

Vehicle safety checks

At the Operator Business meeting on 15th February 2017 a question was asked regarding the responsibilities of an Operator insofar as ensuring the vehicles they dispatched on bookings were mechanically safe and fit to be on the public road. The Operator received the advice requested and I have copied extracts from this below for information to all Licensed Operators.

Please note, the responsibilities and liability for authorizing a vehicle to be used on the public road are contained in various documents so I have endeavored to summarize the key points and provided links or references as applicable.

The following legislation relates to the condition of vehicles:

<http://www.legislation.gov.uk/ukpga/1976/57/part/II>

Section 48 Licensing of Private Hire Vehicles

(1) Subject to the provisions of this Part of this Act, a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence: .

Provided that a district council shall not grant such a licence unless they are satisfied—

(a) that 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; and .

(v) comfortable;

In addition to the above a [Local Authority](#) can also attach conditions to this licence under section 48 (2). In accordance with this Bradford Metropolitan District Council (BMDC) attached the following conditions of licence in respect of vehicle condition and maintenance. An example is below and taken from the conditions book

Conditions book – Section 2, Page 29 - 2.45 Maintenance of Vehicle:

Vehicles and all their fittings and equipment must at all times, when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements [including in particular those contained in Motor Vehicle (Construction and Use) Regulations must be fully complied with. Bodywork and paintwork must be maintained in good condition and any damage repaired.

In addition to the above if you visit <https://www.gov.uk/guidance/the-highway-code/annex-6-vehicle-maintenance-safety-and-security> then you will see more information regarding vehicle maintenance, safety and security.

Section 56 LGMPA 1976 - Operators of Private Hire Vehicles

(1) For the purposes of this Part of this Act every contract for the hire of a private hire vehicle licensed under this Part of this Act shall be deemed to be made with the operator who accepted the booking for that vehicle whether or not he himself provided the vehicle.

Section 55 (3) LGMPA 1976

Allows for conditions to be attached to Private Hire Operators licence. In accordance with this Bradford Metropolitan District Council (BMDC) attached the following conditions of licence. These conditions can be found the Licence standards and procedures, Vehicle licence conditions booklet section 3. I have included below some key information found in the conditions book for your ease of reference.

Conditions book – Page 34 – Section 3

As an Operator you are ultimately responsible for all aspects of compliance of licensing in accordance with these conditions.

The hire company is responsible for keeping a maintenance and safety inspection history of each vehicle and ensure that vehicles are safe and fit for purpose at all times. These records should be available for inspection at all times.

Conditions book – Page 36 – Section 3

The operator shall take an active part in the daily running of the premises to ensure that all aspects of the running of the business which meet safety and legal requirements are carried out.

In addition to the LGMPA 1976, The Road Traffic Act 1988 states the following:

40A Using vehicle in dangerous condition etc.

A person is guilty of an offence if he uses, or causes or permits another to use, a motor vehicle or trailer on a road when—

(a)the condition of the motor vehicle or trailer, or of its accessories or equipment, or

(b)the purpose for which it is used, or

(c)the number of passengers carried by it, or the manner in which they are carried, or

(d)the weight, position or distribution of its load, or the manner in which it is secured,

is such that the use of the motor vehicle or trailer involves a danger of injury to any person.

For more information on the RTA 1988 please click on <http://www.legislation.gov.uk/ukpga/1988/52/contents>

In addition to above, please visit the Service website www.bradford.gov.uk/taxiandprivatehire where you will find full information relating to the current licensing terms and conditions and the vehicle specification. Please review the information surrounding the current terms and conditions.

You can also visit Bradford Council website if you wish to look at the minutes of the 'Regulatory & Appeals Committee where policy changes are authorised www.bradford.gov.uk

As a Private Hire Operator accepting bookings which are deemed as contracts, each of the above is relevant and it is important that you understand your responsibilities. Contrary to the belief of some, no Officer has ever suggested that the Operator or their staff have to carry out complex or technical mechanical inspections themselves as this is a task which requires a competent vehicle mechanic/garage. The responsibility of an Operator is to ensure they have a process and

procedure in place whereby they can evidence that all necessary safety and mechanical checks are carried out on the vehicles they provide to the public.

However, Operators are required to carry out checks on basic driver related vehicle safety requirements, e.g. tyres, lights, wipers etc.

I hope the above is of use