and legal colleagues as to the most effective and practical way to introduce the revised policy/conditions.
- 1.4 This report outlines the questions that arose in relation to the implementation of the policy as agreed by Members on 15 December 2014 and proposed solutions to address these matters.

## **2. Proposals for the Implementation of the revised Addendum.**

- 2.1 The addendum agreed by Members at the December meeting advised that vehicle proprietors would, at the time of the Council's mechanical and structural test, provide \*reasonable written evidence that any vehicle owned by him/her has been regularly and properly mechanically serviced/maintained  
*\*reasonable written evidence shall include, as a minimum – documented service/maintenance history and associated receipts.*
- 2.2 In reviewing how the addendum would be implemented officers have had discussions with vehicle inspectors, compliance officers and legal colleagues. The discussions highlighted some matters that would require resolution prior to any addendum implementation. These issues are;
  - The need to provide documentation at every mechanical test
  - Further clarification of what constitutes 'reasonable written evidence'
- 2.3 The need to provide documentation at every mechanical test.
  - 2.3.1 It was evident that for persons to provide documentation at every test (dependent on the age of vehicles some have up to 3 test per year) this would not only be burdensome on the vehicle drivers/proprietors but also on garage staff and compliance officers.
  - 2.3.2 Officers are therefore proposing that documentation should only be provided at a vehicles annual inspection. This will make the process and any compliance more manageable and easier to monitor.
- 2.4 Further clarification of what constitutes 'reasonable written evidence'
  - 2.4.1 In proposing what constitutes 'reasonable written evidence' officers have taken into consideration;

- that a number of vehicle proprietors carry out their own maintenance and
- the addendum has to be effective and reasonable

2.4.2 Officers have in conjunction with vehicle inspectors produced a simple 'check list', (attached at **Appendix 1**) which can be used by driver /proprietors (use of a comparable check list would also be acceptable). The check sheet provides 12 monthly checks.

Drivers will on a daily basis check their vehicle in respect of;

- Fuel, oil and water
- Handbrake/footbrake
- Wheel security (no nuts/studs missing or loose)
- Tyres: tread/pressure
- Lights, reflectors, horn (including activated warning lights)
- Driver's mirrors (intact and adjusted)
- Windscreen/wipers/washer
- All seats and seat belts
- First aid box/fire extinguisher
- Stickers/plates
- Body panels/paintwork
- Sundry equipment, ie. steps, ramps, wheelchair anchor
- straps, swivel seats
- Suspension/steering, ie. any knocking or rattling?
  - (Problems should be investigated immediately and necessary repairs carried out.)
- Plate number Registration number

And complete the documentation on a monthly basis. This would be a much more manageable process and avoids excessive paperwork.

2.4.3 The introduction of this simple check sheet does, however, provides a tool to support drivers and proprietors to work together with the Council to ensure that vehicles are maintained and fit for purpose.

2.4.4 It will be the responsibility of the vehicle proprietor to ensure that prior to tracking out a vehicle they ensure that any driver(s) is fully aware of all of the vehicle facilities, especially in relation to the operation of swivel seats, deployment of ramps and the use of straps for securing a wheelchair in the vehicle, and that they are competent to carry out the basic checks required. Where a vehicle is tracked to more than one person the proprietor should ensure that the checks are carried out by one or all of the drivers.

2.4.5 Every hackney carriage and private hire vehicle proprietor will be provided with a copy of the check-sheet and it will also be available as a download on the Council's taxi web page.

- 2.5 Officers have amended the wording of the policy so that it reflects the proposals for its implementation. The revised wording, which will be added to the Hackney Carriage Vehicle Policy, Conditions attached to both Hackney Carriage and Private Hire Vehicle Proprietor Conditions are provided below, with the changed text in bold italic

Hackney Carriage Vehicle Policy Section 3 (Miscellaneous Policies and Standards)

3.6 Vehicle Test Standards

B(i) The hackney carriage vehicle proprietor must:

- at any time during the currency of the hackney carriage vehicle licence be able to produce on request by an authorised officer of the Council or a police constable, \*reasonable written evidence that any vehicle owned by him/her has been regularly and properly mechanically serviced/maintained.
- at the time of the Councils mechanical and structural inspection test (***vehicle annual inspection***), provide \*reasonable written evidence that any vehicle owned by him/her has been regularly and properly mechanically serviced/maintained.
  - \*reasonable written evidence shall include, as a minimum:
- ***evidence of daily vehicle checks***, documented service/maintenance history and associated receipts

Hackney Carriage Vehicles Policy Section 5 (5.1 Conditions attached to a Hackney Carriage Proprietors' Licence

6. (i) The hackney carriage vehicle proprietor must:

- at any time during the currency of the hackney carriage vehicle licence be able to produce on request by an authorised officer of the Council or a police constable, \*reasonable written evidence that any vehicle owned by him/her has been regularly and properly mechanically serviced/maintained.
- at the time of the Councils mechanical and structural inspection test, (***vehicle annual inspection***), provide \*reasonable written evidence that any vehicle owned by him/her has been regularly and properly mechanically serviced/maintained.
  - \*reasonable written evidence shall include, as a minimum:
- ***evidence of daily vehicle checks*** documented service/maintenance history and associated receipts

## Private Hire Vehicle Proprietor Licence Conditions

### 5(i) The private hire vehicle proprietor must:

- at any time during the currency of the private hire vehicle licence be able to produce on request by an authorised officer of the Council or a police constable, \*reasonable written evidence that any vehicle owned by him/her has been regularly and properly mechanically serviced/maintained.
- at the time of the Councils mechanical and structural inspection test, **(vehicle annual inspection)**, provide \*reasonable written evidence that any vehicle owned by him/her has been regularly and properly mechanically serviced/maintained.
  - \*reasonable written evidence shall include, as a minimum:
- **evidence of daily vehicle checks** documented service/maintenance history and associated receipts

2.6 To allow time for informing the trade, printing and updating relevant policies and web pages officers suggest an implementation for the addendum date of 5 May 2015.

## 3.0 Legislation

3.1 Sections 47 and 48 of the local Government (Miscellaneous Provisions) Act 1976 provide the Council with the authority to attach conditions to the grant of a licence for a hackney carriage and a private hire vehicle proprietor.

3.1.1 Conditions must be reasonable and any person aggrieved by any such conditions may appeal to a magistrates' court.

## 4.0 Other legal implications

4.1 There are no other legal implications to consider other than those already highlighted within the report.

## 5.0 Contributing to the Community Strategy

5.1 (a) Performance of the economy of the region and sub region

5.2 (b) Reaching full potential in education and employment

5.3 (c) Individual and collective self-esteem – mutual respect

5.4 (d) Neighbourhoods of Choice

## 6.0 Key Policies and Considerations

(a) Equal Opportunities

**(b) Risk Management**

**(c) Legal Considerations**

**7. Conclusion**

- 7.1 This report outlines the proposals for the implementation of the addendum to the current hackney carriage vehicle policy, hackney carriage vehicle proprietor conditions and private hire vehicle proprietor conditions as agreed by the Licensing and Appeals Committee on 15 December 2015.
- 7.2 The report advises that in considering the implementation of the addendum officers, having consulted with vehicle inspectors, compliance officers and legal colleagues became aware of some issues that required resolution.
- The need to provide documentation at every mechanical test
  - Further clarification of what constitutes 'reasonable written evidence'
- 7.3 The report outlines the proposed resolution of the issues namely that evidence of maintenance need be provided only at a vehicles' annual inspection and That reasonable written evidence should include the production of a 'check sheet (or comparable document) as provided in **Appendix 1**
- 7.4 Within the report officers have recommended an implementation date of 5 May 2015, which will allow time for informing the trade, printing and the updating relevant policies and web pages.

Item checked	Satisfactory (please ✓ as appropriate)	
	YES	NO
Fuel, oil and water		
Handbrake/footbrake		
Wheel security (no nuts/studs missing or loose)		
Tyres: tread/pressure		
Lights, reflectors, horn (including activated warning lights)		
Driver's mirrors (intact and adjusted)		
Windscreen/wipers/washer		
All seats and seat belts		
First aid box/fire extinguisher		
Stickers/plates		
Body panels/paintwork		
Sundry equipment, ie. steps, ramps, wheelchair anchor straps, swivel seats		
Suspension/steering, ie. any knocking or rattling? (Problems should be investigated immediately and necessary repairs carried out.)		

Plate number: \_\_\_\_\_ Registration number: \_\_\_\_\_

Checks completed: \_\_\_\_\_ Date From: \_\_\_\_\_ Date To: \_\_\_\_\_

I certify that the above checks have been completed. Any corrective action has been completed. The vehicle is/is not in a roadworthy condition.

Checks carried out by	Name (please print):	Badge no:
	Signature:	Date:

Proprietor of vehicle	Name (please print):	Contact no:
	Signature:	Date:

Item checked	Satisfactory (please ✓ as appropriate)	
	YES	NO
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## Hackney Carriage Vehicle Safety Checks

An addition to the current Hackney Carriage Vehicle Policy was agreed by the Licensing and Appeals Committee in December 2014, and written proof will now be required to show that you have performed basic vehicle checks on a regular basis, and that your vehicle has been properly maintained throughout the course of its licence.

### Daily checks:

Basic checks should be carried out every day before taking the vehicle on the road, to ensure that it's roadworthy at all times. However, the check sheet will only need to be completed each month. Evidence of any maintenance and repairs should also be proven, ie. receipts for parts, fitting and/or labour.

We have enclosed a checklist (a comparable check sheet/booklet will be acceptable), which should be signed each month by the driver who has carried out the daily checks, as well as the vehicle proprietor (owner).

NB. If, on checking the vehicle, the driver records 'no defect(s)', they are stating that they have found the condition of the vehicle to be safe and roadworthy. Proprietors should ensure that before tracking out a vehicle they make sure that any driver(s) is fully aware of all of the vehicle facilities, especially in relation to the operation of swivel seats, deployment of ramps and the use of straps for securing a wheelchair in the vehicle, and that they are competent enough to carry out the basic checks required. Where a vehicle is tracked to more than one person the proprietor should ensure that the checks are carried out by one or all of the drivers.

### At the Manchester City Council garage:

When a vehicle is brought into the garage for its annual inspection, you will now need to show your completed copy of the document attached (or a comparable one) and will also be asked for written evidence that the vehicle has been checked on a daily basis (ie. monthly check sheets) and any maintenance/servicing.

### What if I don't complete the form?

Any vehicles presented for test without this written information, or with part of it missing, will be unable to get their vehicle licence plates until they have produced the relevant information at the garage. The matter may also be reported to the licensing unit for consideration by a senior officer.

### What if the vehicle fails its test?

Any proprietor who presents a vehicle that fails its annual test in a manner that (at an interim test) would normally be suspended, will be reported to the Licensing Unit. The report may also be passed to the Licensing and Appeals Committee with a view to the Committee determining whether or not the vehicle licence should be renewed.

### Notes:

- The vehicle must be in a roadworthy condition before it's available for hire. Defects should be reported to the vehicle proprietor and repaired/rectified before starting work.
- Documents will need to be checked at the annual test. This form can be replaced with similar paperwork\* of your choice, but plates will only be issued after your documents have been checked/approved.
- If documents (ie. this form or alternative documentation as above) are not available, plates will not be issued.

\*Documentation of regular maintenance and repairs on the vehicle will suffice, including receipts for parts fitted during this time.

**m:four**

Design ☐ Artwork ☐ Spellcheck ☐ Items added to Tharstern ☐

PROOF NUMBER: 83061

Date: 09.03.15

Designer: N. Khan

Production:

Creative:

Copywriter:

Proofread:

Account Handler: