



LICENSING AND APPEALS COMMITTEE 8 DECEMBER 2004

Report of the Director of Corporate Services

LICENSING OF THE NEW MERCEDES VITO

RECOMMENDATION

1. To approve in principle the licensing of the new Mercedes Vito as a hackney carriage, subject to meeting vehicle specification requirements.

SUPPORTING INFORMATION

- 2.1 The Taxi Licensing Section has received two requests for approval to license the new Mercedes Vito. The first request is from a local private hire company that is seeking approval to license the vehicle as a private hire vehicle. The second request, from a national company that supplies non-purpose built hackney carriages, is for approval of the vehicle for use as a hackney carriage.
- 2.2 In Derby, new hackney carriages must be:
 - Either, purpose-built (London style) taxi vehicles, or other specific vehicle types approved by the council, and
 - Finished in a specific shade of yellow. All existing vehicles must have been sprayed this colour by 1 April 2006.

These features distinguish Derby's hackney carriages from those licensed by other authorities and also from licensed private hire vehicles and private motor vehicles.
- 2.3 The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles must not resemble hackney carriages. For this reason, no vehicle licensed as a hackney carriage in Derby is permitted to be licensed as a private hire vehicle.
- 2.4 the vehicle in question, the new Mercedes Vito, replaces the previous model, which the council approved for licensing as a hackney carried in 2001. There are currently three such vehicles licensed within the city. When Mercedes phased out the old model the taxi conversion companies immediately started development work on the replacement model, which is due to be available shortly. However, suppliers to the private hire trade will also have a private hire version of this vehicle available shortly and one local private hire company would like to license one of these vehicles.

- 2.5 The principal issue for consideration is whether the required yellow paintwork of the hackney carriage version would be sufficient alone to distinguish it from a similar vehicle licensed as a private hire vehicle. It could be argued that the colour alone cannot be considered as sufficient until all hackney carriages have been painted yellow. Even then, colour alone may not be enough to allow members of the public to understand the difference between the two types of vehicles.
- 2.6 Bearing in mind that the council already licenses the Mercedes Vito as a hackney carriage. Licensing Officers consider that it would be more appropriate to license the new vehicle solely as a hackney carriage. The matter could then be re-considered by this committee at a future meeting after April 2006, at the request of the private hire trade.

For more information contact: John Tomlinson Tel: 01332 715214 e-mail john.Tomlinson@derby.gov.uk
Background papers:
List of appendices: Appendix 1 Implication

IMPLICATIONS

Financial

1. None

Legal

- 2.1 Only vehicles that meet the Council's specifications for hackney carriages or private hire vehicles may be licensed for that purpose.
- 2.2 Any vehicle proprietor aggrieved at the Council's refusal to licence a specific vehicle may appeal against that decision to the Magistrates Court. A person aggrieved by the Council's policy with regard to vehicle specifications may seek a judicial review of the decision.

Personnel

3. None

Equalities Impact

4. The Council's vehicle specifications help all citizens of Derby to clearly identify hackney carriages and private hire vehicles.

Corporate Objectives and Priorities for Change

5. Hackney carriage and private hire licensing contributes to the Council's objective of **protecting and supporting people**.