



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

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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 proceeding 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%

