



LICENSING AND REGULATORY PANEL

Meeting to be held in Civic Hall Leeds on
Tuesday, 7th July, 2009
at 10.00 am

MEMBERSHIP

Councillors

S Armitage

M Dobson

J Dunn

V Morgan

B Selby

R D Feldman
(Chair)

G Wilkinson

C Townsley

D Wilson

T Grayshon

A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 25, written notice of an appeal must be received by the Chief Democratic Services Officer at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF INTEREST</p> <p>To declare any personal/prejudicial interests for the purpose of Section 81(3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES</p> <p>To approve the minutes of the last meeting held 3rd March 2009 as a correct record</p> <p>(Copy attached)</p>	1 - 6
7	All Wards;		<p>PROPOSALS TO CHANGE THE "AGE CRITERIA" CONDITION UPON HACKNEY CARRIAGE AND PRIVATE HIRE SALOON AND PEOPLE CARRIER VEHICLE LICENCES</p> <p>To consider the report of the Assistant Chief Executive (Corporate Governance) on proposals to change the age criteria in relation to Private Hire and Hackney Carriage saloon and people carrier vehicle licences.</p> <p>Members previously considered an interim report on this matter at the Panel meeting held 3rd March 2009.</p> <p>GMB Leeds Private Hire Association tabled copies of a petition against the proposals at that meeting, and a copy of that document has been despatched to all Members of the Panel with this agenda</p> <p>(Report attached)</p>	7 - 46

Item No	Ward/Equal Opportunities	Item Not Open		Page No
8	All Wards;		<p>TAXI AND PRIVATE HIRE LICENSING - BEST PRACTICE GUIDANCE</p> <p>To consider the report of the Assistant Chief Executive (Corporate Governance) on the best practice guidance published by the Department for Transport and seeking Members contributions to the current consultation process.</p> <p>(Report attached)</p>	47 - 88
9			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note the date and time of the next meeting as Tuesday 8th September 2009 at 10.00 am</p>	

Agenda Item 6

LICENSING AND REGULATORY PANEL

TUESDAY, 3RD MARCH, 2009

PRESENT: Councillor R D Feldman in the Chair

Councillors S Armitage, J Dunn, V Morgan,
B Selby, D Wilson and C Townsley

IN ATTENDANCE

Mr D Broster – Section Head, LCC Taxi & Private Hire Licensing
Ms S Robinson – LCC Taxi & Private Hire Licensing
Mr M DePlacido – LCC Taxi & Private Hire Licensing
Mr M Johnson – LCC Taxi & Private Hire Licensing
Mr S Perry - LCC Taxi & Private Hire Licensing
Mr D Hardcastle - LCC Taxi & Private Hire Licensing

Inspector J Sanderson - West Yorkshire Police

Mr R Littlewood - Access Committee for Leeds

Bill Chard - GMB Leeds Private Hire Association

Caroline Jones - GMB

Mr Q Cooper - Unite Leeds

Also in attendance:

Hackney Carriage Representatives (6)

Private Hire Representatives (37)

27 Late Items

No late items submitted, however the Chair did acknowledge the receipt of a petition from the Secretary (GMB Leeds Private Hire Association) containing the signatures of 616 Private Hire Drivers rejecting the proposal to reduce the age of cars which could be used from eight to six years. Minute No. 32 refers

28 Declarations of Interest

Councillor Selby declared a personal/prejudicial interest in agenda item No.8: (i) Information report on changes to vehicle inspection enforcement policy and procedures for Hackney Carriage & Private Hire Vehicles and Private Hire Operators. (ii) Interim report on proposals to change the “Age Criteria” condition upon Hackney Carriage & Private Hire Saloon and People Carrier Vehicle Licenses, as a member of the GMB Trades Union which also represented a number of Private Hire Drivers. Minute No 32 refers

29 Apologies for Absence

Apologies for absence were received from Mr T McSharry, Access Committee for Leeds; and Councillors Grayshon and Wilkinson

30 Minutes

The Minutes of the previous meeting held on 18th November 2008 were submitted for comment/ approval

Referring to Minute No. 21, Taxi Rank Review Phase II – Update Report, the Chair requested to know if any progress had been made.

In providing a response Mr D Broster, Section Head, LCC Taxi & Private Hire Licensing reported that the Principal Engineer, Highway Services, who presented the report at the last meeting was not in attendance. Mr Broster said a number of different agencies were involved including: West Yorkshire Police, British Transport Police, LCC Highway Services and METRO and it was unclear which organisation was taking the lead.

The Chair suggested that it was important that the Trade Association be also included within the review process and that they come with some meaningful ideas

Responding to a question about signage for Taxi Ranks, Mr Broster said the issue was still not finalised

RESOLVED –

- (i) That Section Head, LCC Taxi & Private Hire Licensing be requested to facilitate a meeting which would bring together all parties with the view of progressing Phase II of the Taxi Rank Review
- (ii) That the minutes of the previous meeting held on 18th November 2008 were accepted as a true and correct record

31 Information report - Results of English Comprehension Testing undertaken by Thomas Danby College

The Panel considered a report by the Assistant Chief Executive (Corporate Governance) providing information on the results of English Comprehension Testing provided by Thomas Danby College. The report set out the assessment statistics from December 2007.

Addressing the report the Section Head LCC Taxi & Private Hire Licensing reported that the testing was undertaken prior to the granting of a Private Hire/ Hackney Carriage Driver Licence and in other certain circumstances.

In terms of the report findings, Mr Broster said there appears to be consistency in the failure rates which justifies not only the introduction of the testing but also the retention of the policy to continue with the requirements. Applicants who failed were offered training options which would assist in improving their language skills and may lead to obtaining a licence from the Council.

Responding to a question from Councillor Armitage who asked if the questions were changed on a frequent basis. Mr Broster said that there was a list of possible questions (20 for example), of which the applicant may be only required to provide answers to 5 of them, making it difficult to pass on information to other applicants.

It was reported that the test fee was £25, applicants who did not attend would lose the fee.

RESOLVED – That the contents of the report be noted

32 Information Report - 1) Information Report on Changes to Vehicle Inspection Enforcement Policy and Procedures for Hackney Carriage & Private Hire Vehicles and Private Hire Operators; 2) Interim Report on Proposals to change the "Age Criteria" condition upon Hackney Carriage & Private Hire Saloon and People Carrier Vehicle Licences

The Panel considered a two part report by the Assistant Chief Executive (Corporate Governance)

(Part 1) - Proposed changes to Vehicle Inspection Enforcement Policy & Procedures – Hackney Carriage & Private Hire Vehicles & Private Hire Operators

(Part 2) - Proposals to change the “Age” Criteria Condition Upon Hackney Carriage & Private Hire Saloons & People Carrier Vehicle Licences

Addressing part I of the report Mr Broster, Section Head LCC Taxi & Private Hire Licensing said that the purpose of the report was to inform Members of operational and administrative changes in respect of the transfer of vehicle Proprietors licence, the inspection of licensed Hackney Carriage and Private Hire vehicles: the chain or responsibility between Proprietors, drivers, Operators and Hackney Carriage Associations and the operational decision to make Operators and Hackney Carriage Associations accountable for their use of defective vehicles.

The second part of the report explained the proposals to lower the maximum ‘age criteria’ on licensed Hackney Carriage and Private Hire saloon and people carrier vehicles in terms of appropriateness and proportionality.

Main Issues:

PART 1 – Changes to vehicle inspection and enforcement policy and procedures – Hackney Carriage and Private Hire vehicle licences: -

Outlining the key changes Mr Broster spoke in detail on the following areas:

- **Vehicle Transfer Policy**
- **Prosecution Policy**
- **Vehicle Inspections / Attendance Administration**

PART 2 – Proposals to change the ‘age criteria’ Condition placed upon Hackney Carriage and Private Hire saloon and people carrier vehicle licences:-

Addressing the proposal to change the “age criteria” condition placed upon Hackney Carriage and Private Hire Vehicle Licenses Mr Broster stressed it was not simply a case of fault finding, vehicles should comply with the manufacturers instructions for that vehicle, and must comply with “Construction and Use” regulations. Mr Broster suggested that if a proper maintenance schedule was in place, drivers and operators would have no problems with the inspection regime.

Mr Broster introduced Mr Stuart Perry and Mr David Hardcastle, Senior Vehicle Inspectors, LCC Taxi and Private Hire Licensing Section who provided examples of defective vehicles which they had inspected during the course of their duties. Mr Perry suggested that it was the older vehicles which tended to have more faults, wear and tear on vehicle components brought on by the high mileage undertaken by the vehicle.

Inspector Sanderson, West Yorkshire Police reported that a joint operation involving the Police and LCC Taxi & private Hire Licensing Section with a view safety inspection of vehicles confirmed that vehicles aged six years and over did have more faults.

Councillor Selby asked if vehicles found with faults after recently passing an MOT, could action be taken, referral to Trading Standards for example ?

In responding Mr Broster said that would be difficult because officers would not be aware as to when the MOT was issued. In the past the Council had issued MOT certificates but that was currently suspended because the trade had experienced problems and certificates of compliance (an alternative form of document to an MOT certificate) were not recognised by the Police or Insurance Companies. Mr Broster also gave an example of a case where an MOT testing station had been referred to the governing body, VOSA

Mr Bill Chard, GMB Leeds Private Hire Association in summing up his members concerns said there was a lot of drivers concerned about losing

their livelihood, it was very important that proper consultation takes place before any decision was taken.

In drawing the debate to a conclusion the Chair said that the suggested proposals would not be determined at today's meeting, further consultation was required with all interested parties and no decisions would be made until May 2009

RESOLVED

- (i) To note the changes to the Vehicle Transfers Policy as set out at 3.1 - 3.4 of the submitted report
- (ii) To note the change to the Prosecution Policy as set out at 3.5 - 3.8 and 3.13 of the submitted report
- (iii) To note the changes to the Vehicle Inspection Non Attendance Policy and Procedure as set out at 3.9 - 3.11 and **Appendix D** of the submitted report
- (iv) To note the Exceptional Condition Policy as set out at **Appendix G** of the submitted report
- (v) To note the intention to introduce an increase in inspection levels on those licensed vehicles which are six years or older after the date of first registration
- (vi) That the Section Head Taxi and Private Hire Licensing be allowed to introduce the changes at (i) to (v) above, no earlier than three months from the date of the meeting under delegated powers.
- (vii) To note the interim report on the proposed Condition Changes as set out at 3.16 – 3.29 of the submitted report, as a Condition upon Hackney Carriage and Private Hire Saloon and People Carrier Vehicle Licences and that further consultation is carried out before the matter is brought back to Panel in May 2009 for a final decision.

33 Quarterly Report of the Taxi and Private Hire Licensing Section (July to September 2008)

The Panel considered a report by the Assistant Chief Executive (Corporate Governance) which provided information about licensing transactions undertaken by the Taxi & Private Hire Licensing Section. The report indicates those licenses that had been granted under Officer Delegated Powers and in line with the Council's Constitution and Terms of Reference of the Panel.

Referring to Appendix A of the submitted report Councillor Wilson asked if more details, in terms of suspensions/revocations/prosecutions could be included within future reports to the Panel.

The Section Head LCC Taxi & Private Hire Licensing confirmed that future reports to Panel would contain more of the requested information

RESOLVED –

- (i) That the contents of the report be noted
- (ii) That future quarterly reports to provide greater details of suspensions/revocations/prosecutions

34 Quarterly Report of the Taxi and Private Hire Licensing Section (October to December 2008)

The Panel considered a report by the Assistant Chief Executive (Corporate Governance) which provided information about licensing transactions undertaken by the Taxi & Private Hire Licensing Section. The report indicates those licenses that had been granted under Officer Delegated Powers and in line with the Council's Constitution and Terms of Reference of the Panel.

RESOLVED –

- (i) To receive the breakdown of licensing transactions (Appendix A)
- (ii) To note the changes or alterations to the existing conditions which had been made since last reported to Panel (Appendix B)

35 Date and Time of Next Meeting

RESOLVED – To note the date and time of the next meeting as Tuesday 5th May 2009 at 10.00am



Originator: Des Broster

Tel: 2143376

Report of the Assistant Chief Executive (Corporate Governance)

Licensing and Regulatory Panel

Date: 7 July 2009

Subject: PROPOSALS TO CHANGE THE AGE CRITERIA CONDITION UPON HACKNEY CARRIAGE AND PRIVATE HIRE SALOON AND PEOPLE CARRIER VEHICLE LICENCES

Electoral Wards Affected:

All

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

This report proposes changes to the existing age criteria condition which applies to Hackney Carriage and Private Hire saloon and people carrier vehicles and the introduction of an inspection regime for vehicles over 6 years of age. It highlights the results of a systematic inspection of vehicles over six year of age and concludes that a change to existing arrangements is necessary and proportionate to the safety issues raised. It provides details of the consultation process and the concerns raised before inviting Members to consider revised proposals for adoption.

1.0 Purpose of this report

1.1 The purpose of this report is to inform Members of

- Proposals to change the age criteria condition on hackney carriage, private hire saloon and people carrier vehicles

- The reasons for the proposals
- The consultation undertaken
- The views of the trade identified through the consultation; and
- Amendments to the proposals as a result of consultation feedback

2.0 Background information

2.1 Members will recall that in order for a vehicle to be licensed as a private hire vehicle it must be

- In suitable mechanical condition
- Safe, and
- Comfortable

This test is set out in section 48(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976. For Hackney Carriage Vehicles section 47 of the Act allows conditions to be applied to the licence and such conditions can cover the age and condition of the vehicle.

2.2 The existing age criteria condition which applies to private hire vehicles reads as follows

AGE CRITERIA

- (a) The age of a vehicle, for licensing purposes, shall be determined by the date of first registration on the V5 document (Log Book.) A vehicle will only be accepted for licensing if the date of first registration is less than 5 years from the date of application. The vehicles must be licensed for use within one month from the date of application.
- (b) Where a currently licensed vehicle does not meet the requirements of part 2a) that vehicle will continue to be re-licensed for up to 8 years from the date of first registration, providing that all other licensing requirements relating to that vehicle have been complied with and that the licence is renewed before the Taxi and Private Hire Licensing Section's last working day of the month of expiry of the licence. Any break in the licence will result in part (a) of this Condition coming into effect.

That allows new vehicles to be licensed up 5 years of age and for existing vehicles to continue to be licensed beyond that age where licensing requirements are complied with but there are no specific provisions requiring inspections at regular intervals to demonstrate safety or compliance with conditions. Members will note the reference to vehicles aged between 6 and 8 years. In reality at 8 years of age a vehicle is unlikely to be in a condition suitable for use as a private hire or hackney carriage saloon or people carrier vehicle. However the inclusion of that wording has led to assumptions that the maximum age limit for licensed vehicles is 8 years of age and that the proposed change is to lower the limit to 6 years. This is incorrect.

2.3 An identical condition exists in respect of Hackney Carriage saloon and wheelchair accessible vehicles (there is a difference in respect of wheelchair accessible Hackney Carriage vehicles but that relates to the point of licensing for the first time

and is not affected by any changes outlined in this report.)

- 2.4 Members will also recall that at a number of meetings of Licensing and Regulatory Panel, concerns have been expressed by Members about the condition (internally, externally and mechanically) of some licensed vehicles and the impact of that on customer satisfaction and the perception of the city's licensing standards.
- 2.5 As a result of Members' comments, the Taxi and Private Hire Licensing Section implemented a programme of systematic Vehicle Inspections starting with vehicles of more than 6 years old. The results of the testing and inspections raised questions about whether vehicles, once licensed, continue to be in suitable mechanical condition, safe and comfortable and meet existing conditions imposed. The testing results also indicate that such problems are more likely when vehicles reach the age of 6 years and above. This would seem to be related to the extended use and mileage of such vehicles. The results of those inspections appear at **Appendix A** for the information of Members.
- 2.6 Members will note from the table that 855 tests were carried out on hackney carriage and private hire vehicles. Of those, 126 failed and had their licence suspended, 347 failed and were given 7 days to return with the defects rectified. Failures items were recorded in 5 categories:

• General	240
• Steering and suspension	187
• Lights	257
• Brakes	140
• Emissions	35
• Total failure items	859

Some vehicles failed in more than one category as 859 failure reasons were recorded across the 473 vehicles.

Within the general failure category, the faults could include MOT failure faults such as problems with seat belts or wiper blades but could also be failures for breach of licensing conditions. Only 27 vehicles are recorded as having failed solely under the general category. Work is currently ongoing to identify whether those 27 vehicles would also have been MOT failures.

A failure on steering and suspension, lights, brakes or emissions would represent an MOT failure. Therefore if vehicles had been presented for an MOT in the condition they were presented for inspection by officers, those vehicles would fail the MOT test, even if those faults could easily be put right.

After inspection an additional 40 vehicles had their licences revoked. The majority of those revocations were due to the fact that the vehicles had been written off after an accident but the licensing office had not been informed of the write off.

The differential of 342 consists of those vehicles that had their licence surrendered, those that failed to attend before the licence expired and vehicles that passed the inspection.

- 2.7 Officers therefore proposed that there be a change to existing arrangements, to ensure that vehicles of six years or older would only continue to be licensed where

they were in suitable mechanical condition, safe and comfortable and met the conditions on the licence. Between 6 and 8 years of age, vehicles could continue to be licensed providing that they met the terms of an 'Exceptional Condition' policy. That required a vehicle to pass an extended inspection twice per year, looking at emissions, mechanical condition and service history, equipment, appearance, cleanliness and comfort.

- 2.8 Members will recall that on 7 March 2009 they considered an interim report on these proposals (minute 32 refers). Members resolved to note the interim report on the proposed Condition Changes as set out at 3.16 – 3.29 of the submitted report, as a Condition upon Hackney Carriage and Private Hire Saloon and People Carrier Vehicle Licences and that further consultation was to be carried out before the matter was brought back to Panel in May 2009 for a final decision.
- 2.9 The matter was not brought back for consideration in May due to the ongoing consultation detailed at paragraph 3.1 of this report. It now comes back to the Panel for Members to decide whether or not to approve the proposed changes in light of the evidence presented, the consultation responses and the amendments to the proposals.
- 2.10 Members may be aware that following the March meeting a deputation in respect of the proposals was heard by full Council on 22 April 2009 by the GMB Union and the Leeds Private Hire Association. That matter was referred to the Executive Board at their meeting on 17 June 2009. The report to Executive Board noted the proposals, the reasons for the proposals and the ongoing consultation. Executive Board resolved to note the contents of the report, the rationale behind the proposals and the information that will be available to this Members of this panel as the decision makers.

3 Main issues

3.1 The Consultation Undertaken

- 3.2 Following the decision of Members that further consultation should be undertaken regarding the proposals and Exceptional Condition policy, officers implemented a full consultation process. The process involved all licence holders, Elected Members and trade representatives. Details of the consultation process are set out below.

3.2.1 Trade Newsletter - 'Licensing Leeds'

A trade newsletter was first published and issued in April 2007 to all licence holders within the Leeds Licensing District. All editions are posted directly to our licence holders; posted or emailed electronically to Elected Members of the Licensing and Regulatory Panel; published on the Leeds City Council website, www.leeds.gov.uk/taxis, and included in all new application packs.

Vehicle Inspection Results are a regular feature of the quarterly 'Licensing Leeds' newsletter;

- Issue 1 April 2007 – Inspection results of vehicles over 7 years old
- Issue 3 Autumn 2007 – Inspection results of vehicles over 5 years old
- Issue 4 Winter 2008 – Inspection results of vehicles between 3 - 4 years old

- Issue 5 – Spring 2009 – Consultation information outlining the proposals and feedback methods regarding the proposed Age Criteria policy & inspection results of vehicles over 6 years old. This issue was posted to all licence holders' home addresses at the beginning of April.

3.2.2 Open Day Notification Emails

An email to Private Hire Operators and Taxi Associations (where we hold an email address) was sent by the Taxi and Private Hire Licensing Section on 2 April asking them to circulate details of the open days to their drivers.

A further email was sent to the same recipients on 15 May asking them to circulate details of the 'mop up' open day to their drivers.

3.2.3 Open Day Notification Leaflets

Leaflets providing details of the open days were:

Distributed by Officers of the Council to Operator bases on 3 April

Distributed to drivers by Enforcement Officers on the weekend of 3 and 4 April

Placed on the counter of each Licensing Officer at the Taxi and Private Hire Licensing Section between 3 - 17 April

Placed on the passenger seat of each vehicle inspected at the Taxi and Private Hire Licensing Section between 3 - 17 April

3.2.4 Webpage

The Taxi and Private Hire Licensing webpage was updated with:

- The Consultation Booklet on 25 March
- Details of the open days on 2 April
- Licensing Leeds newsletter on 3 April

3.2.5 Information Screens

The information screens in the Taxi and Private Hire Licensing Section's Reception were updated on 2 April with details of the open days.

3.2.6 Open Days

Open days for the Proposed Changes to Vehicle Age Criteria were held on the following dates;

- Tuesday 7 April - Carlisle Business Centre, Bradford
- Thursday 9 April - Temple Newsam, Leeds
- Friday 17 April - Pudsey Civic Hall, Leeds
- Monday 1 June – Pudsey Civic Hall, Leeds ('mop up' session)

Hourly drop in sessions were advertised from 09:30 until 15:00.

The open days were organised to fit in with the schedule of the Licensing and Regulatory Panel, on normal working days i.e. not on a Bank Holiday or

religious festival, and within school holidays. This was intended to be a quieter time for drivers who usually work on school runs.

Following representations from Councillor Arif Hussain the further 'mop up' session was organised for 1 June.

The 'mop up' open day on 1 June was well attended for the first three sessions of the day. However in the space of approximately 30 minutes, several hundred Private Hire and Hackney Carriage drivers had congregated and a strong police presence was required.

As a result of instructions from the police, and for the personal safety of Officers during the organised demonstration, the remaining consultation periods had to be abandoned. Following this, a meeting between the Chief Officer (Legal, Licensing and Registration), Officers of the Taxi and Private Hire Licensing Section and trade representatives was held on 5 June to further explore the issues surrounding the policy and consultation. Subsequently a further information document was circulated to all licence holders within the Leeds Licensing District.

3.2.7 Consultation Booklet

A consultation booklet containing a full overview of the proposed changes and details of how feedback could be provided were designed and approved within a tight timescale. However, due to circumstances outside of the control of the Taxi and Private Hire Licensing Section, this was not printed and despatched until week commencing 13 April.

An email to Private Hire Operators and Taxi Associations (where we hold an email address) was sent by the Taxi and Private Hire Licensing Section on 17 apologising for the delay in issuing the Consultation Booklets 10 May for the return of questionnaires.

3.2.8 Postal Questionnaire

A questionnaire from an external company, Halcrow, was sent to all licence holders with regards to the Unmet Demand survey. That questionnaire also included specific questions about these proposals. The questionnaire was included with the consultation booklet and unfortunately experienced the same delay in printing and despatch.

3.2.9 Individual Letters

Individual letters were issued to all licence holders week commencing 18 May advising them of the 'mop up' open day session.

3.2.10 Personal Briefings

The Section Head has given personal briefings, upon request, to the following Elected Members and the GMB within a short timescale of the Licensing and Regulatory Panel on 6 March;

- Councillor Richard Brett – Burmantofts and Richmond Hill, Liberal Democrats, Joint Leader of the Council

- Councillor Kabeer Hussain – Hyde Park and Woodhouse, Liberal Democrats
- Councillor Mohammed Iqbal – City and Hunslet, Labour
- Councillor Arif Hussain – Gipton and Harehills, Labour
- Councillor James Lewis – Kippax and Methley, Labour, Shadow Spokesperson for Resources

Following representation from Councillor Arif Hussain, the Taxi and Private Hire Licensing Section were made aware that the Directors of both Eurocabs and City Cabs were not aware of the consultation open days and had not circulated any information regarding them. The Section Head spoke with the Directors of both companies who were invited to consult with their members to identify key issues and concerns and subsequently meet with Officers to address their concerns. To date, the Taxi and Private Hire Licensing Section have not had a response to this invitation.

3.2.11 Written Briefings

The Section Head has given written briefings, upon request, to the following Elected Members;

- Councillor David Blackburn – Farnley and Wortley, Green Party, Green Party Whip
- Councillor Richard Brett – Burmantofts and Richmond Hill, Liberal Democrats, Joint Leader of the Council
- Councillor Jane Dowson – Chapel Allerton, Labour, Shadow Spokesperson for Schools

3.2.12 Talking Point Consultation Portal

Talking Point is the Council's online resource for recording all community engagement and consultation activity in one central place. It is the sole universal system available for recording and co-ordinating consultation and engagement activity done by the council city-wide and is also the only place that gives residents and other interested groups an overview of ongoing, completed and planned consultations in Leeds.

Details of the age criteria consultation exercise were placed on Talking Point which remains open to view by members of the public.

In addition to all other consultation methods, the Taxi and Private Hire Licensing Section has received an email and letters from interested parties expressing their opinions.

3.3 Copies of consultation and information documents used during the process are attached as **Appendix B** to this report for Members information.

3.4 The views of the trade identified through the consultation and the responses of officers.

Considerable feedback has been given through the various consultation methods. A table showing the concerns raised and the officers response is attached as **Appendix C** for ease of reference for Members.

Although there has been criticism of the open days, particularly the second one at Pudsey, Officers feel that such open days were only one part of the process and the consultation should be judged as a whole. It is important to note that following the abandoned event on 1 June, officers met with Trade representatives. As a result of that meeting, officers agreed to ensure that the identified concerns of the trade were included in the report for Members. A list of concerns was drawn up and that list has been shared with the trade representatives and elected Members who have represented trade interests. They have agreed that the list is an accurate reflection of their concerns. That list has informed the table at **Appendix C**.

3.5 Officers therefore feel that further consultation would not help Members in making a decision as such consultation would simply result in the same concerns being raised again.

3.6 Guidance to Licensing Authorities.

3.7 In October 2006, the Department for Transport issued guidance to Licensing Authorities "Taxi and Private Hire Vehicle Licensing: Best practice Guidance". An extract from the Guidance on age criteria is attached at **Appendix D**. Members will note that the Guidance is that such criteria should not be arbitrary or inappropriate. Officers do not feel that the current proposals are either arbitrary or inappropriate.

3.8 The revised proposals

3.9 Following a full consideration of the consultation responses, officers have amended the proposals. The amended proposals are considered to strike an acceptable balance between the council's regulatory role (in ensuring that the licensed fleet is safe and reflects well on Leeds as a city) and the needs of the trade and licensed operators, proprietors and drivers. In other words, the revised proposals for Members to consider, seek to exercise licensing powers reasonably and proportionately to the results of the inspections. It is now proposed that the Age Condition be reworded as follows:

AGE CRITERIA

(a) **Vehicles being licensed for the first time**

The age of a vehicle, for licensing purposes, shall be determined by the date of first registration on the V5 document (Log Book). A vehicle will only be accepted for licensing if the date of first registration is less than 5 years from the date of application. The vehicles must be licensed for use within one month from the date of application.

(b) **Existing licensed vehicles seeking to be re-licensed (under 6 years of age)**

Where a currently licensed vehicle meets the requirements of part 2a) that vehicle may continue to be re-licensed from the date of first registration, providing that all other licensing requirements relating to that vehicle have been complied with.

(c) **Licensed vehicles 6 years and older seeking to be re-licensed**

Where a currently licensed vehicle previously met the requirements of part 2a) that vehicle may continue to be re-licensed beyond 6 years from the date of first registration, providing that it is

- In suitable mechanical condition
- Safe
- Comfortable

and meets all licensing conditions. This will be determined by a formal inspection by an authorised officer of Taxi and Private Hire Licensing.

Vehicles used as taxis or for private hire work undertake significantly more mileage and wear and tear in an operating environment and time scales not usually sustainable for a standard production family saloon vehicle.

By following the vehicle manufacturer's service schedule and guidance, along with a proper care plan for the body work and the interior, a vehicle can easily be maintained to a very good condition compared to those which are neglected or not properly serviced, enabling the careful owner to easily demonstrate it is fit for continued public service.

Prior to being re-licensed such a vehicle must be presented for formal inspection and satisfy the three statutory requirements set out above.

(d) **Administrative arrangements for re-licensing**

The licence must be renewed before the last working day for the Taxi and Private Hire Licensing Section in the month that the licence is due to expire. Any break in the licence may result in part (a) of this Condition coming into effect.

It is the responsibility of the vehicle proprietor to ensure that vehicle inspection arrangements are in place prior to the expiration of the vehicle licence, enabling sufficient time for both the test and any remedial work to be conducted prior to its expiry.

3.10 The inspection regime referred to in this condition is attached to the report at Appendix E This regime was previously called the Exceptional Condition Policy. However due to feedback from the consultation that this wording could be misleading and give the impression that it was designed to ensure few vehicles passed, it has been renamed as the Inspection Policy for Vehicles seeking to be licensed beyond 6 years of age. It has been designed to enable an objective assessment at the point of inspection based on MOT standards, a road test and extracts of advice from a major motoring organisation. Access to the information will be available in printed format and on line to enable vehicle proprietors to present vehicles for inspection against known criteria.

3.11 For existing licensed vehicles seeking a renewed licence after 6 years of age, the proposals to inspect vehicles twice a year has been reduced to once per year. However, the Council retains its statutory right to inspect vehicles up to three times a year and 'spot road side inspections' which are not charged. The suggestion by the trade that the Council should target regular offenders or those who are convicted of offences for more frequent inspections is accepted as a workable way ahead.

4 Implications for council policy and governance

- 4.10 The setting of a policy on the age of vehicles that will be licensed in Leeds is a licensing function delegated to the Licensing and Regulatory Panel. There is no statutory requirement to have taxi and private hire licensing policies, although they have been in common use for a number of years across all Licensing Authorities. Policies are generally regarded as useful, as they give clear guidance to potential applicants on what the Council considers to be acceptable, and provides the framework for consistent decision making.

5 Legal and resource implications

- 5.1 As with all Council policies, it is possible to challenge a policy that is unreasonable by way of Judicial Review.
- 5.2 There are no resource implications from this report. Fees will be charged to the trade for the necessary inspections, and those fees will cover the cost of implementing this policy, should that be the decision

6 Conclusions

- 6.1 That the results of the inspections of vehicles over 6 years of age require the council to consider how best to ensure that licensed vehicles of that age are mechanically suitable for use as a hackney carriage or private hire vehicle, safe and meet licensing conditions.

7 Recommendations

- 7.1 That Members consider the proposed rewording of the Age Criteria Condition set out at paragraph 3.9 of this report and the inspection regime detailed in paragraph 3.10 and **Appendix E** and either
- a) approve the proposal for a change to the vehicle licensing Conditions in respect of the age criteria and the proposed Inspection Regime for vehicles seeking to be licensed beyond 6 years of age, or
 - b) reject the proposals, or
 - c) modify the proposals in the light of this report and any views expressed at the meeting.

Background Papers

- DfT guidance: Taxi and Private Hire Vehicle Licensing: Best Practice Guidance
- Report to Executive Board 17/6/09

VEHICLE INSPECTION RESULTS – 6 /7+ Years**Hackney Carriage Vehicles**

	Vehicles Required To Attend	Passed Test	Failed Test	Vehicle Suspended	Licence Revoked	Licence Surrendered	Failed to Attend
Actual Volume	115	27	45	23	0	7	13
%		23.5%	39.1%	20.0%	0%	6.1%	11.3%

Attended at a later date (vehicles that failed to attend on first request)

Actual Volume	11	1	6	3	0	1	0
%		9.1%	54.5%	27.3%	0%	9.1%	0%

Private Hire Vehicles

	Vehicles Required To Attend	Passed Test	Failed Test	Vehicle Suspended	Licence Revoked	Licence Surrendered	Failed to Attend
Actual Volume	740	138	230	78	32	45	217
%		18.7%	31.1%	10.5%	4.3%	6.1%	29.3%

Attended at a later date (vehicles that failed to attend on first request)

Actual Volume	192	14	66	22	8	82	0
%		7.3%	34.4%	11.5%	4.2%	42.6%	0%



Taxi and Private Hire Licensing Legal, Licensing & Registration

Information & Consultation on changes to:

1. Our administrative procedures and Enforcement Policy in respect of vehicle inspections
2. The proposed Age Criteria policy

March 2009

Section Opening Hours

Mon – Thurs

08:00 – 15:30

Fri

08:00 – 15:00

Staff Training

2nd Tuesday in every month

08:00 – 10:00

Taxi and Private Hire Licensing

225 York Road

Leeds

LS9 7RY

Tel: 0113 214 3366

Email: taxiprivat hire.licensing@leeds.gov.uk

www.leeds.gov.uk/taxis

Background Information

This booklet contains information about two distinct developments surrounding the inspection of licensed Hackney Carriage and Private Hire saloon and People Carrier vehicles;

1. Changes to our administrative procedures and Enforcement Policy in respect of vehicle inspections
2. Proposals to change the 'age criteria' Condition placed upon Hackney Carriage and Private Hire saloon and People Carrier vehicle licences

Over the past three years our Vehicle Examiners have been systematically inspecting licensed vehicles by age group, starting with those of 6 years and 7½ years plus. The results of these inspections have previously been communicated via the Licensing Leeds newsletter but can also be found at Appendix A.

After considering the results and discussing the experience of Licensing Officers and Vehicle Examiners, it became apparent that we would need to reconsider our administrative procedures and Enforcement Policy in respect of vehicle inspections.

It was also considered necessary to bring the results to the attention of the Councillors who sit on the Licensing and Regulatory Panel and to propose changes in respect of the "top end" age criteria.

Changes relating to the administrative procedures and Enforcement Policy are proposed to come into effect on **1 July 2009**.

Officers feel these changes are necessary to further increase public safety.

1. Changes to our administrative procedures and Enforcement Policy

1.1 Changes to the Vehicle Transfer Policy

All licensed Hackney Carriage and Private Hire vehicles will be required to undertake a formal inspection at the time of transfer from one Proprietor to another, along with a Hire Purchase Information (HPI) check.

Section 49 (1) of the Local Government (Miscellaneous Provisions) Act, 1976, allows 14 days from the notification of such a transfer to take place. We however would encourage Proprietors to book an appointment for inspection as soon as they intend to transfer their vehicle.

There have been examples of Proprietors purchasing a licensed vehicle which subsequently fails its next inspection, leaving the new Proprietor(s) in financial difficulties and with a vehicle that requires substantial further investment. To encourage greater responsibility on the part of sellers and purchasers of licensed vehicles, there will be a policy change which may involve the immediate suspension of an existing vehicle licence unless it has, within the 28 days preceding notification of transfer, undertaken and passed an MOT inspection or formal inspection at these premises. The original MOT certificate must be presented to the Taxi and Private Hire Licensing Section at the point of transfer.

Any licensed vehicle which does not have the requisite MOT certificate or a formal inspection pass may remain suspended until it has successfully passed a formal inspection by one of our Vehicle Examiners. A vehicle which satisfies this requirement could be able to be taken into immediate use pending a formal inspection.

1.2 How does this affect me when selling/ purchasing a licensed vehicle?

- You must arrange for your vehicle to be inspected within 14 days of transfer. We recommend that it is done immediately.
- Your vehicle may be suspended unless it has undertaken an MOT inspection or formal inspection within the 28 days before notification of transfer.
- You may have more reassurance that the vehicle you are purchasing is roadworthy and complies with the Taxi and Private Hire Licensing Conditions.
- You can check the vehicle is free of any loan liability and has not suffered serious accident damage by carrying out the HPI check.
- You will have the reassurance of an MOT test certificate for 11 months or more.
- Instead of buying a vehicle on trust, you can demand that the seller builds the safeguards highlighted above into the sale price.

- If you are selling a licensed vehicle you can increase confidence and the value of the vehicle by having all of these matters in place.
- As the owner of a licensed vehicle, the failure to properly maintain and service your vehicle could cost you more money if you try to sell it.

1.3 Introduction of a Prosecution Policy

The Taxi and Private Hire Licensing Section issues formal rectification and suspension notices to vehicle Proprietors for a wide range of mechanical faults or non-compliance to its licence Conditions. All of our Vehicle Examiners are qualified to MOT inspection standards and are also qualified vehicle technicians with extensive experience.

The high failure rate at inspections indicates a significant lack of on-going maintenance by some vehicle Proprietors and drivers. Whilst there may be a number of reasons for this, it does not dilute the responsibility of a Proprietor, driver, Operator or Hackney Carriage Association of a licensed vehicle that they are responsible, in law, to comply with all aspects of a vehicles road worthiness in accordance with Construction & Use regulations and associated legislation whilst on a public road. The position is the same in respect of Conditions upon the vehicles licence.

Failure to maintain a vehicle to a road worthy standard and to the Conditions of its licence places not only the public at risk but also the driver. It should not be overlooked that a licensed Operator or Hackney Carriage Association has a significant liability by dispatching a defective vehicle to a client. Neglect on the part of a vehicle Proprietor has a potential impact on a range of people.

The preference will remain that, where appropriate, Proprietors, drivers, Operators and Hackney Carriage Associations will be made aware of defects and given the opportunity to contribute to remedying the defect and preventing future occurrences. However, where there is clear evidence of an obvious and dangerous defect (e.g. tyre tread levels, handbrake not holding) which are probably indicative of a neglect to follow the manufacturer's service schedule, then prosecution may follow.

1.4 How will the introduction of this policy effect me?

It shouldn't!

However, if you drive or own a vehicle which is used on a road or which is presented for inspection and found to have dangerous faults you could be prosecuted. If you follow the advice of the vehicle manufacturer and motoring organisations you will have no concerns. It is the same standards which applies to all road users, for example check your tyres and lights daily and keep your vehicle properly maintained and serviced.

This is not a big change in respect of drivers; we have often prosecuted them whilst on the roads but have become alarmed at the dangerous state of vehicles being presented for inspection.

Not all drivers are vehicle Proprietors and the law in respect of using a dangerous or defective vehicle on a road applies equally to anyone using, causing or permitting a vehicle to be so used. We will now follow that chain of responsibility to the vehicle Proprietor and Operator/ Hackney Carriage Association.

If you are a driver of a rental vehicle you could still be prosecuted for driving a defective vehicle. However under the new inspection regime you could also benefit because the vehicle owner should maintain their hire vehicle to a higher standard to reduce their own liability.

Proprietors, drivers, Operators and/ or Hackney Carriage Associations all have equal responsibility in law to ensure that the vehicles they use are safe and compliant with all aspects of the law. Whilst we will continue to assist and guide all of those affected, there should be a clear understanding that public safety is vital and everyone involved in the use of a licensed vehicle must have an inspection and maintenance schedule in place to reduce risk and avoid potential prosecution.

1.5 Vehicle inspections - Attendance Administration Policy

The vehicle inspection figures reveal that some Proprietors fail to produce their licensed vehicle for inspection when required. It is sometimes the case that the Proprietor does not attach the necessary importance to that requirement. There are other reasons but the most concerning is that the Proprietor has no intention of producing the vehicle for inspection and is difficult to locate.

There will be a procedural change in how we deal with failures to attend for vehicle inspections. The financial impact of this will fall upon the vehicle Proprietor concerned and the ascending scale of charges will be representative of the level of administration required.

Proposed fee increases, when finalised, will be published in accordance with the Local Government (Miscellaneous Provisions) Act, 1976, in the local press.

1.6 How will this change to the policy effect me?

If you are a licensed vehicle Proprietor and you fail to produce your vehicle for inspection, you will be charged the applicable fee.

Please refer to the flowchart at Appendix B.

1.7 When do these policy changes take place?

Changes relating to the administrative procedures and Enforcement Policy are proposed to come into effect on **1 July 2009**.

1.8 In summary

As a driver you should visually inspect your vehicle at the start of a journey and refer to the vehicle's handbook produced by the manufacturer. If you see, hear or feel anything which is unusual you should not use it and arrange to have it inspected by a qualified vehicle technician as soon as possible.

If you are the vehicle Proprietor you should follow the manufacturer's servicing recommendations and have a full maintenance plan in place. This is **your** responsibility and you must not rely on others. Always use a qualified vehicle technician who is competent in carrying out the vehicle manufacturer's service and repair specifications for your make of vehicle and keep records.

Operators and Hackney Carriage Associations should insist that they have evidence supplied to them on a regular basis by drivers and vehicle Proprietors setting out how and when the vehicle is being serviced and repaired. It would be good practice to retain a copy of that documentary evidence.

To reduce risk of prosecution the Operator and Hackney Carriage Association should also conduct a regular visual inspection of licensed vehicles they use for hiring and retain a written record of that inspection. Operators and Hackney Carriage Associations should prepare a check list relative to that vehicle by referring to the manufacturer's guidance.

2. Proposals to change the 'age criteria' Condition placed upon Hackney Carriage and Private Hire saloon and People Carrier vehicle licences

2.1 What might change?

A proposal has been presented to Elected Members of the Licensing and Regulatory Panel to change the age criteria Condition for Hackney Carriage and Private Hire saloon and People Carrier vehicles. Members have considered an initial report and requested further information before making a final decision in May.

2.2 How will this affect my current licensed vehicle?

If the age criteria Condition were to be changed, the Taxi and Private Hire Licensing Section have built into our recommendations that we would allow currently licensed vehicles to continue to be licensed up to 8 years with the existing Proprietor, subject to two inspections per year after its sixth anniversary of first registration with the DVLA.

2.3 If the age criteria Condition was to be changed, how would that affect me?

Firstly, nothing has changed and members will not consider this report again until May 2009.

If the age criteria was to be changed and you purchased a new vehicle after May 2009, you would be subject to an 'Exceptional Conditions' policy at 6 years. The purpose of this policy is to encourage Proprietors to service and maintain their vehicles in accordance with the manufacturer's instructions throughout the lifetime of the vehicle. If your vehicle is well maintained, mechanically sound, meets emissions standards, has good exterior bodywork and paintwork, meets high standards of interior cleanliness and comfort with accompanying evidence of a service history, an extension beyond 6 years could be granted. If, after the first year extension, a further application was made to licence up to the eighth year that would be considered also under the 'Exceptional Conditions' policy. It will still be the case that a vehicle can be licensed well into its eighth year depending on the date it was first licensed and its condition.

2.4 So, will there be extra inspections?

Yes. There will be an extended inspection if you wish to apply for the 'Exceptional Conditions' policy on the first and second occasion. There will also be an additional inspection at some point during the following 12 months of the issuing of the vehicle licence.

2.5 Will I be charged for the extra inspections?

Only the vehicle Proprietor will.

It is not expected that there will be any price increases on the basic inspection fee which has remained unchanged since 1999. However those who do not produce their vehicles for inspection when required will face increased charges relative to the additional enforcement activity required to deal with them.

It is expected that the 'Exceptional Condition' inspection will last 2 hours and cost £60 (twice the standard 1 hour inspection fee).

When finalised, all of these charges will be published in the local press.

2.6 Where can I see the full report that went before the Licensing and Regulatory Panel?

It can be viewed on line and downloaded at www.leeds.gov.uk/taxis

2.7 Are any other changes planned?

Not at present.

Once the full schedule of inspections are completed in summer 2009, the results will be considered and, if necessary, information will be supplied to the Licensing and Regulatory panel.

2.8 How can I comment on these proposals?

Halcrow is a local company currently conducting an unmet demand survey in relation to Hackney Carriages. Please find a questionnaire enclosed with this booklet. Consultation questions concerning the age criteria are included in the Survey Form.

The information you supply in respect of the Hackney Carriage and Private Hire saloon and People Carrier age criteria will be considered separately from the unmet demand survey information. It is important you complete the whole of the questionnaire.

You can also email us with your views at: taxiprivatehire.licensing@leeds.gov.uk

There will also be three 'open days' at key venues in Leeds and Bradford where you will have the opportunity to ask questions and offer feedback. Further details will be provided to Operators and Hackney Carriage Associations once the times and dates have been finalised.

2.9 When do these policy changes take place?

It was agreed at the Licensing and Regulatory Panel meeting on 2nd March 2009 that details of the changes will be updated on the media screens in the Taxi and Private Hire Licensing Office, in the Spring Licensing Leeds newsletter, on the Council's website and by sending flyers to Operator and Hackney Carriage Association bases.

It is not intended to introduce this policy for at least three months to enable any representations to be considered by Elected Members and to enable Proprietors, drivers, Operators and Hackney Carriage Associations to make appropriate adjustments and voice their views.

VEHICLE INSPECTION RESULTS – 6 /7+ Years

Hackney Carriage Vehicles

	Vehicles Required To Attend	Passed Test	Failed Test	Vehicle Suspended	Licence Revoked	Licence Surrendered	Failed to Attend
Actual Volume	115	27	45	23	0	7	13
%		23.5%	39.1%	20.0%	0%	6.1%	11.3%

Attended at a later date (vehicles that failed to attend on first request)

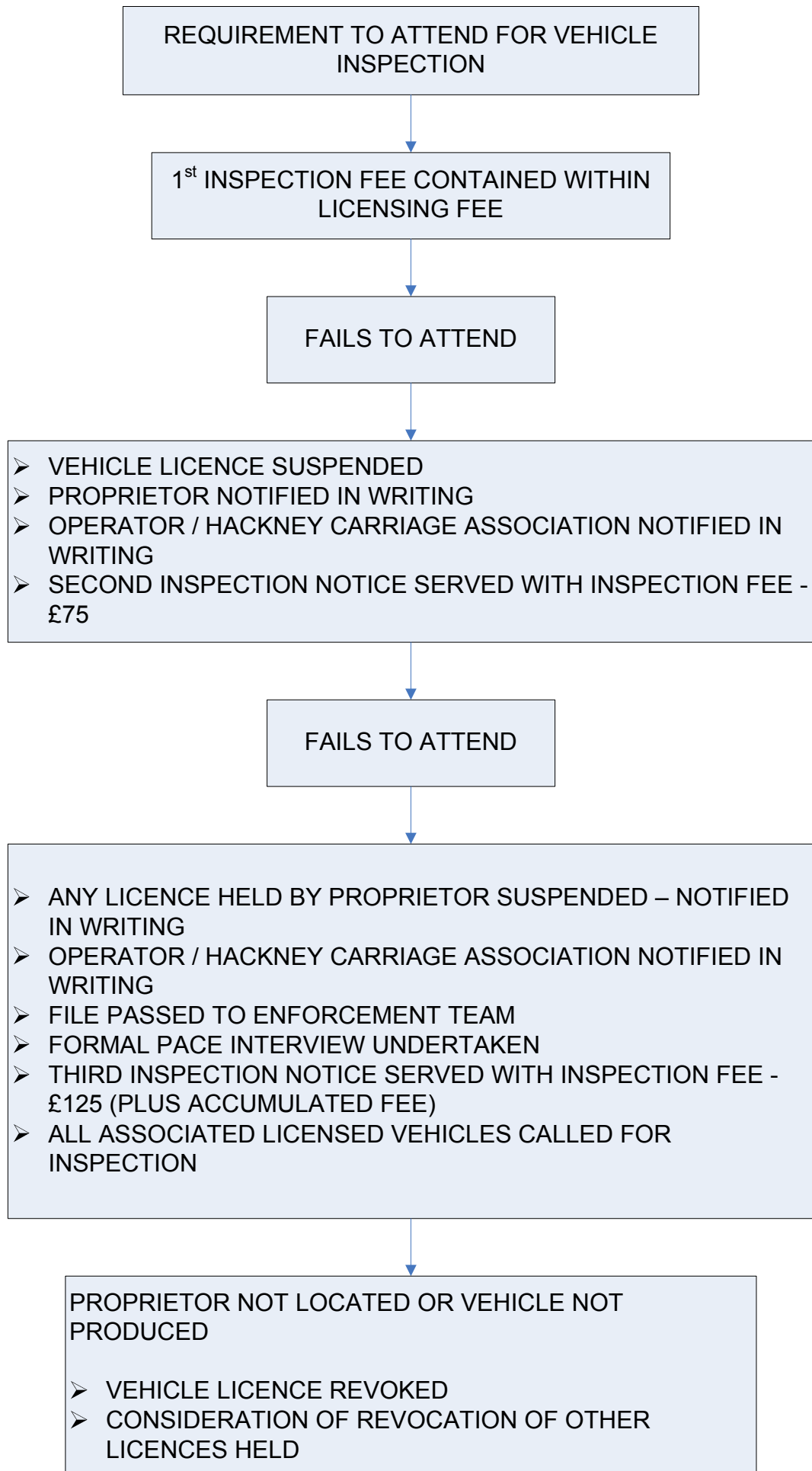
Actual Volume	11	1	6	3	0	1	0
%		9.1%	54.5%	27.3%	0%	9.1%	0%

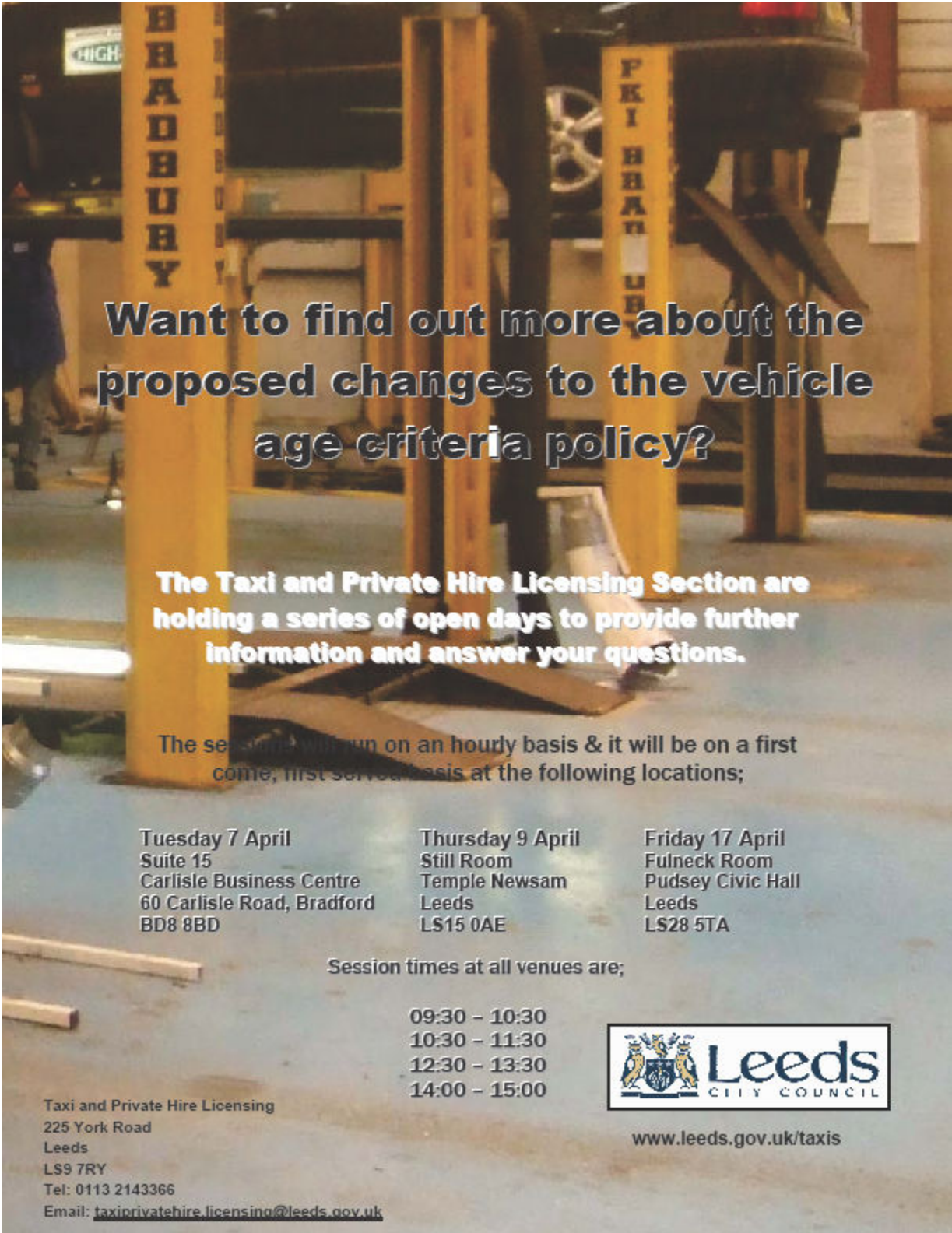
Private Hire Vehicles

	Vehicles Required To Attend	Passed Test	Failed Test	Vehicle Suspended	Licence Revoked	Licence Surrendered	Failed to Attend
Actual Volume	740	138	230	78	32	45	217
%		18.7%	31.1%	10.5%	4.3%	6.1%	29.3%

Attended at a later date (vehicles that failed to attend on first request)

Actual Volume	192	14	66	22	8	82	0
%		7.3%	34.4%	11.5%	4.2%	42.6%	0%





Want to find out more about the proposed changes to the vehicle age criteria policy?

The Taxi and Private Hire Licensing Section are holding a series of open days to provide further information and answer your questions.

The sessions will run on an hourly basis & it will be on a first come, first served basis at the following locations;

Tuesday 7 April
Suite 15
Carlisle Business Centre
60 Carlisle Road, Bradford
BD8 8BD

Thursday 9 April
Still Room
Temple Newsam
Leeds
LS15 0AE

Friday 17 April
Fulneck Room
Pudsey Civic Hall
Leeds
LS28 5TA

Session times at all venues are;

09:30 – 10:30
10:30 – 11:30
12:30 – 13:30
14:00 – 15:00



Taxi and Private Hire Licensing
225 York Road
Leeds
LS9 7RY
Tel: 0113 2143366
Email: taxiprivat hire.licensing@leeds.gov.uk

www.leeds.gov.uk/taxis

The proposed Age Criteria policy

Since July 2006, our Vehicle Examiners have been carrying out inspections of vehicles over 7 years old.

The results of these inspections and a proposal to change the age criteria Condition of Hackney Carriage and Private Hire saloon and People Carrier vehicles were presented to Elected Members at the Licensing and Regulatory Panel on 3 March.

The results enabled Members to consider the research undertaken over the past three years and to determine if proposals to lower the maximum 'age criteria' on licensed Hackney Carriage and Private Hire vehicles is appropriate and proportionate. After considering both the proposal and the results, Members requested further information and consultation with the trade before making a final decision in May.



As a result of this, you will very shortly be receiving an Information & Consultation pack outlining changes to current vehicle inspection policies and the proposed changes to the criteria.

In addition, a series of open days are to be held to consult with drivers, Operators and Proprietors;

Tuesday 7 April, Suite 15, Carlisle Business Centre, 60 Carlisle Road, Bradford, BD8 8BD
Thursday 9 April, Still Room, Temple Newsam, Leeds, LS15 0AE
Friday 17 April, Fulneck Room, Pudsey Civic Hall, Dawsons Corner, Leeds, LS28 5TA

Please use your opportunity to provide feedback by completing the questionnaire enclosed in the Information & Consultation pack, emailing us at taxiprivaterehire.licensing@leeds.gov.uk or visiting us at one of the open days.

Vehicle Inspection Results – 6/7+ Years

Hackney Carriage Vehicles

	Vehicles Required to Attend	Passed Test	Failed Test	Vehicle Suspended	Licence Revoked	Licence Surrendered	Failed to Attend
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Private Hire Vehicles

	Vehicles Required to Attend	Passed Test	Failed Test	Vehicle Suspended	Licence Revoked	Licence Surrendered	Failed to Attend
Actual Volume	740	138	230	78	32	45	217
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Attended at a later date (Vehicles that failed to attend on first request)

Actual Volume	192	14	66	22	8	82	0
%		7.3%	34.4%	11.5%	4.2%	42.6%	0%

PROPOSALS TO CHANGE THE AGE CRITERIA CONDITION UPON HACKNEY CARRIAGE AND PRIVATE HIRE SALOON AND PEOPLE CARRIER VEHICLE LICENCES

Summary of Consultation Responses and Officer Comments.

<p>1. The consultation process has been flawed with very few attendees at the 'open days'.</p>	<p>Although there has been criticism of the open days, particularly the one at Pudsey, Officers feel that such open days were only one part of the process and the consultation should be judged as a whole. It is important to note that following the abandoned event on 1 June, officers met with Trade representatives.</p> <p>As a result of that meeting, officers agreed to ensure that the identified concerns of the trade were included in the report for Members. A list of concerns was drawn up and that list has been shared with the trade representatives and elected Members who have represented trade interests. They have agreed that the list is an accurate reflection of their concerns.</p> <p>Further consultation would not help Members in making a decision as such consultation would simply result in the same concerns being raised again.</p>
<p>2. The proposed policy is much stricter than elsewhere and indeed authorities such as Rotherham have no age criteria.</p>	<p>It has not been possible to canvass details of the policies of all the 400 licensing authorities. However for the information of members the following information has been obtained relating to the 'core cities' or neighbouring areas</p> <p><u>Birmingham</u></p> <p>Will licence a vehicle up to 8 years of age and apply an exceptional circumstances policy thereafter. This policy was adopted in 2008</p> <p><u>Manchester</u></p> <p>Will licence a vehicle up to a maximum age of 7 years unless there are exceptional circumstances.</p> <p><u>Newcastle</u></p> <p>Have no maximum age but require vehicles over 5 years of age to have 3 inspections per year.</p> <p><u>Liverpool</u></p> <p>No age criteria but vehicles over 8 years of age are</p>

	<p>inspected every 6 months.</p> <p><u>Bradford</u></p> <p>Maximum age for new vehicles to be licensed is 8 year except for wheelchair accessible vehicles which are licensed up to 5 years from first registration. Once licensed vehicle licences can be renewed up to 12 years of age.</p> <p><u>Bristol</u></p> <p>Vehicles up to 8 years of age are MOT tested once a year. Vehicles between 8 – 10 years are subject to two MOT tests per year. The MOTs are carried out at designated MOT stations.</p> <p><u>Kirklees</u></p> <p>Vehicles are licensed up to 10 years and may continue to be licensed after this in exceptional circumstances.</p> <p><u>Calderdale</u></p> <p>Vehicles are licensed up to 10 years and may continue to be licensed after this in exceptional circumstances.</p> <p><u>Nottingham</u></p> <p>Vehicles are tested annually up to 3 years. Vehicles between 3-5 years of age are inspected every 6 months.</p>
<p>3. Only vehicles which are in 'exceptional' or 'outstanding' condition will be licensed once they are six years old. This is unnecessarily high standard.</p>	<p>The condition of the vehicle must be judged according to it's proposed use. What is acceptable in a family car may not be appropriate in a public transport vehicle.</p> <p>However the proposed policy has been changed so there is more clarity about the assessment process and to highlight those inspection points which the Council must assess to meet its statutory responsibility. The policy now reflects what will be assessed and how rather than a subjective argument of whether a particular vehicle is 'outstanding' or 'exceptional'.</p>
<p>4. When a vehicle is six years old it requires a test twice a year, the cost of which (£60 per inspection) will fall on the operators. This is an additional and unnecessary burden.</p>	<p>Following consultation the proposal put to Members (in respect of currently licensed vehicles seeking extension beyond 6 years) is that instead of two Council inspections per year there should be one at some point in the sixth year and each subsequent year reasonably separated from the</p>

	<p>MOT inspection if at all possible.</p> <p>The cost per inspection in these cases is set at the standard inspection fee of £30, which in any case is offset against the vehicle licence charge. Consequently there is no price increase for the proprietors of currently licensed vehicles unless the vehicles are transferred.</p> <p>It should be noted that vehicles can be already be called in up to three times per 12 months for inspection within legislation covering Hackney Carriages and Private Hire vehicles.</p> <p>We should not lose sight of what is necessary and whilst it might be more time consuming for vehicle proprietors the overriding issue is public safety.</p>
<p>5. The policy will affect smaller companies to a greater extent than the larger companies. As the cost of running and replacing their own vehicles increases many drivers will be forced to work for larger companies who provide rented vehicles.</p>	<p>Renting a vehicle is the first choice for over 1000 Private Hire drivers and 600 Hackney Carriage drivers for various reasons. The issue is quite straight forward in that licensed vehicles must be maintained to be safe, comfortable and in a suitable mechanical condition. Legislation determines what is safe both in MOT testing standards and 'construction and use' legislation and this is not a negotiable area.</p> <p>Engineers do believe that the costs of properly servicing and maintaining a vehicle will reflect the amount of mileage it is doing and its age. Vehicles do deteriorate more quickly as they get older. It is not possible for the Council to compromise public safety on the basis of not being able to afford to pay to maintain a vehicle. The Council can however set proportionate standards to cover its statutory responsibility and it is hoped the final report does that.</p>
<p>6. Instead of checks relating to the age of vehicles, could they relate to mileage instead? This would ensure that younger vehicles with much higher mileage rates are checked at an earlier stage.</p>	<p>This is not an option due to the ease with which mileage readings can be altered and the administrative burden of even trying to follow such a system.</p> <p>Additionally, in understanding the engineering issues perhaps most laymen would see there is a significant difference in the potential wear and tear effects on the vehicle negotiating the traffic and roads in Leeds, or any other major city, and the identical car which cruises on the motorway.</p> <p>The point in respect of much younger vehicles also potentially presenting safety concerns when high mileage is sustained in short periods of time is</p>

	<p>acknowledged..</p> <p>We are aware of some vehicle accumulating 150,000 miles plus in the first few years of their life which is achieved by 24 - 7 hiring to multiple drivers. The whole of the inspection plan across the entire range of vehicle age groups has not yet been finalised. This issue in itself may be the subject of a further report to Panel on how we address issues on much younger vehicles.</p>
<p>7. In either 1989 or 1990 a commitment was made that the age criteria would remain at 10 years.</p>	<p>Officers have not been able to find any substance to this. Even so the issues twenty years ago in terms of vehicle safety and public expectations have moved on enormously and any responsible Authority, with the present evidence in front of them, must consider public safety now. If such a commitment had been made it would still be acceptable to reconsider that given the passage of time and availability of evidence.</p>
<p>8. In the report to Panel a breakdown of the failed vehicles should be shown detailed:</p>	<p>Such detail as can be provided is now included within the report at paragraph 2.6.</p> <p>A total of 855 vehicle inspections were carried out.</p> <p>126 failed and had their licence suspended, 347 failed and were given 7 days to return with the defects rectified. (total 473)</p> <p>Failures items were recorded in 5 categories:</p> <ul style="list-style-type: none"> • General 240 • Steering and suspension 187 • Lights 257 • Brakes 140 • Emissions 35 <p style="text-align: right;">Total failure items 859</p> <p>859 failure items were recorded across the 473 vehicles</p> <p>In addition to the above 473 failed inspection results, 40 vehicles had their licences revoked.</p> <p>The differential of 342 inspections consists of those vehicles that had their licence surrendered, those that failed to attend before the licence expired and vehicles that passed the inspection.</p> <p>27 vehicles are recorded as having failed solely under the general category.</p> <p>It should be noted that vehicles which fail the</p>

	<p>inspection will be given a period of time in which to rectify minor faults. Providing the faults are rectified and the vehicle is re-examined before the licence expires, minor faults should not prevent a vehicle licence from being extended.</p>
<p>9. Impossible for a car to get through at 6 years</p>	<p>Maintaining a vehicle to a safe condition is not an imposition by the Council, it is legislative requirement. Being fit for public transport is also a statutory requirement.</p> <p>Qualified and experienced engineers do believe that by properly servicing and maintaining a vehicle that the cost will only reflect the amount of mileage it is doing and/or its age. Vehicles do deteriorate more quickly as they get older. It is not possible for the Council to compromise public safety on the basis of not being able to afford to pay to maintain a vehicle. The Council can however set proportionate standards to cover its statutory responsibility and it is hoped the final report does that.</p> <p>The criteria will be very clear and in accordance with MOT testing standards, existing approved licence conditions and extracts from guidance issued by a major motoring organisation on what should be checked before you buy a vehicle.</p>
<p>10. Why should it have to go to a garage for servicing or repair?</p>	<p>That was certainly the preference of vehicle inspectors and follows the sound advice of any motoring organisation, vehicle manufacturer or trading standards advice.</p> <p>Accepting that there are some semi-skilled unqualified trades men working from their home premises Officers consider that any servicing or repair work, especially involving the brakes and steering must be carried out by skilled and qualified technicians in accordance with the vehicle manufacturers recommendations. Ultimately it is not just the vehicle proprietor who has to deal with the consequences of poor workmanship.</p>
<p>11. What if it doesn't have any service history?</p>	<p>Most cars have dealership support offering servicing offers during the first 3 years of life and the service history is recorded and validated in the vehicles "hand-book".</p> <p>A starting point in the event of no available supporting evidence would be to have the vehicle serviced and inspected by a qualified dealership and retain and present that record. From that point on it is relatively easy for a proprietor to</p>

	demonstrate that they have followed the manufacturers guidance and compile a service history.
12. Cars should not have to be serviced every 12000 miles	The need for regular servicing and maintenance is even more important on high mileage cars. Cars which reach 12000 in a short time are just such vehicles.
13. Why is the Council picking on drivers of older cars?	<p>Based on the inspection figures to date there is evidence to propose changes that are proportionately responsive to quite a significant problem and the Council must intervene in a responsible way. The Council is keen to introduce people into employment and keep them there but that cannot be at the expense of public safety. Any professional costs and fees can be offset against an individual tax code.</p> <p>The entire fleet is being inspected by age range and further proposals may be made in respect of vehicles in other age groups.</p>
14. This will put some Operators and drivers out of business	<p>The Council cannot overlook its statutory function to ensure we licence safe vehicles. Not doing so because it might put people out of business is the same as saying that a private car owner, should not have to maintain their vehicle to the statutory level because it costs too much and safety comes second to servicing costs.</p> <p>Operators who rent cars have exactly the same responsibility as the owner/drivers and cannot escape the responsibility for maintaining their vehicles to a standard of road worthiness. When a hirer books a car from a licensed Operator or Taxi Association they expect to have a safe, clean and comfortable vehicle sent for them.</p> <p>Operators and Taxi Associations have a shared responsibility in law for providing a safe vehicle on a pre-booking, even if the vehicle is owned by the driver or a proprietor and the measures proposed not only protect the public but the Operator and Taxi Association as well from the neglectful vehicle owner.</p>
15. Six years is a ridiculous age criteria in the current climate	'Six years' is not an absolute; the proposed criteria allows vehicle to be licensed way beyond this – all you have to do is comply with the Councils proposed testing arrangements and keep the vehicle safe for the public to use, well maintained and in good condition.

	<p>It is recognised that some people find themselves in testing times financially and it is not the intention of the Council to financially penalise vehicle proprietors. It does however have to undertake its statutory obligation in light of the inspection figures. In terms of additional cost incurred in maintaining a vehicle; it would be difficult to sustain sympathy for an argument based on a licensed driver not servicing his vehicle to maintain public safety because of financial constraints. It would not be a defensible argument in the event of a serious incident for the Council to say it did not react to safety concerns because it would cost vehicle proprietors money to maintain their vehicle to a safe level.</p>
<p>16. Why are the Council issuing so many badges, with more drivers fighting for work - we won't be able to afford a new car more frequently</p>	<p>The Council cannot, in law, neither restrict the number of Private Hire drivers or Private Hire vehicles. Vehicles can be purchased up to 5 years of age for first time of licence and need not be new.</p>
<p>17. We cannot afford to pay for servicing</p>	<p>This was an often repeated statement and the responsibility of the Council and a vehicle proprietor in respect of public safety may allow some sympathy but little room for manoeuvre. Whilst carrying out its obligation the Council has tried to balance all of the issues but it cannot overlook its primary responsibility – public safety.</p>
<p>18. Why have 2 council inspections a year and an MOT</p>	<p>An MOT inspection is only accurate for that moment in time and does guarantee vehicles road worthiness for the following 12 months. There is an expectation that a vehicle owner will responsibly maintain the vehicle during that time. Because taxis and Private Hire vehicles are generally much higher mileage, legislation was put in place to enable the Council to inspect and charge for up to three inspections in any twelve month period.</p> <p>Having spoken with a cross section of drivers this is now being reviewed with a proposal that there will be one Council inspection per year as well as the MOT. The Council examines beyond the areas examined during an MOT to a range of licensing conditions and has to consider other statutory requirements before licensing a vehicle. For example: comfort, suitable mechanical condition, body work and cleanliness.</p> <p>This will not restrict the Council from conducting further inspections if it thinks fit. Suggestions from the trade have been that the Council should target those people who present vehicles which fail or are convicted of 'construction & use' offences. In</p>

	addition to the testing proposals this seems to be a credible idea proposed by the trade
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Department for Transport

(Taken from DfT Website)

Taxi and Private Hire Vehicle Licensing: Best Practice Guidance

Vehicles

Specification of Vehicle Types That May Be Licensed

18. The legislation gives local authorities a wide range of discretion over the types of vehicle that they can license as taxis or PHVs. Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.
19. Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, local authorities might usefully set down a range of general criteria, leaving it open to the taxi and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way there can be flexibility for new vehicle types to be readily taken into account.
20. It is suggested that local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the Department believes authorities should be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. (There are at present only two designs of purpose-built taxi.) But of course the purpose-built vehicles are amongst those which a local authority could be expected to license. Similarly, it may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers).

Imported vehicles: type approval (see also "stretched limousines", paras 26-28 below)

21. It may be that from time to time a local authority will be asked to license as a taxi or PHV a vehicle that has been imported independently (that is, by somebody other than the manufacturer). Such a vehicle might meet the local authority's criteria for licensing, but the local authority may nonetheless be uncertain about the wider rules for foreign vehicles being used in the UK. Such vehicles will be subject to the 'type approval' rules. For passenger cars up to 10 years old at the time of first GB registration, this means meeting the technical standards of either:
 - a European Whole Vehicle Type approval;
 - a British National Type approval; or
 - a British Single Vehicle Approval.

Most registration certificates issued since late 1998 should indicate the approval status of the vehicle. The technical standards applied (and the safety and environmental risks covered) under each of the above are proportionate to the number of vehicles entering service. Further information about these requirements and the procedures for licensing and registering imported vehicles can be seen at www.dft.gov.uk/stellent/groups/dft_roads/documents/page/dft_roads_506867.hcsp.

Vehicle Testing

22. There is considerable variation between local licensing authorities on vehicle testing, including the related question of age limits. The following can be regarded as best practice:

- **Frequency of Tests.** The legal requirement is that all taxis should be subject to an MOT test or its equivalent once a year. For PHVs the requirement is for an annual test after the vehicle is three years old. An annual test for licensed vehicles of whatever age (that is, including vehicles that are less than three years old) seems appropriate in most cases, unless local conditions suggest that more frequent tests are necessary. However, more frequent tests may be appropriate for older vehicles (see 'age limits' below). Local licensing authorities may wish to note that a review carried out by the National Society for Cleaner Air in 2005 found that taxis were more likely than other vehicles to fail an emissions test. This finding, perhaps suggests that emissions testing should be carried out on ad hoc basis and more frequently than the full vehicle test.
- **Criteria for Tests.** Similarly, for mechanical matters it seems appropriate to apply the same criteria as those for the MOT test to taxis and PHVs*. The MOT test on vehicles first used after 31 March 1987 includes checking of all seat belts. However, taxis and PHVs provide a service to the public, so it is also appropriate to set criteria for the internal condition of the vehicle, though these should not be unreasonably onerous.

*A manual outlining the method of testing and reasons for failure of all MOT tested items can be obtained from the Stationary Office see

www.tsoshop.co.uk/bookstore.asp?FO=1159966&Action=Book&From=SearchResults&ProductID=0115525726

- **Age Limits.** It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.
- **Number of Testing Stations.** There is sometimes criticism that local authorities provide only one testing centre for their area (which may be geographically extensive). So it is good practice for local authorities to consider having more than one testing station. There could be an advantage in contracting out the testing work, and to different garages. In that way the licensing authority can benefit from competition in costs. (The Vehicle Operators and Standards Agency - VOSA - may be able to assist where there are local difficulties in provision of testing stations.)

Security

23. The owners and drivers of vehicles will often want to install security measures to protect the driver. Local licensing authorities may not want to insist on such measures, on the grounds that they are best left to the judgement of the owners and drivers themselves. But it is good practice for licensing authorities to look sympathetically on - or actively to encourage - their installation. They could include a screen between driver and passengers, or CCTV. Care however should be taken that security measures within the vehicle do not impede a disabled passenger's ability to communicate with the driver. Licensing authorities may want to encourage the taxi and PHV trades to build good links with the local police force, including participation in any Crime and Disorder

Reduction Partnerships. There is extensive information on the use of CCTV, including as part of measures to reduce crime, on the Home Office web-site, www.homeoffice.gov.uk (and see for instance, www.crimereduction.gov.uk/cctv/cctvminisite4.htm).

Draft proposal

Inspection Regime for Vehicles seeking to be licensed beyond 6 years of age

Background

Leeds City Council operates an age criteria of 6 years on Licensed Hackney Carriages and Private Hire saloon vehicles and ‘people carriers’.

The policy is based on the consideration that the licensed vehicles are providing a public transport service and as such they must be in a suitable mechanical condition, safe and comply with relevant conditions upon their licence. These standards are statutory requirements and are essential. The vehicle should be in a condition at all times which complies with those requirements.

The appearance of the vehicle, externally and internally, and the level of comfort and cleanliness it offers can adversely impact upon the image of the City of Leeds if the vehicle is shabby. Hirers should have confidence that a licensed vehicle will always meet their expectations and legal requirements.

It is also important that licensed vehicles have an acceptable emissions level. With the high mileage and wear and tear involved with licensed vehicles, that level will be set to the national level defined under the MOT scheme.

To assess all these issues an Authorised Officer of the Council will conduct an extended inspection and road test of the vehicle and assess it against a set criteria set out later in this document.

Areas for Inspection

- Safety
- Suitable mechanical condition including emissions
- Conditions upon the licence
- Comfort

	SAFE	SUITABLE MECHANICAL CONDITION	COMPLIANCE WITH VEHICLE CONDITIONS	COMFORTABLE
Method of Assessment	Inspection	1. Inspection 2. Road Test	Visual inspection	Road test
Testing Standard	MOT standard	1. MOT standard 2. Extract of items included in a national motoring organisations guide	1. Part 7 Private Hire vehicle Licensing Conditions 2. Extract of items included in a national motoring organisations guide	Extract of items included in a national motoring organisations guide
Assessment Report type	Prepared MOT inspection check list	Prepared MOT inspection check list & Raod test check list.	Prepared inspection check list	Prepared inspection check list

The vehicle must pass all four areas of inspection to be immediately licensed beyond 6 years.

How to apply for an exemption to the Council's 'saloon and 'people carrier' vehicle Age Criteria'

To extend the licensing age of a vehicle a Proprietor should:

- Pay an extended inspection fee and book an appropriate extended inspection
- Present the vehicle for an extended inspection by Authorised Officer at an appointed time

The application should include all the available documentary evidence to support the vehicles service history and maintenance.

An appointment will be made to carry out the vehicle inspection and the inspection will take approximately 2 hours.

The Officer conducting the test will examine the vehicle against a detailed check list of the areas mentioned previously.

Testing Standard

The Officer will complete a check list for each area of inspection and determine an overall assessment for each of those areas as set out below:

Fail	Indications of sustained neglect. Falls short and requires significant remedial attention. Has little service history.
Improvement Notice	Generally good but with areas for improvement. Has record of servicing with validity.
Pass	In excellent condition having substantial supporting documentary evidence of continued servicing and repair.

Officers will inspect the four areas for inspection to this same standard.

If the licensed vehicle fails any part of the inspection it is for the Proprietor to consider the cost effectiveness of bringing the vehicle to a condition that it can pass the inspection.

If at the time of inspection the vehicle is considered to have serious defects the Vehicle Examiner may issue a suspension notice and refuse to conduct the road test.

Administrative notes

The applicant will be supplied with a copy of the inspection notes.

The earliest an application will normally be received for an exemption to the criteria is not more than 12 weeks prior to the expiration of its current licence.

There will be a re-inspection fee set at an appropriate level and as amended from time to time.

Where an 'improvement notice' has been issued for an area which can be quickly visually re-examined, the fee will generally be waived. Where a further road test or the setting aside of a vehicle inspection bay is required the re-inspection fee will be at the current rate.

The vehicle will not be granted an extension to the age criteria until it has successfully passed the inspection process. The whole of this application, inspection and approval process must be completed prior to the expiration of the current vehicle licence. It is the responsibility of the vehicle proprietor to meet this time scale

If successful an exception to the policy would be made for that vehicle for a period of twelve months and if subsequent applications were to be made by the vehicle proprietor the same procedures would apply.



Report of the Assistant Chief Executive (Corporate Governance)

TO: LICENSING AND REGULATORY PANEL

Date: 7TH JULY 2009

Subject: TAXI & PRIVATE HIRE VEHICLE LICENSING – BEST PRACTICE GUIDANCE

Electoral Wards Affected:

All

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

- 1.1 The DfT publishes best practice guidance across the transport industry. The guidance was last updated in 2006 and is being reviewed prior to re-issue.
- 1.2 This is an opportunity for Elected Members and Officers to contribute to developing best practice and also highlight any concerns this Authority has which may effect the city.

2.0 Purpose Of This Report

- 2.1 To inform Members of the consultation being undertaken by the Department for Transport (DfT) in respect of best practice issues around Hackney Carriage and Private Hire driver and vehicle licenses granted by local authorities.
- 2.2 Members are asked to consider the response of Officers to the consultation and make any appropriate comments.

3.0 Background Information

- 2.1 The DfT is the key Government agency involved in Taxi and Private Hire Licensing issues as well as all other transport issues.
- 2.2 In 2006 they consulted with all local authorities with draft guidance of best practice, and local authorities were asked to comment. The response was brought to Members and after adjustments was forwarded to the DfT.

4.0 Main Issues

- 3.1 The main issue is that local authority Officers and Members consider the most recent and updated DfT best practice guidance and comment on it as appropriate.

3.2 A copy of the latest best practice guidance appears as **Appendix A** and the draft response to it appears as **Appendix B**.

5.0 Implications For Council Policy And Governance

5.1 The response from this authority only reflects our policy and comments on other issues where it considers best practice could be developed. After the DfT has published its final best practice guidance the Council will then consider the national best practice guidance when developing it's own policies.

6.0 Legal And Resource Implications

5.1 Each local authority may set its own policy and conditions in respect of issues relating to the licensing of drivers and vehicles, but Members should be aware that if such a policy or condition is tested in Court reference may be made to the available best practice guidance issued by the DfT. That is not to say the Council has to follow letter by letter the best practice guidance, but must be in a position to justify any decisions or policies or conditions that are put in place.

6.0 Conclusions

6.1 It will be seen that best practice guidance has moved on in a number of ways and that Leeds significantly follows the majority of the best practice in the document.

6.2 This is an opportunity for Members to reflect on best practice and propose any issues they think are relevant to this local authority, but also to pass comment on any issues they think should be dealt with centrally by the Department of Transport.

7.0 Recommendations

That Members consider the draft best practice guidance and the draft response prepared by Officers and either approve it or ask that changes or additions be made to the document so that it may be forwarded immediately to the DfT.

**TAXI AND PRIVATE HIRE VEHICLE LICENSING:
BEST PRACTICE GUIDANCE**

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

Note - The proposed revisions to the existing Guidance are set out in bold italic and are highlighted in grey.

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Annex A - Useful questions when assessing quantity controls

Annex B - Sample notice between taxi/PHV driver and passenger

INTRODUCTION

1. **The Department first issued Best Practice Guidance in October 2006 to assist those local authorities in England and Wales that have responsibility for the regulation of the taxi and private hire vehicle (PHV) trades.**
2. **It is clear that many licensing authorities considered their licensing policies in the context of the Guidance. That is most encouraging.**
3. **However, in order to keep our Guidance relevant and up to date, we embarked on a revision. We took account of feedback from the initial version [and we consulted stakeholders] in producing this revised version.**
4. **The key premise remains the same** - it is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters, in the light of their own views of the relevant considerations. **This Guidance is intended to assist licensing authorities but it is only guidance and decisions on any matters remain a matter for the authority concerned.**
5. **We have not introduced changes simply for the sake of it. Accordingly, the bulk of the Guidance is unchanged. What we have done is focus on issues involving a new policy (for example trailing the introduction of the Safeguarding Vulnerable Groups legislation); or where we consider that the advice could be elaborated (eg medical standards); or where progress has been made since October 2006 (eg the stretched limousine guidance note has now been published).**

THE ROLE OF TAXIS AND PHVs

6. Taxis (more formally known as hackney carriages) and PHVs (or minicabs as some of them are known) play an important part in local transport. In 2003 some 650 million journeys were made by taxi and PHV in Great Britain, and households spent around £3 billion on taxi and PHV journeys; spending by businesses and foreign visitors was a substantial extra figure. Taxis and PHVs are used by all social groups; low-income young women (amongst whom car ownership is low) are one of the largest groups of users.
7. Taxis and PHVs are also increasingly used in innovative ways - for example as taxi-buses - to provide innovative local transport services (see paras 88-91).

THE ROLE OF LICENSING: POLICY JUSTIFICATION

8. The aim of local authority licensing of the taxi and PHV trades is to protect the public. Local licensing authorities will also be aware that the public should have reasonable access to taxi and PHV services, because of the part they play in local transport provision. Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting up the cost of operation or otherwise restricting entry to the trade. Local licensing authorities should

recognise that too restrictive an approach can work against the public interest – and can, indeed, have safety implications.

9. For example, it is clearly important that somebody using a taxi or PHV to go home alone late at night should be confident that the driver does not have a criminal record for assault and that the vehicle is safe. But on the other hand, if the supply of taxis or PHVs has been unduly constrained by onerous licensing conditions, then that person's safety might be put at risk by having to wait on late-night streets for a taxi or PHV to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.

10. Local licensing authorities will, therefore, want to be sure that each of their various licensing requirements is in proportion to the risk it aims to address; or, to put it another way, whether the cost of a requirement in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public, for example through increased safety. This is not to propose that a detailed, quantitative, cost-benefit assessment should be made in each case; but it is to urge local licensing authorities to look carefully at the costs – financial or otherwise – imposed by each of their licensing policies. It is suggested they should ask themselves whether those costs are really commensurate with the benefits a policy is meant to achieve.

SCOPE OF THE GUIDANCE

11. This guidance deliberately does not seek to cover the whole range of possible licensing requirements. Instead it seeks to concentrate only on those issues that have caused difficulty in the past or that seem of particular significance. Nor for the most part does the guidance seek to set out the law on taxi and PHV licensing, which for England and Wales contains many complexities. Local licensing authorities will appreciate that it is for them to seek their own legal advice.

CONSULTATION AT THE LOCAL LEVEL

12. It is good practice for local authorities to consult about any significant proposed changes in licensing rules. Such consultation should include not only the taxi and PHV trades but also groups likely to be the trades' customers. Examples are groups representing disabled people, or Chambers of Commerce, organisations with a wider transport interest (eg Transport 2000 and other transport providers), womens' groups or local traders.

ACCESSIBILITY *[The Department will consider emerging conclusions from the February 2009 accessibility consultation exercise; this section is therefore subject to change.]*

13 *Local licensing authorities will want to consider how accessible the vehicles they license as taxis are for disabled people. Disabled people often use wheelchairs but it should be remembered that there are many who do not and who have other needs that ought to be taken into account.*

14. *Licensing authorities will know that the Department has for some years been working on proposals that would substantially improve taxi provision for people*

with disabilities. The Department recently consulted on this issue – further information will be available at the end of 2009. In the meantime, licensing authorities are encouraged to introduce taxi accessibility policies for their areas. The Department has previously issued detailed guidance on this to local licensing authorities.

15. Different accessibility considerations apply between taxis and PHVs. Taxis can be hired on the spot, in the street or at a rank, by the customer dealing directly with a driver. PHVs can only be booked through an operator. It is important that a disabled person should be able to hire a taxi on the spot with the minimum delay or inconvenience, and having accessible taxis available helps to make that possible. For PHVs, it may be more appropriate for a local authority to license any type of saloon car, noting that some PHV operators offer accessible vehicles in their fleet. The Department has produced a leaflet on the ergonomic requirements for accessible taxis that is available from:
<http://www.dft.gov.uk/transportforyou/access/taxis/pubs/research>

16. The Department is aware that, in some cases, taxi drivers are reluctant to pick up disabled people. This may be because drivers are unsure about how to deal with disabled people, they believe it will take longer for disabled people to get in and out of the taxi and so they may lose other fares, or they are unsure about insurance arrangements if anything goes wrong. It should be remembered that this is no excuse for refusing to pick up disabled people and that the taxi industry has a duty to provide a service to disabled people in the same way as it provides a service to any other passenger. Licensing authorities should do what they can to work with operators, drivers and trade bodies in their area to improve drivers' awareness of the needs of disabled people, encourage them to overcome any reluctance or bad practice, and to improve their abilities and confidence. Local licensing authorities should also encourage their drivers to undertake disability awareness training, perhaps as part of the course mentioned in the training section of this guidance that is available through Go-Skills.

17. In relation to enforcement, licensing authorities will know that section 36 of the Disability Discrimination Act 1995 (DDA) was partially commenced by enactment of the Local Transport Act 2008. The duties contained in this section of the DDA apply only to those vehicles deemed accessible by the local authority being used on "taxibus" services. This applies to both hackney carriages and private hire vehicles.

18. Section 36 imposes certain duties on drivers of "taxibuses" to provide assistance to people in wheelchairs, to carry them in safety and not to charge extra for doing so. Failure to abide by these duties could lead to prosecution through a Magistrates' court and a maximum fine of £1,000.

19. Local authorities can take action against non-taxibus drivers who do not abide by their duties under Part 3 or under section 37 of the DDA (see below). This could involve for example using licence conditions to implement training requirements or, ultimately, powers to suspend or revoke licences. Some local authorities use points systems and will take certain enforcement actions should

drivers accumulate a certain number of points. Full commencement of the provisions of section 36 was explored in the consultation mentioned above.
Duties to carry assistance dogs

20. Since 31 March 2001, licensed taxi drivers in England and Wales have been under a duty (under section 37 of the DDA) to carry guide, hearing and other prescribed assistance dogs in their taxis without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply to their licensing authority for an exemption from the duty on medical grounds. Any other driver who fails to comply with the duty could be prosecuted through a Magistrates' court and is liable to a fine of up to £1,000. Similar duties covering PHV operators and drivers have been in force since 31 March 2004.

21. Enforcement of this duty is the responsibility of local licensing authorities. It is therefore for authorities to decide whether breaches should be pursued through the courts or considered as part of the licensing enforcement regime, having regard to guidance issued by the Department.

Duties under the Part 3 of the DDA

22. The Disability Discrimination Act 2005 amended the DDA 1995 and lifted the exemption in Part 3 of that Act for operators of transport vehicles. Regulations applying Part 3 to vehicles used to provide public transport services, including taxis and PHVs, hire services and breakdown services came into force on 4 December 2006. Taxi drivers now have a duty to ensure disabled people are not discriminated against or treated less favourably. In order to meet these new duties, licensing authorities are required to review any practices, policies and procedures that make it impossible or unreasonably difficult for a disabled person to use their services.

23. The Equality and Human Rights Commission (formerly the Disability Rights Commission) has produced a Code of Practice to explain the Part 3 duties for the transport industry; [http://drc.uat.rroom.net/PDF/4008-517-provision and use of transport vehicles cop.pdf](http://drc.uat.rroom.net/PDF/4008-517-provision%20and%20use%20of%20transport%20vehicles%20cop.pdf). The Part 3 duties also now demand new skills and training is available through GoSkills, the sector skills council for road passenger transport. Further details are provided in the training section of this guidance.

24. Local Authorities may wish to consider how to use available courses to reinforce the duties drivers are required to discharge under section 3 of DDA, and also to promote customer service standards.

25. In addition recognition has been made of a requirement of basic skills prior to undertaking any formal training. On-line tools are available to assess this requirement prior to undertaking formal training.

VEHICLES

Specification Of Vehicle Types That May Be Licensed

26. The legislation gives local authorities a wide range of discretion over the types of vehicle that they can license as taxis or PHVs. Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.

27. Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, local authorities might usefully set down a range of general criteria, leaving it open to the taxi and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way there can be flexibility for new vehicle types to be readily taken into account.

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29. *The owners and drivers of vehicles may want to make appropriate adaptations to their vehicles to help improve the personal security of the drivers. Licensing authorities should look favourably on such adaptations.*

Imported vehicles: type approval (see also “stretched limousines”, paras 38-40 below)

30. It may be that from time to time a local authority will be asked to license as a taxi or PHV a vehicle that has been imported independently (that is, by somebody other than the manufacturer). Such a vehicle might meet the local authority’s criteria for licensing, but the local authority may nonetheless be uncertain about the wider rules for foreign vehicles being used in the UK. Such vehicles will be subject to the ‘type approval’ rules. For passenger cars up to 10 years old at the time of first GB registration, this means meeting the technical standards of either:

- a European Whole Vehicle Type approval;
- a British National Type approval; or
- a Individual Vehicle Approval.

Most registration certificates issued since late 1998 should indicate the approval status of the vehicle. The technical standards applied (and the safety and environmental risks covered) under each of the above are proportionate to the number of vehicles entering service. Further information about these requirements and the procedures for licensing

and registering imported vehicles can be seen at http://www.dft.gov.uk/stellent/groups/dft_roads/documents/page/dft_roads_506867.hcsp.

Vehicle Testing

31. There is considerable variation between local licensing authorities on vehicle testing, including the related question of age limits. The following can be regarded as best practice:

- **Frequency Of Tests.** The legal requirement is that all taxis should be subject to an MOT test or its equivalent once a year. For PHVs the requirement is for an annual test after the vehicle is three years old. An annual test for licensed vehicles of whatever age (that is, including vehicles that are less than three years old) seems appropriate in most cases, unless local conditions suggest that more frequent tests are necessary. However, more frequent tests may be appropriate for older vehicles (see 'age limits' below). Local licensing authorities may wish to note that a review carried out by the National Society for Cleaner Air in 2005 found that taxis were more likely than other vehicles to fail an emissions test. This finding, perhaps suggests that emissions testing should be carried out on ad hoc basis and more frequently than the full vehicle test.
- **Criteria For Tests.** Similarly, for mechanical matters it seems appropriate to apply the same criteria as those for the MOT test to taxis and PHVs*. The MOT test on vehicles first used after 31 March 1987 includes checking of all seat belts. However, taxis and PHVs provide a service to the public, so it is also appropriate to set criteria for the internal condition of the vehicle, though these should not be unreasonably onerous.

*A manual outlining the method of testing and reasons for failure of all MOT tested items can be obtained from the Stationary Office see <http://www.tsoshop.co.uk/bookstore.asp?FO=1159966&Action=Book&From=SearchResults&ProductID=0115525726>

- **Age Limits.** It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.
- **Number Of Testing Stations.** There is sometimes criticism that local authorities provide only one testing centre for their area (which may be geographically extensive). So it is good practice for local authorities to consider having more than one testing station. There could be an advantage in contracting out the testing work, and to different garages. In that way the licensing authority can benefit from competition in costs. (The Vehicle Operators and Standards Agency – VOSA – may be able to assist where there are local difficulties in provision of testing stations.)

32. ***The Technical Officer Group of the Public Authority Transport Network has produced Best Practice Guidance which focuses on national inspection standards***

for taxis and PHVs. Local licensing authorities might find it helpful to refer to this guidance in carrying out their licensing responsibilities. The PATN can be accessed via the Freight Transport Association.

Personal security

33. The personal security of taxi and PHV drivers and staff needs to be considered. The Crime and Disorder Act 1998 requires local authorities and others to consider crime and disorder reduction while exercising all of their duties. Crime and Disorder Reduction Partnerships are also required to invite public transport providers and operators to participate in the partnerships. Research has shown that anti-social behaviour and crime affects taxi and PHV drivers and control centre staff. It is therefore important that the personal security of these people is considered.

34. The owners and drivers of vehicles will often want to install security measures to protect the driver. Local licensing authorities may not want to insist on such measures, on the grounds that they are best left to the judgement of the owners and drivers themselves. But it is good practice for licensing authorities to look sympathetically on - or actively to encourage - their installation. They could include a screen between driver and passengers, or CCTV. Care however should be taken that security measures within the vehicle do not impede a disabled passenger's ability to communicate with the driver. **There is extensive information on the use of CCTV, including as part of measures to reduce crime, on the Home Office website (e.g. www.crimereduction.homeoffice.gov.uk/cctv/cctvminisite25.htm, and <http://scienceandresearch.homeoffice.gov.uk/hosdb/cctv-imaging-technology/CCTV-and-imaging-publications>) and on the Information Commission's Office website (www.ico.gov.uk). CCTV can be both a deterrent to would-be trouble makers and be a source of evidence in the case of disputes between drivers and passengers and other incidents. The local trade might be encouraged to investigate sources of funding with the local Crime and Disorder Reduction Partnership.**

35. Other security measures include guidance, talks by the local police and conflict avoidance training. The Department has recently issued guidance for taxi and PHV drivers to help them improve their personal security. These can be accessed on the Department's website at: <http://www.dft.gov.uk/pgr/crime/taxiphv/>. In order to emphasise the reciprocal aspect of the taxi/PHV service, licensing authorities might consider drawing up signs or notices which set out not only what passengers can expect from drivers, but also what drivers can expect from passengers who use their service. Annex B contains two samples which are included for illustrative purposes but local authorities are encouraged to formulate their own, in the light of local conditions and circumstances. Licensing authorities may want to encourage the taxi and PHV trades to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships.

Vehicle Identification

36. Members of the public can often confuse PHVs with taxis, failing to realise that PHVs are not available for immediate hire and that a PHV driver cannot be hailed. So it is important to distinguish between the two types of vehicle. Possible approaches might be:

- a licence condition that prohibits PHVs from displaying any identification at all apart from the local authority licence plate or disc. The licence plate is a helpful indicator of licensed status and, as such, it helps identification if licence plates are displayed on the front as well as the rear of vehicles. However, requiring some additional clearer form of identification can be seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver; and secondly because it is quite reasonable, and in the interests of the travelling public, for a PHV operator to be able to state on the vehicle the contact details for hiring;
- a licence condition which requires a sign on the vehicle in a specified form. This will often be a sign of a specified size and shape which identifies the operator (with a telephone number for bookings) and the local licensing authority, and which also has some words such as 'pre-booked only'. This approach seems the best practice; it identifies the vehicle as private hire and helps to avoid confusion with a taxi, but also gives useful information to the public wishing to make a booking. It is good practice for vehicle identification for PHVs to include the contact details of the operator.
- Another approach, possibly in conjunction with the previous option, is a requirement for a roof-mounted, permanently illuminated sign with words such as 'pre-booked only'. But it can be argued that any roof-mounted sign, however unambiguous its words, is liable to create confusion with a taxi. So roof-mounted signs on PHVs are not seen as best practice.

Environmental Considerations

37. Local licensing authorities, in discussion with those responsible for environmental health issues, will wish to consider how far their vehicle licensing policies can and should support any local environmental policies that the local authority may have adopted. ***This will be of particular importance in designated Air Quality Management Areas (AQMAs).*** Local authorities may, for example, wish to consider setting vehicle emissions standards for taxis and PHVs. However, local authorities would need to carefully and thoroughly assess the impact of introducing such a policy; for example, the effect on the supply of taxis and PHVs in the area would be an important consideration in deciding the standards, if any, to be set. ***They should also bear in mind the need to ensure that the benefits of any policies outweigh the costs (in whatever form).***

Stretched Limousines

38. Local licensing authorities are sometimes asked to license stretched limousines as PHVs. It is suggested that local authorities should approach such requests on the basis that these vehicles have a legitimate role to play in the private hire trade, meeting a public demand. **Indeed, there is considerable advantage to having these vehicles within the licensing regime where possible; if they are refused a licence on the basis of a blanket policy, there is a strong possibility that the operator might be tempted to continue to provide a service outside the licensing system which generates problems in itself.** The Department takes the view that licence applications involving use of these limousines should not be automatically rejected (for example just because the vehicles may be left-hand drive). The Department **has now issued** guidance on the licensing arrangements for stretched limousines. **This can be accessed on the Department's web-site at <http://www.dft.gov.uk/pgr/regional/taxis/limousines>.**

39. Imported stretched limousines are normally checked for compliance with regulations under the Single Vehicle Approval (SVA) inspection regime (**soon to become Individual Vehicle Approval**), before they are registered. **The SVA test verifies that the converted vehicle is built to certain safety and environmental standards. A licensing authority might wish to confirm that an imported vehicle was indeed tested by VOSA for SVA before being registered and licensed (taxed) by DVLA. This can be done either by checking the V5C (Registration Certificate) of the vehicle, which may refer to SVA under the "Special Note" section; or by writing to VOSA, Ellipse, Padley Road, Swansea, SA1 8AN, including details of the vehicle's make and model, registration number and VIN number.**

40. Stretched limousines which clearly have more than 8 passenger seats should not of course be licensed as PHVs because they are outside the licensing regime for PHVs. However, under some circumstances the SVA regime accepts vehicles with space for more than 8 passengers, particularly where the precise number of passenger seats is hard to determine. In these circumstances, if the vehicle has obtained an SVA certificate, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than 8 passengers, bearing in mind that refusal may encourage illegal private hire operation. Authorities should check with local MOT testing stations to find out if the station has the facilities to test such vehicles. If there is difficulty in finding a suitable station, the local enforcement office may be able to advise (contact details on <http://www.vosa.gov.uk/vosa/vosalocations/vosaenforcementoffices.htm>).

QUANTITY RESTRICTIONS OF TAXI LICENCES OUTSIDE LONDON

41. The present legal provision on quantity restrictions for taxis outside London is set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused, for the purpose of limiting the number of licensed taxis 'if, but only if, the [local licensing authority] is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet'.

42. Local licensing authorities will be aware that, in the event of a challenge to a decision to refuse a licence, the local authority concerned would have to establish that it had, reasonably, been satisfied that there was no significant unmet demand.

43. Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of the travelling public - that is to say, the people who use taxi services. What benefits or disadvantages arise for them as a result of the continuation of controls; and what benefits or disadvantages would result for the public if the controls were removed? Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?

44. In most cases where quantity restrictions are imposed, vehicle licence plates command a premium, often of tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. This seems very hard to justify.

45. If a local authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey; it will be necessary for the local licensing authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys.

46. As to the conduct of the survey, the Department's letter of 16 June 2004 set out a range of considerations. But key points are:

- **the length of time that would-be customers have to wait at ranks.** However, this alone is an inadequate indicator of demand; also taken into account should be...
- **waiting times for street hailings and for telephone bookings.** But waiting times at ranks or elsewhere do not in themselves satisfactorily resolve the question of unmet demand. It is also desirable to address...
- **latent demand**, for example people who have responded to long waiting times by not even trying to travel by taxi. This can be assessed by surveys of people who do not use taxis, perhaps using stated preference survey techniques.
- **peaked demand.** It is sometimes argued that delays associated only with peaks in demand (such as morning and evening rush hours, or pub closing times) are not 'significant' for the purpose of the Transport Act 1985. The Department does not share that view. Since the peaks in demand are by definition the most popular times for consumers to use taxis, it can be strongly argued that unmet demand at these times should not be ignored. Local authorities might wish to consider when

the peaks occur and who is being disadvantaged through restrictions on provision of taxi services.

- **consultation.** As well as statistical surveys, assessment of quantity restrictions should include consultation with all those concerned, including user groups (which should include groups representing people with disabilities, and people such as students or women), the police, hoteliers, operators of pubs and clubs and visitor attractions, and providers of other transport modes (such as train operators, who want taxis available to take passengers to and from stations);
- **publication.** All the evidence gathered in a survey should be published, together with an explanation of what conclusions have been drawn from it and why. If quantity restrictions are to be continued, their benefits to consumers and the reason for the particular level at which the number is set should be set out.
- **financing of surveys.** It is not good practice for surveys to be paid for by the local taxi trade (except through general revenues from licence fees). To do so can call in question the impartiality and objectivity of the survey process.

47. Quite apart from the requirement of the 1985 Act, the Department's letter of 16 June 2004 asked all local licensing authorities that operate quantity restrictions to review their policy and justify it publicly by 31 March 2005 and at least every three years thereafter. The Department also expects the justification for any policy of quantity restrictions to be included in the five-yearly Local Transport Plan process. A recommended list of questions for local authorities to address when considering quantity controls was attached to the Department's letter. (The questions are listed in Annex A to this Guidance.)

TAXI FARES

48. Local licensing authorities have the power to set taxi fares for journeys within their area, and most do so. (There is no power to set PHV fares.) Fare scales should be designed with a view to practicality. The Department sees it as good practice to review the fare scales at regular intervals, including any graduation of the fare scale by time of day or day of the week. Authorities may wish to consider adopting a simple formula for deciding on fare revisions as this will increase understanding and improve the transparency of the process. The Department also suggests that in reviewing fares authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers sufficient incentive to provide a service when it is needed. There may well be a case for higher fares at times of higher demand.

49. Taxi fares are a maximum, and in principle are open to downward negotiation between passenger and driver. It is not good practice to encourage such negotiations at ranks, or for on-street hailings; there would be risks of confusion and security problems. But local licensing authorities can usefully make it clear that published fares are a maximum, especially in the context of telephone bookings, where the customer benefits from competition. There is more likely to be a choice of taxi operators for telephone

bookings, and there is scope for differentiation of services to the customer's advantage (for example, lower fares off-peak or for pensioners).

50. There is a case for allowing any taxi operators who wish to do so to make it clear – perhaps by advertising on the vehicle – that they charge less than the maximum fare; publicity such as '5% below the metered fare' might be an example.

DRIVERS

Duration Of Licences

51. It is obviously important for safety reasons that drivers should be licensed. But it is not necessarily good practice to require licences to be renewed annually. That can impose an undue burden on drivers and licensing authorities alike. Three years is the legal maximum period and is in general the best approach. One argument against 3-year licences has been that a criminal offence may be committed, and not notified, during the duration of the licence. But this can of course also be the case during the duration of a shorter licence. In relation to this, authorities will wish to note that the Home Office in April 2006 issued revised guidance for police forces on the Notifiable Occupations Scheme.

Paragraphs 58-61 below provide further information about this scheme.

52. However, an annual licence may be preferred by some drivers. That may be because they have plans to move to a different job or a different area, or because they cannot easily pay the fee for a three-year licence, if it is larger than the fee for an annual one. So it can be good practice to offer drivers the choice of an annual licence or a three-year licence.

Acceptance of driving licences from other EU member states

53. Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 as enacted stated that an applicant for a taxi or private hire vehicle (PHV) driver's licence must have held a full ordinary GB driving licence for at least 12 months in order to be granted a taxi or PHV driver's licence. This requirement has subsequently been amended since the 1976 Act was passed. The Driving Licences (Community Driving Licence) Regulations 1996 (SI 1996 No 1974) amended sections 51 and 59 of the 1976 Act to allow full driving licences issued by EEA states to count towards the qualification requirements for the grant of taxi and PHV driver's licences. Since that time, a number of central and eastern European states have joined the EU and the EEA and the Department take the view that drivers from the Accession States are eligible to acquire a taxi or PHV driver's licence under the 1976 Act if they have held an ordinary driving licence for 12 months which was issued by an acceding State (see section 99A(i) of the Road Traffic Act 1988). To complete the picture, the Deregulation (Taxis and Private Hire Vehicles) Order 1998 (SI 1998 No 1946) gave equal recognition to Northern Ireland driving licences for the purposes of taxi and PHV driver licensing under the 1976 Act (see section 109(i) of the Road Traffic Act 1988, as amended).

Criminal Record Checks

54. ***A criminal record check is an important safety measure particularly for those working closely with children and the vulnerable. Taxi and PHV drivers can be subject to either a Standard or an Enhanced Disclosure through the Criminal Records Bureau; both levels of Disclosure include details of spent and unspent convictions, cautions reprimands and final warnings. An Enhanced Disclosure may also include any other information held in police records that is considered relevant by the police. This may include, for example, details of minor offences, non-conviction information on the Police National Computer such as Fixed Penalty Notices and, in some cases, allegations. An Enhanced Disclosure is only available to those working in the most sensitive areas.***

55. In considering an individual's criminal record, local licensing authorities will want to consider each case on its merits, but they will doubtless take a particularly cautious view of any offences involving violence, and especially sexual attack. In order to achieve consistency, and thus avoid the risk of successful legal challenge, local authorities will doubtless want to have a clear policy for the consideration of criminal records, for example the number of years they will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

56. Local licensing authorities will also want to have a policy on background checks for applicants from elsewhere in the EU and other overseas countries. One approach is to require a certificate of good conduct authenticated by the relevant embassy. The Criminal Records Bureau website (www.crb.gov.uk) gives information about obtaining certificates of good conduct, or similar documents, from a number of countries. More generally, the Home Office's Employers' Helpline (0845 010 6677) can be used by licensing staff to obtain general guidance on immigration documentation, although this Helpline is not able to advise on individual cases. The authority can obtain case specific immigration status information, including whether a licensing applicant is permitted to work or details of work restrictions, from the Evidence and Enquiry Unit, Floor 12, Lunar House, Wellesley Road, Croydon CR9 2BY . Further details on the procedures involved can be obtained by contacting the Unit (020 8196 3011).

57. It would seem best practice for Criminal Records Bureau disclosures to be sought when a licence is first applied for and then every three years, even if a licence is renewed annually, provided drivers are obliged to report all new convictions and cautions to the licensing authority. ***A new scheme for vetting persons working regularly with children or vulnerable adults in certain settings - called "regulated activity" - and barring those considered unsuitable, is being introduced by the Government. Vetting will be carried out by the Independent Safeguarding Authority and will be compulsory for those providing regulated activity. This is likely to affect some taxi and PHV drivers who, for example, regularly fulfil local authority contracts to transport children to school. Full details of the scheme will be provided as implementation proceeds.***

Notifiable Occupations Scheme

58. Under this Scheme, when an individual comes to the notice of the police and identifies their occupation as a taxi or PHV driver, the police are requested to notify the appropriate local licensing authority of convictions and any other relevant information that indicates that a person poses a risk to public safety. Most notifications will be made once an individual is convicted however, if there is a sufficient risk, the police will notify the authority immediately.

59. In the absence of a national licensing body for taxi and PHV drivers, notifications are made to the local licensing authority identified on the licence or following interview. However, it is expected that all licensing authorities work together should they ascertain that an individual is operating under a different authority or with a fraudulent licence.

60. The police may occasionally notify licensing authorities of offences committed abroad by an individual however it may not be possible to provide full information.

61. The Notifiable Occupations Scheme is described in Home Office Circular 6/2006 which is available at <http://www.knowledgenetwork.gov.uk/HO/circular.nsf>. Further information can also be obtained from the Criminal Records Team, Policing Powers and Safeguarding Section, Policing Powers and Protection Unit, Fourth Floor, Peel Building, 2 Marsham Street, London SW1P 4DF; e-mail Michael.Brett-Pitt@homeoffice.gsi.gov.uk).

Immigration checks

62. The Department considers it appropriate for licensing authorities to check on an applicant's right to work before granting a taxi or PHV driver's licence. It is important to note that a Criminal Records Bureau check is not a Right to Work check and any enquires about the immigration status of an individual should be addressed to the Border and Immigration Agency. Further information can be found at www.bia.homeoffice.gov.uk/employingmigrants. More generally, the Border and Immigration Agency's Employers' Helpline (0845 010 6677) can be used by licensing staff to obtain general guidance on immigration documentation, although this Helpline is not able to advise on individual cases. The authority can obtain case specific immigration status information, including whether a licensing applicant is permitted to work or details of work restrictions, from the Evidence and Enquiry Unit, Floor 12, Lunar House, Wellesley Road, Croydon CR9 2BY. Further details on the procedures involved can be obtained by contacting the Unit (020 8196 3011).

Medical fitness

63. It is clearly good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal. There is general

recognition that it is appropriate for taxi/PHV drivers to have more stringent medical standards than those applicable to normal car drivers because:

- they carry members of the general public who have expectations of a safe journey;**
- they are on the road for longer hours than most car drivers; and**
- they may have to assist disabled passengers and handle luggage.**

64. Given this recognition of the need for a higher standard of medical checks for taxi drivers than for other car drivers, the Department's view is that it is appropriate to use the Group 2 medical standards, which the DVLA apply to applicants for licences to drive buses and lorries, as a benchmark. The Department's advice is that the exceptional arrangements which apply to the C1 category are not appropriate for taxi/PHV drivers. The latest edition of the DVLA At a Glance Guide sets out the current medical standards for fitness to drive: <http://www.dvla.gov.uk/medical/ataglance.aspx>. [Note consultation questions seek specific comments about this issue.]

65. In implementing this standard, authorities should take into account that assessment of the Group 2 standard is a complex process requiring specialist skills. Against that background, it is important for a local authority with a policy of assessing applicants for Group 2 medical standards to use the services of a medical practitioner who is trained, or experienced, in the application of this standard. This will provide assurance to the authority, and licence applicants, that all assessments are being made on a consistent basis by a practitioner who is familiar with the requirements of Group 2, including any surveillance requirements.

66. Given that it is likely that in most cases local authorities will, for other purposes, have to call on the services of a qualified medical practitioner this advice should not represent a significant new cost to authorities. Furthermore, practitioners used by the authority can be encouraged to widen the scope of their expertise by assigning a small proportion of their annual mandatory training hours to undertake a training course which would enable them to undertake assessments for taxi/PHV driver licence applicants on behalf of the local authority.

Age Limits

67. It does not seem necessary to set a maximum age limit for drivers provided that regular medical checks are made. Nor do minimum age limits, beyond the statutory periods for holding a full driver licence, seem appropriate. Applicants should be assessed on their merits.

Driving Proficiency

68. Many local authorities rely on the standard car driving licence as evidence of driving proficiency. Others require some further driving test to be taken. Local authorities will want to consider carefully whether this produces benefits which are commensurate

with the costs involved for would-be drivers, the costs being in terms of both money and broader obstacles to entry to the trade. However, they will note that the Driving Standards Agency provides a driving assessment specifically designed for taxis.

Language proficiency

69. Authorities may also wish to consider whether an applicant would have any problems in communicating with customers because of language difficulties.

Other training

70. There may well be advantage in encouraging drivers to obtain one of the nationally-recognised vocational qualifications for the taxi and PHV trades. These will cover customer care, including how best to meet the needs of people with disabilities. More information about these qualifications can be obtained from *GoSkills*, the Sector Skills Council for Passenger Transport. *GoSkills* is working on a project funded by the Department to raise standards in the industry and *GoSkills* can guide and support licensing authorities through its regional network of Business Advisers. Some licensing authorities have already established training initiatives and others are being developed; it is seen as important to do this in consultation with the local taxi and PHV trades. Training can cover customer care, including how best to meet the needs of people with disabilities and other sections of the community, and also topics such as the relevant legislation, road safety, the use of maps and GPS, the handling of emergencies, and how to defuse difficult situations and manage conflict. **Training may also be considered for applicants to enable them to reach an appropriate standard of comprehension, literacy and numeracy.** Authorities may wish to note that nationally recognised qualifications and training programmes sometimes have advantages over purely local arrangements (for example, in that the qualification will be more widely recognised).

Contact details are:

GoSkills, Concorde House, Trinity Park, Solihull, Birmingham, B37 7UQ.

Tel: 0121-635-5520

Fax: 0121-635-5521

Website: www.goskills.org

e-mail: info@goskills.org

Topographical Knowledge

71. Taxi drivers need a good working knowledge of the area for which they are licensed, because taxis can be hired immediately, directly with the driver, at ranks or on the street. So most licensing authorities require would-be taxi-drivers to pass a test of local topographical knowledge as a pre-requisite to the first grant of a licence (though the stringency of the test should reflect the complexity or otherwise of the local geography, in

accordance with the principle of ensuring that barriers to entry are not unnecessarily high).

72. However, PHVs are not legally available for immediate hiring in the same way as taxis. To hire a PHV the would-be passenger has to go through an operator, so the driver will have an opportunity to check the details of a route before starting a journey. So it may be unnecessarily burdensome to require a would-be PHV driver to pass the same 'knowledge' test as a taxi driver, though it may be thought appropriate to test candidates' ability to read a map and their knowledge of key places such as main roads and railway stations. ***The Department is aware of circumstances where, as a result of the repeal of the PHV contract exemption, some people who drive children on school contracts are being deterred from continuing to do so on account of overly burdensome topographical tests. Local authorities should bear this in mind when assessing applicants' suitability for PHV licences.***

PHV OPERATORS

73. The objective in licensing PHV operators is, again, the safety of the public, who will be using operators' premises and vehicles and drivers arranged through them.

Criminal Record Checks

74. PHV operators (as opposed to PHV drivers) are not exceptions to the Rehabilitation of Offenders Act 1974, so Standard or Enhanced disclosures cannot be required as a condition of grant of an operator's licence. But a Basic Disclosure, ***which will provide details of unspent convictions only***, could be seen as appropriate, after such a system has been introduced by the Criminal Records Bureau. No firm date for introduction has yet been set; ***however, a feasibility study has been completed***; the ***Criminal Records Bureau is undertaking further work*** in this regard. Overseas applicants may be required to provide a certificate of good conduct from the relevant embassy if they have not been long in this country. Local licensing authorities may want to require a reference, covering for example the applicant's financial record, as well as the checks outlined above.

Record Keeping

75. It is good practice to require operators to keep records of each booking, including the name of the passenger, the destination, the name of the driver, the number of the vehicle and any fare quoted at the time of booking. ***This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement.*** It is suggested that 6 months is generally appropriate as the length of time that records should be kept.

Insurance

76. It is appropriate for a licensing authority to check that appropriate public liability insurance has been taken out for premises that are open to the public.

Licence Duration

77. A requirement for annual licence renewal does not seem necessary or appropriate for PHV operators, whose involvement with the public is less direct than a driver (who will be alone with passengers). Indeed, a licence period of five years may well be appropriate in the average case. Although the authority may wish to offer operators the option of a licence for a shorter period if requested.

Repeal of the PHV contract exemption

78. Section 53 of the Road Safety Act 2006 repealed the exemption from PHV licensing for vehicles which were used on contracts lasting not less than seven days. The change came into effect in January 2008. As a result of this change, local licensing authorities are considering a range of vehicles and services in the context of PHV licensing which they had not previously licensed because of the contract exemption.

79. The Department produced a guidance note in November 2007 to assist local licensing authorities, and other stakeholders, in deciding which vehicles should be licensed in the PHV regime and which vehicles fell outside the PHV definition. The note stressed that it was a matter for local licensing authorities to make decisions in the first instance and that, ultimately, the courts were responsible for interpreting the law. However, the guidance was published as a way of assisting people who needed to consider these issues. A copy of the guidance note can be found on the Department's web-site at:

<http://www.dft.gov.uk/pgr/regional/taxis/rsa06privatehirevehicles>

ENFORCEMENT

80. Well-directed enforcement activity by the local licensing authority benefits not only the public but also the responsible people in the taxi and PHV trades. The resources devoted by licensing authorities to enforcement will vary according to local circumstances, including for example any difficulties with touting by unlicensed drivers and vehicles (a problem in some urban areas). Local authorities will also wish to liaise closely with the police.

81. Local licensing authorities often use enforcement staff to check a range of licensed activities (such as market traders) as well as the taxi and PHV trades, to make the best use of staff time. But it is desirable to ensure that taxi and PHV enforcement effort is at least partly directed to the late-night period, when problems such as touting tend most often to arise. ***In formulating policies to deal with taxi touts, local licensing authorities might wish to be aware that the Sentencing Guidelines Council have, for the first time, included guidance about taxi touting in their latest Guidelines for Magistrates. The Guidelines, which came into effect in August 2008, can be accessed through the SGC's web-site - www.sentencing-guidelines.gov.uk.***

82. Some local licensing authorities employ taxi marshals in busy city centres where there are lots of hirings, again perhaps late at night, to help taxi drivers picking up, and would-be passengers queuing for taxis.

83. As part of enforcement, local licensing authorities will often make spot checks, which can lead to their suspending or revoking licences. They will wish to consider carefully which power should best be used for this purpose. They will note, among other things, that section 60 of the Local Government (Miscellaneous Provisions) Act 1976 provides a right of appeal for the licence-holder, whereas section 68, which is also sometimes used, does not; this can complicate any challenge by the licence-holder.

84. Section 52 of the Road Safety Act 2006 amended the Local Government (Miscellaneous Provisions) Act 1976 such that local authorities can now suspend or revoke a taxi or PHV driver's licence with immediate effect on safety grounds. It should be stressed that this power can only be used where safety is the principal reason for suspending or revoking and where the risk justifies such an approach. It is expected that in the majority of cases drivers will continue to work pending appeal and that this power will be used in one-off cases. But the key point is that the law says that the power must be used in cases which can be justified in terms of safety.

TAXI ZONES

85. The areas of some local licensing authorities are divided into two or more zones for taxi licensing purposes. Drivers may be licensed to ply for hire in one zone only. Zones may exist for historical reasons, perhaps because of local authority boundary changes.

86. The Department recommends the abolition of zones. That is chiefly for the benefit of the travelling public. Zoning tends to diminish the supply of taxis and the scope for customer choice - for example, if fifty taxis were licensed overall by a local authority, but with only twenty five of them entitled to ply for hire in each of two zones. It can be confusing and frustrating for people wishing to hire a taxi to find that a vehicle licensed by the relevant local authority is nonetheless unable to pick them up (unless pre-booked) because they are in the wrong part of the local authority area. Abolition of zones can also reduce costs for the local authority, for example through simpler administration and enforcement. It can also promote fuel efficiency, because taxis can pick up a passenger anywhere in the local authority area, rather than having to return empty to their licensed zone after dropping a passenger in another zone.

87. It should be noted that the Government has now made a Legislative Reform Order which removed the need for the Secretary of State to approve amalgamation resolutions made by local licensing authorities. The Legislative Reform (Local Authority Consent Requirements)(England and Wales) Order 2008 came into force in October 2008. Although these resolutions no longer require the approval of the Secretary of State, the statutory procedure for making them – in paragraph 25 of schedule 14 to the Local Government Act 1972- remains the same.

FLEXIBLE TRANSPORT SERVICES

88. It is possible for taxis and PHVs to provide flexible transport services in a number of different ways. Such services can play a valuable role in meeting a range of transport needs, especially in rural areas – though potentially in many other places as well. In recent years there has been a significant increase in the provision of flexible services, due partly to the availability of Rural Bus Subsidy Grant and Rural Bus Challenge Support from the Department.

89. The Department encourages local licensing authorities, as a matter of best practice, to play their part in promoting flexible services, so as to increase the availability of transport to the travelling public. This can be done partly by drawing the possibilities to the attention of taxi and PHV trade. It also should be borne in mind that vehicles with a higher seating capacity than the vehicles typically licensed as taxis (for example those with 6, 7 or 8 passenger seats) may be used for flexible services and should be considered for licensing in this context.

90. The main legal provisions under which flexible services can be operated are:

- **Shared taxis and PHVs – advance bookings (section 11, Transport Act 1985):** licensed taxis and PHVs can provide a service at separate fares for up to eight passengers sharing the vehicle. The operator takes the initiative to match up passengers who book in advance and agree to share the vehicle at separate fares (lower than for a single hiring). An example could be passengers being picked up at home to go to a shopping centre, or returning from the shops to their homes. The operator benefits through increased passenger loadings and total revenues.
- **Shared taxis – immediate hirings (section 10, Transport Act 1985):** such a scheme is at the initiative of the local licensing authority, which can set up schemes whereby licensed taxis (not PHVs) can be hired at separate fares by up to eight people from ranks or other places that have been designated by the authority. (The authority is required to set up such a scheme if holders of 10% or more of the taxi licences in the area ask for one.) The passengers pay only part of the metered fare, for example in going home after a trip to the local town, and without pre-booking, but the driver receives more than the metered fare.
- **Taxibuses (section 12, Transport Act 1985):** owners of licensed taxis can apply to the Traffic Commissioner for a 'restricted public service vehicle (PSV) operator licence'. The taxi owner can then use the vehicle to run a bus service for up to eight passengers. The route must be registered with the Traffic Commissioner and must have at least one stopping place in the area of the local authority that licensed the taxi, though it can go beyond it. The bus service will be eligible for Bus Service Operators Grant (subject to certain conditions) and taxibuses can be used for local authority subsidised bus services. The travelling public have another transport opportunity opened for them, and taxi owners have another business opportunity. ***The Local Transport Act 2008 contains a provision which will allow the owners of PHVs to acquire a special PSV operator licence and register a route with the traffic commissioner. It is expected that this provision will be commenced in the Spring of 2009. Separate guidance will be provided.***

91. The Department is very keen to encourage the use of these types of services. More details can be found in the Department's publication 'Flexible Transport Services' which can be accessed at:
www.dft.gov.uk/stellent/groups/dft_localtrans/documents/page/dft_localtrans_504004.hcsp.

LOCAL TRANSPORT PLANS

92. The Transport Act 2000 requires most local transport authorities in England (not London) to produce and maintain a Local Transport Plan (LTP), having regard to any guidance issued by the Secretary of State. The latest guidance published in December 2004 **asked** for a provisional LTP by 29 July 2005 and a final one by 31 March 2006. LTPs set out the authority's local transport strategies and policies, and an implementation programme over a five year period. **82 LTPs covering all of England outside London have been produced and cover the period up to 2011.**

93. All modes of transport including taxi and PHV services have a valuable part to play in overall transport provision, and so local licensing authorities have an input to **delivering the LTPs**. The key policy themes for such services could be availability and accessibility. **LTPs can cover:**

- quantity controls, if any, and plans for their review;
- licensing conditions, with a view to safety but also to good supply of taxi and PHV services;
- fares;
- on-street availability, especially through provision of taxi ranks;
- vehicle accessibility for people with disabilities;
- encouragement of flexible services.

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

Useful questions when assessing quantity controls of taxi licences

- Have you considered the Government's view that quantity controls should be removed unless a specific case that such controls benefit the consumer can be made?

Questions relating to the policy of controlling numbers

- Have you recently reviewed the need for your policy of quantity controls?
- What form did the review of your policy of quantity controls take?
- Who was involved in the review?
- What decision was reached about retaining or removing quantity controls?
- Are you satisfied that your policy justifies restricting entry to the trade?
- Are you satisfied that quantity controls do not:
 - reduce the availability of taxis;
 - increase waiting times for consumers;
 - reduce choice and safety for consumers?
- What special circumstances justify retention of quantity controls?
- How does your policy benefit consumers, particularly in remote rural areas?
- How does your policy benefit the trade?
- If you have a local accessibility policy, how does this fit with restricting taxi licences?

Questions relating to setting the number of taxi licences

- When last did you assess unmet demand?
- How is your taxi limit assessed?
- Have you considered latent demand, ie potential consumers who would use taxis if more were available, but currently do not?
- Are you satisfied that your limit is set at the correct level?
- How does the need for adequate taxi ranks affect your policy of quantity controls?

Questions relating to consultation and other public transport service provision

- When consulting, have you included etc
 - all those working in the market;
 - consumer and passenger (including disabled) groups;
 - groups which represent those passengers with special needs;
 - local interest groups, eg hospitals or visitor attractions;
 - the police;
 - a wide range of transport stakeholders eg rail/bus/coach providers and traffic managers?
- Do you receive representations about taxi availability?
- What is the level of service currently available to consumers (including other public transport modes)?

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

Notice for taxi passengers - what you can expect from the taxi trade and what the taxi trade can expect from you

The driver will:

- ***Drive with due care and courtesy towards the passenger and other road users.***
- ***Use the meter within the licensed area, unless the passenger has agreed to hire by time.***
- ***If using the meter, not start the meter until the passenger is seated in the vehicle.***
- ***If travelling outside the licensed area, agree the fare in advance. If no fare has been negotiated in advance for a journey going beyond the licensing area then the driver must adhere to the meter.***
- ***Take the most time-efficient route, bearing in mind likely traffic problems and known diversions, and explain any diversion from the most direct route.***

The passenger will:

- ***Treat the vehicle and driver with respect and obey any notices (e.g. in relation to eating in the vehicle).***
- ***Ensure they have enough money to pay the fare before travelling. If wishing to pay by credit card or to stop on route to use a cash machine, check with the driver before setting off.***
- ***Be aware of the fare on the meter and make the driver aware if it is approaching the limit of their financial resources.***
- ***Be aware that the driver is likely to be restricted by traffic regulations in relation to where s/he can stop the vehicle.***

Notice for PHV passengers - what you can expect from the PHV trade and what the PHV trade can expect from you

The driver will:

- ***Ensure that the passenger has pre-booked and agrees the fare before setting off.***
- ***Drive with due care and courtesy towards the passenger and other road users.***
- ***Take the most time-efficient route, bearing in mind likely traffic problems and known diversions, and explain any diversion from the most direct route.***

The passenger will:

- ***Treat the vehicle and driver with respect and obey any notices (eg. in relation to eating in the vehicle).***
- ***Ensure they have enough money to pay the fare before travelling. If wishing to pay by credit card or to stop on route to use a cash machine, check with the driver before setting off.***
- ***Be aware that the driver is likely to be restricted by traffic regulations in relation to where s/he can stop the vehicle.***

TAXI AND PRIVATE HIRE VEHICLE LICENSING - CONSULTATION ON REVISED BEST PRACTICE GUIDANCE

Issues on which we are seeking feedback

Usefulness of original Guidance

We are interested to know how useful stakeholders have found the original guidance, for example, the extent to which it prompted licensing authorities to review their policies or whether the trade found it to be a useful tool in approaching their local authority with suggestions of changes.

Q1. Have you found the Best Practice Guidance useful?

Q2. Has your local authority, since publication of the Guidance in October 2006, undertaken a review of its taxi and PHV licensing policies?

Q3. Can you offer any examples of instances where local policies have been amended to reflect the advice in the original Best Practice Guidance?

Q4. Do you consider that any issues in the original guidance where changes are not proposed should be revised?

Q5. Do you consider that there are issues which are not currently covered in the Guidance which could usefully be covered?

Proposed revisions to the Guidance

In many cases, the proposed revisions have been included to reflect developments since the original guidance was published (eg the fact that we have now published guidance about stretched limousines and the fact that the Legislative Reform Order concerning the amalgamation of taxi licensing zones has now been made). In other cases, we are proposing a substantive change to the guidance which the Department is providing (for example on medical fitness). We would welcome feedback on any of the revisions which we have proposed in the draft guidance.

Q6. Do you have any comments on the proposed guidance about accessibility (paras13-19)? *[Note, there is a separate consultation exercise about accessibility standards for taxis; this consultation asks about the advice we are currently offering to local authorities.]*

Q7. Do you have any comments on the proposed guidance about the duty to carry assistance dogs (paras 20-21)?

Q8. Do you have any comments on the proposed guidance about duties under the Part 3 of the Disability Discrimination Act 1995 (paras 22-25)?

Q9. Do you have any comments on the inclusion of a reference to the national inspection standards drawn up by the Public Authority Transport Network (para 32)?

Q10. Do you have any comments on the proposed guidance about drivers' personal security (paras 29; and 33-35)?

Q11. Do you have any comments on the proposed guidance about stretched limousines (paras 38-40)?

Q12. Do you have any comments on the proposed guidance about criminal record checks on drivers (paras 54-57)?

Q13. Do you have any comments on the proposed guidance about the Notifiable Occupations Scheme (paras 58-61)?

Q14. Do you have any comments on the proposed guidance about Immigration checks (para 62)?

Q15. The Government is minded to remove reference to the exceptional C1 arrangements in the original guidance. However, in making a final decision, we would welcome feedback from stakeholders about the possible change. Do you have any evidence about the extent to which taxi/PHV drivers are currently licensed on the basis of the C1 arrangements (paras 63-64)?

Q16. Do you think that it is appropriate for the proposed guidance to make no reference to the use of the C1 arrangements for insulin-treated drivers; please explain your reasons (paras 63-64)?

Q17. Do you have any comments on the proposed guidance about medical fitness (other than comments in relation to the C1 arrangements) including the proposed references to use of medical practitioners who are trained in the application of Group 2 medical standards? Would this add to costs? If so, would this be justified? (paras 63-66)?

Q18. Do you have any comments on the proposed guidance about language proficiency (para 69)?

Q19. Do you have any comments on the proposed guidance about other training (para 70)?

Q20. Do you have any comments on the proposed guidance about topographical knowledge (paras 71-72)?

Q21. Do you have any comments on the proposed guidance about criminal record checks on PHV operators (para 74)?

Q22. Do you have any comments on the proposed guidance about the repeal of the PHV contract exemption (paras 78-79)?

Q23. Do you have any comments on the proposed guidance about enforcement (paras 80-84)?

Q24. Do you have any comments on the proposed guidance about taxibuses (para 90)?

List of consultees

All local authorities in England and Wales
Allied Vehicles
Association of Local Authority Medical Advisers
Association of Transport Co-ordinating Officers
Bolton, Bury, Preston Hackney Association
Campaign for Better Transport
Community Transport Association
Confederation of Passenger Transport
Consumers Association
Corporation of Professional Drivers and Chauffeurs
Diabetes UK
Disabled Persons Transport Advisory Committee
Federation of Small Businesses
GMB
Go Skills
Guide Dogs for the Blind
Institute of Licensing
Institute of Professional Drivers and Chauffeurs
James Button
JCMBPS
Licensed Private Hire Car Association
Licensed Taxi Drivers Association
London Taxis International
Mercedes
National Association of Licensing and Enforcement Officers
National Consumer Council
National Council of Women
National Private Hire Association
National Taxi Association
North East Combined Transport Activists
RADAR
Society of Motor Manufacturers and Traders
South Pennines Integrated Transport Strategy
Suzy Lamplugh Trust
The Local Government Association
Transport for London
Travelwatch NW
TUC
Unite
Welsh Local Government Association
Wheelchair Accessible Vehicles Converters Association

Code of Practice on Consultation

The Government has adopted a Code of Practice on consultations. The Code sets out the approach Government will take to running a formal, written public consultation exercise. While most UK Departments and Agencies have adopted the Code, it does not have legal force, and cannot prevail over statutory or other mandatory external requirements (e.g. under European Community Law).

The Code contains seven criteria. They should be reproduced in all consultation documents. Deviation from the code will at times be unavoidable, but the Government aims to explain the reasons for deviations and what measures will be used to make the exercise as effective as possible in the circumstances.

The Seven Consultation Criteria

1. **When to consult:** Formal consultation should take place at a stage when there is scope to influence the policy outcome.
2. **Duration of consultation exercises:** Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
3. **Clarity of scope and impact:** Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
4. **Accessibility of consultation exercises:** Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
5. **The burden of consultation:** Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
6. **Responsiveness of consultation exercises:** Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
7. **Capacity to consult:** Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

A full version of the code of practice is available on the Better Regulation Executive website at: <http://www.berr.gov.uk/files/file47158.pdf>

If you consider that this consultation does not comply with the criteria or have comments about the **consultation process** please contact:

Lec Napal
Consultation Co-ordinator
Department for Transport
Zone 1/33 Great Minster House

76 Marsham Street
London, SW1P 4DR
email: consultation@dft.gsi.gov.uk

**TAXI AND PRIVATE HIRE VEHICLE LICENSING - CONSULTATION ON
REVISED BEST PRACTICE GUIDANCE**

Pro-forma for use when responding

<i>Name of respondent</i>	Desmond P Broster, Principal Licensing Officer, Taxi & Private Hire Licensing on behalf of Leeds City Council's Licensing and Regulatory Panel
<i>Organisation (if applicable)</i>	Leeds City Council
<i>Interest (eg trade; local authority; passenger interest)</i>	Local Authority
Q1. Have you found the Best Practice Guidance useful?	In some parts, yes, however it does seem to take a step back on key issues when it could very safely say that it is for a Local Authority in each area to introduce and maintain conditions which create appropriate and proportionate standards of safety for the public. The comments in the guidance document do not seem to accommodate the taxi & private hire trade working within busy cities and inner city areas and do not seem to recognise that it is a significantly major contributor to public transport. The public using it deserve high standards of personal safety, in terms of vehicle and personal licensing and this should be a key note to contribute to crime and disorder strategies.
Q2. Has your local authority, since publication of the Guidance in October 2006, undertaken a review of its taxi and PHV licensing policies?	Current Review of unmet demand being undertaken. We have introduced new driver and private hire vehicle conditions, stretch limousines now have a licensing policy and conditions, as do Chauffeur driven vehicles. The opportunity for a wide variety of differing types of vehicles to be licensed remains open within this Authority.
Q3. Can you offer any examples of instances where local policies have been amended to reflect the advice in the original Best Practice Guidance?	As above, but also English comprehension testing, NVQ and BTEC training, disability awareness training and testing for hackney carriage drivers, disability training and testing for private hire drivers.

<p>Q4. Do you consider that any issues in the original guidance where changes are not proposed should be revised?</p>	<p>Yes – clear and unambiguous guidance regarding “O” licences, which can be used to encourage and improve professional working practices and relationships between a local licensing authority and VOSA, in such a way that information is readily available to local authorities, who should be treated as significant partners.</p>
<p>Q5. Do you consider that there are issues which are not currently covered in the Guidance which could usefully be covered?</p>	<p>Ready access to best practice across the country. Encouraging Officers to become part of a national licensing organisation and highlighting those benefits at a very senior level within Councils.</p>
<p>Q6. Do you have any comments on the proposed guidance about accessibility (paras 13-19)</p>	<p>It would be beneficial if the decision in respect of vehicle designs for hackney carriage wheel chair accessibility could be made quickly and without further delay. This Authority does consider that a mixed fleet is desirable, but also that hackney carriage and private hire vehicle saloons have capacity to improve on their standard designs, in a way that will make those vehicles more user friendly for people with a wide range of disabilities.</p>
<p>Q7. Do you have any comments on the proposed guidance about the duty to carry assistance dogs (paras 20-21)?</p>	<p>No – other than the emphasis is correctly placed.</p>
<p>Q8. Do you have any comments on the proposed guidance about duties under the Part 3 of the Disability Discrimination Act 1995 (paras 22-25)?</p>	<p>LCC has designed a training course with test for all hackney carriage drivers which is led by a MIDAS trainer. All private hire driver licence holders and new applicants have been given a Go-skills disability training CD. All new private hire drivers have to undertake a knowledge test which includes disability questions. Additionally, all existing private hire drivers will have to undertake that training and testing as part of a rolling program.</p>
<p>Q9. Do you have any comments on the inclusion of a reference to the national inspection standards drawn up by the Public Authority Transport Network (para 32)?</p>	<p>(To Follow)</p>

<p>Q10. Do you have any comments on the proposed guidance about drivers' personal security (paras 29; and 33-35)?</p>	<p>Leeds City Council has set aside £25,000 to co-fund CCTV and driver safety shields for both private hire and hackney carriage drivers. It has also circulated personal safety advice leaflets, co-designed by the West Yorkshire Police, across the West Yorkshire districts and on a separate occasion across the Leeds licensing district. We feel that future best practice guidance could focus attention on the responsibility of operators, taxi associations and vehicle proprietors about their responsibility in respect of health and safety and potential claims or prosecution against them for not putting in place sufficient safeguards for drivers who they employ or dispatch.</p>
<p>Q11. Do you have any comments on the proposed guidance about stretched limousines (paras 38-40)?</p>	<p>Leeds City Council wishes to express its concerns over the flaws in the current legislation, which fails to bring effective CRB vetting on those drivers of stretch limousines who choose to avoid local authority licensing regimes. There is also some concern that major cities such as Leeds, which are a point of attraction for party groups hiring stretch limousines, are receiving them from licensing authorities across the North of England who may do little in terms of placing appropriate conditions upon vehicle or personal licenses.</p> <p>This area of advice is not generally helpful and the author should listen to the concerns of the Police in West Yorkshire over the lack of adequate licensing regimes across the region. In the light of Police advice it would be remiss of Councils, to say the least, if they were not to apply the appropriate licensing conditions. There are serious concerns about the links between organised crime and the industry.</p>
<p>Q12. Do you have any comments on the proposed guidance about criminal record checks on drivers (paras 54-57)?</p>	<p>LCC has such policies and procedures. However it is concerned that information is being supplied from local foreign Police stations in remote areas which cannot be authenticated and caution should be exercised if relying upon it. Quite often passports do not contain information indicating that an applicant has been in the country previously and it would be possible for a foreign national convicted in this country to have left the country again, come back with a</p>

	<p>duplicate passport and claim they had not lived here. I would suggest that local authorities conduct a CRB application in each and every case, regardless of whether or not the person says that they have lived in this country previously.</p> <p>There are some concerns about the role of the ISA and how that might conflict with decisions taken by local authorities and it is hoped there will be close liaison in this area. Overall this is very useful and practical information.</p>
<p>Q13. Do you have any comments on the proposed guidance about the Notifiable Occupations Scheme (paras 58-61)?</p>	<p>Generally much improved and certainly the co-operation with West Yorkshire Police and how they now disseminate information has improved beyond all recognition in recent years. There does however need to be recognition on the part of ACPO that local authorities have a significant role to play in presenting evidence to the courts in respect of licensing decisions. This is particularly important in instances where there has been inappropriate sexual behaviour alleged, but the Crown Prosecution Service decides not to prosecute because of the “one on one” situation in terms of evidence. The Police should voluntarily disclose that evidence to licensing authorities to enable them to present the same evidence before the courts, which sits as a civil court in hearing licensing decisions. Courts are very keen to hear first hand relevant evidence and on many occasions the information offered by the Police on CRB’s is insufficient and potentially capable of allowing a sexual offender to be licensed.</p> <p>Leeds is trialling an intelligence sharing system with the West Yorkshire Police where court decisions taken on licensing issues are formally notified to the Police.</p> <p>ACPO should create a formal structure enabling local authorities to have a straight forward process for passing conviction details to them so that it can be recorded and available to other local authorities.</p>

<p>Q14. Do you have any comments on the proposed guidance about Immigration checks (para 62)?</p>	<p>Very useful advice.</p>
<p>Q15. The Government is minded to remove reference to the exceptional C1 arrangements in the original guidance. However, in making a final decision, we would welcome feedback from stakeholders about the possible change. Do you have any evidence about the extent to which taxi/PHV drivers are currently licensed on the basis of the C1 arrangements (paras 63-64)?</p>	<p>We are currently introducing a requirement for Group II medical in line with the best practice, but are aware that a significant number of licence holders within Leeds are from a South Asian background.</p> <p>We would welcome an impact assessment from you, before any further action is taken, to enable legislators to reflect on how such a move would impact on this licensing authority and others. I should emphasise that about 75% of the 6,500 licence holders are South Asian by descent.</p>
<p>Q16. Do you think that it is appropriate for the proposed guidance to make no reference to the use of the C1 arrangements for insulin-treated drivers; please explain your reasons (paras 63-64)?</p>	<p>LCC would welcome a more comprehensive background information explaining this reasoning than is currently supplied.</p>

<p>Q17. Do you have any comments on the proposed guidance about medical fitness (other than comments in relation to the C1 arrangements) including the proposed references to use of medical practitioners who are trained in the application of Group 2 medical standards? Would this add to costs? If so, would this be justified? (paras 63-66)?</p>	<p>It would add additional cost but considering that the service provided by many drivers is usually undertaken after a normal working day or involves excessive working hours, there is a need to ensure that the driver is fit and alert. It should also be noted that many professional drivers are the subject of working hours regulations and whilst such regulations would be difficult to operate within this particular licensed trade, it is highly desirable that at the very least the Council and general public can be assured that they are medically fit for work in such an environment.</p> <p>LCC supports the view that Group II medical is necessary medical standard for professional drivers.</p> <p>It is not a cheap option using an individuals own GP, but this Authority would have serious concerns about reports being prepared other than the applicants GP unless it was from a medical adviser elected by the Council. However, the question is based upon a misunderstanding of cost and there would be a significant on-cost, perhaps even more than that imposed by their own GP, should the Council defer to their own medical adviser. It also seems pretty clear that there would be a significant obstruction to medical checks being conducted in a timely way if medical checks were to be centrally sourced.</p>
<p>Q18. Do you have any comments on the proposed guidance about language proficiency (para 69)?</p>	<p>Such a testing environment was introduced in Leeds in 2007 and is considered to be essential in view of the varying communication skills across society who use taxis or private hire vehicles. An ability to read simple directions should also be put into the requirement, as should being able to write a receipt. It should be remembered that many people using licensed vehicles may have poor communication skills themselves or have particular learning difficulties, so it is essential that the driver can understand and communicate very ably.</p>

<p>Q19. Do you have any comments on the proposed guidance about other training (para 70)?</p>	<p>LCC believe that there should be a greater impetus centrally for all local authorities to impose more professional standards and achievements for taxi and private hire drivers. The public at large and the majority of professional drivers deserve this trade to be moved out of the twilight zone and towards the very professional standards attained by so many licensed operators, taxi associations, and drivers in this city.</p>
<p>Q20. Do you have any comments on the proposed guidance about topographical knowledge (paras 71-72)?</p>	<p>It should not be overlooked that people with learning difficulties or visual impairments often use private hire vehicles and taxis and need to be assured that the driver can be relied upon. Operational experience shows that lone females travelling late night very often do not want to communicate with driver and need to be reassured that they will be taken home by the most direct route. It would be naïve for the DfT to believe that licensed operators view all dispatch detail of journeys or that their staff working in the control room are equipped to assist on every occasion. There are some significant middle and main stream operators in Leeds, and many other cities and the thought that every journey will be monitored in a supervisory aspect is very much mistaken.</p>
<p>Q21. Do you have any comments on the proposed guidance about criminal record checks on PHV operators (para 74)?</p>	<p>The links between organised crime and the opportunities to launder money and create crime networks as a private operator seem to have been seriously overlooked in the preparation of this consultation document. Centrally much more attention needs to be paid to the opportunities for crime potential. The private hire operator licence once granted could take a major crime investigation to remove it. The issuing authority need to have as much information as possible to make decisions in order to contribute appropriately to crime and disorder at an early stage. It does seem that the potential for crime to be involved in the operation of taxi and private hire businesses has been considerably underestimated in the document prepared for consultation.</p> <p>This is not just a transport or public safety issue but also needs the considered view of the crime intelligence resources with the Police services.</p>

<p>Q22. Do you have any comments on the proposed guidance about the repeal of the PHV contract exemption (paras 78-79)?</p>	<p>The guidance has worked adequately. On behalf of some colleagues from other authorities, I think it worthwhile to express their concerns, that the opportunities to create adequate enforcement capability are undermined by pressures other than necessity.</p>
<p>Q23. Do you have any comments on the proposed guidance about enforcement (paras 80-84)?</p>	<p>No, other than that it needs to be recognised centrally that the cost of employing taxi marshals is a considerable expense and a potentially significant burden to be placed upon licence holders. There is the opportunity to encourage taxi associations and licence operators to have legal bookings services within busy establishments which can contribute to safety by reducing plying for hire. The local authority does however have to contribute to training those people involved in marshalling and ensuring in the case of private hire operators, that they are fully compliant with the relevant law.</p>
<p>Q24. Do you have any comments on the proposed guidance about taxibuses (para 90)?</p>	<p>Unfortunately there has been no interest in this within the Leeds licensing district.</p>