

WARDS AFFECTED: All

Report No

**Licensing Committee
18th November 2002**

REPORT OF DIRECTOR OF DEVELOPMENT AND ENVIRONMENTAL SERVICES

Licensing of Private Hire Vehicle Motorcycles, Drivers and Operators.

1 SUMMARY

This Report asks Members to agree that motorcycles and their riders be suitable for licensing for private hire work.

2 RECOMMENDATIONS

Members are asked to determine whether or not they would be prepared to licence motorcycles and their riders and operators for private hire work. In the event that they are, then it is recommended that:-

- 2.1 The current specification for private hire vehicles be amended to include the specification for motorcycles attached at Appendix "1" to this report
- 2.2 Members delegate authority to the Assistant Director of Development and Environmental Services (Public Protection) after consultation with Legal Services, the power to draft conditions to be attached to the Private Hire Vehicle Licences, Drivers Licences and Operators Licences relating to motorcycles.
- 2.3 The fee payable for a Private Hire Vehicle Motorcycle Licence be the same as that for any other Private Hire Vehicle (Currently £85.00 for a 6 month licence.)
- 2.4 In accordance with current policies relating to Private Hire Vehicles:-
 - (a) the Licences relating to motorcycles also be valid for a period of 6 months, irrespective of the age of the motorcycle.
 - (b) No motorcycle over the age of 3 years from the date of its initial registration (or 5 years if the motorcycle is in exceptional condition), be licensed as a Private Hire Motorcycle, and

- (c) That no motorcycle over 10 years of age be licensed as a Private Hire Motorcycle.

2.5 In relation to the Drivers of Private Hire Motorcycles, that the Council be prepared to accept a Certificate issued by the Institute of Advanced Motorists (or such other body as the Council considers appropriate) as being sufficient evidence of the drivers standard of driving, rather than requiring them to take the standard driving assessment which drivers of Private Hire Cars are required to take.

3 BACKGROUND

A request has been made to the Council by a company called Chauffeur Bikes to consider licensing motorcycles, and riders, for private hire work. The intention of the operation is to provide a service for customers who require transporting to locations such as airports.

Some Councils have licensed motorcycles for hackney carriage and/or private work, but none (at the time of the preparation of this report) have any specific conditions or specifications for private hire motorcycles. There are similar operations to this in London, but at this time they are not subject to licensing regulations. Chauffeur bikes have made similar requests to 5 Councils. Nottingham, Derby, Birmingham, Bristol and Leeds. Bristol City Council have taken a similar request to their Committee for approval but it is not yet known what conditions or specifications they have set. Other Councils have yet to consider a request.

4 PROPOSALS

With regard to the vehicle testing and licensing regime Motorcycles be subject to a similar policy already in existence for private hire vehicles (cars). I.e., the motorcycles be subject to a mechanical inspection and licensing every 6 months, irrespective of age.

If Members are minded to licence Motorcycles and their riders for private hire operations then it is proposed that Eastcroft Depot be designated as the authorised testing station, subject to them attaining Motorcycle testing status. (Until such time as they are approved, the submission of an MOT test certificate every 6 months from any Motorcycle testing station be accepted)

5 FINANCIAL IMPLICATIONS

Any costs incurred whilst licensing private hire motorcycles can be recovered from licensing fees.

6 LEGAL IMPLICATIONS

Section 48 of the local Government (Miscellaneous Provisions) Act 1976, states that an application for a Private Hire Vehicle Licence must be granted unless the Council is not satisfied that:

(a) The vehicle 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
- (v) Comfortable.

(b) That the vehicle is insured as a Private Hire Vehicle

The Councils current specification for Private Hire Vehicles takes into account the requirements listed in (a) above, but would not cover motorcycles. If motorcycles are to be licensed therefore, the specification would need to be amended. In deciding whether to licence motorcycles as Private Hire Vehicles, Members should take these requirements listed above into account, in particular whether they feel that motorcycles are suitable in type, size and design for use as Private Hire Vehicles. In considering this Members may also wish to bear in mind that a Private Hire Vehicle is defined as

“A motor vehicle constructed or adapted to seat fewer than nine passengers, other than a Hackney Carriage or a public service vehicle which is provided for hire with the services of a driver for the purpose of carrying passengers.”

Technically, therefore, motorcycles fall within the definition of Private Hire Vehicles and the question is whether they meet the criteria specified in Section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

The Councils current specification for Private Hire Vehicles takes into account the requirements listed in (a) above, but would not cover motorcycles. If motorcycles are to be licensed therefore, the specification would need to be amended.

In the event that Members are prepared to licence motorcycles as Private Hire Vehicles then particular consideration would need to be given to the conditions to be placed on the vehicle, driver and Operators licences.

The Assistant Director (Development and Environmental Services) already has delegated power to revise and determine conditions to be placed on such licences. However, Members may wish to consider whether they would want such conditions to come back to Committee for approval given that the conditions would relate to a different mode of transport from that which has previously been licensed.

7 OBSERVATIONS OF OTHER OFFICERS

None

8 EQUAL OPPORTUNITIES IMPLICATIONS

The provision of this service will provide additional employment and licensing opportunities to all members of the community who are suitably qualified. This includes Members of the ethnic minorities.

9. CORPORATE OBJECTIVES

The licensing of this type of operation will enable the Taxi Licensing Section of Food and Licensing to help meet the corporate objective of encouraging new businesses and attracting employers to Nottingham.

10 BEST VALUE

Consulting with the applicants and other bodies whilst considering the request demonstrates adherence to the principle of best value.

11 List of background papers other than published works or those disclosing confidential or exempt information

Correspondence from and to Chauffeur Bikes

12 Published documents referred to in compiling this report

Local Government (Miscellaneous Provisions) Act 1976

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Appendix "1"

Private Hire Motorcycle Specification

CITY OF NOTTINGHAM

SPECIFICATION FOR PRIVATE HIRE MOTORCYCLES

GENERAL

- (a) The engine will have a minimum capacity of 1000cc
- (b) A separate lockable unit shall be supplied for the storage of any small items for passengers.
- (c) No wheeled attachment shall be secured to a private hire motorcycle.
- (d) The final engine drive shall be by enclosed shaft.
- (e) The motorcycle shall have a minimum ground clearance of not less than 120mm.
- (f) Tyres shall be maintained so that there is not less than 2mm of tread at any point on the tyre.
- (g) The motorcycle shall not have a wheelbase in excess of 1760mm.
- (h) The Motorcycle shall carry a First Aid Kit.