

Throughout 2011 the Taxi and Private Hire Licensing Section undertook a review of all policies and Conditions which apply to the Hackney Carriage and Private Hire trade.

The initial review of the following policies has now been completed and is open for further consultation.

### **1. Private Hire vehicle conditions including wheelchair accessible vehicles, vehicle age criteria, livery, signs and markings**

a) Feedback was received indicating that all Private Hire vehicles should prominently display signage to indicate that the vehicle is not insured if not pre-booked through a Private Hire Operator.

Some Local Authorities do require Private Hire vehicles to display stickers on the passenger windows with words similar to "not insured if not pre-booked". Whilst there is no evidence in relation to the success of such stickers, it is an issue that is often raised.

b) A request was received to extend the age criteria for Private Hire vehicles.

The age criteria condition does allow for an extension to beyond 7 years see the extract from the Conditions below;

*(c) INSPECTION POLICY FOR LICENSED VEHICLES SEEKING TO BE RE-LICENSED BEYOND 7 YEARS*

*A currently licensed vehicle may continue to be re-licensed beyond 7 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 the Taxi and Private Hire Licensing Section.*

*It is the responsibility of the vehicle proprietor to ensure that vehicle inspection arrangements are in place prior to the expiry of the vehicle licence, allowing sufficient time for both the inspection and any remedial work to be completed prior to the expiry date.*

c) A suggestion was received that the Taxi and Private Hire Licensing Section should hold a 'blacklist' of regular offenders.

There is some merit arising from the feeling behind this comment which could be reflected in the Sections vehicle inspection procedures. Licensed drivers have also often expressed concerns about the inequity between Taxis having to have an MOT in their first and second years, from new, whilst Private Hire vehicles do not. It is quite rightly pointed out that some new Private Hire vehicles do more mileage in their first three years than most family cars would achieve in eight years.

### **Proposed Recommendations:**

a) An option may be to pass the responsibility to affix such a sticker onto the Private Hire Operators. This would have to conform to a Council standard, saying something similar to "If not pre-booked through [Operator Name], no insurance, no journey".

This could be helpful to drivers dealing with people wanting to take an un-booked journey. It would also be cost free to the driver.

b) Subject to any further feedback being raised, the Section will probably recommend that there be no change to the existing age criteria condition.

c) A proposal could be that where a vehicle proprietor or driver is found to have a defective vehicle, the frequency of inspections of that vehicle are proportionately increased in line with Section 50 of the Local Government (Miscellaneous Provisions) Act 1976.

A further proposal could be to require all Private Hire vehicles to undertake an MOT inspection in its first and second years, from the date of first registration.

## **2. Hackney Carriage vehicle conditions including wheelchair accessible vehicles, vehicle age criteria, livery, signs and markings**

a) Feedback was received requesting a greater choice of wheelchair accessible vehicles.

The Council is prepared to receive applications for wheelchair accessible vehicles which will then be tested against the Council's conditions. Licence holders are not required to purchase vehicles of the type listed on our 'approved list' however, should they purchase a vehicle type which has not previously been inspected and found to comply with the Council conditions, that vehicle will be subject to a detailed inspection by our vehicle examiners. This is to ensure that the vehicle meets licensing conditions and complies with the appropriate EC certificate of conformity.

b) A request was received that Hackney Carriages be able to display the company logo above the door livery.

The Council would welcome design proposals for appropriate advertising in the space on the door, immediately above the handle, or any other proposal licence holders may wish to incorporate within existing livery.

c) A request was received that where a plate holder is deceased, the plate should automatically transfer to the spouse.

The Council has to be satisfied that a Hackney Carriage proprietor is a fit and proper person. There is a procedure in place which enables a sympathetic approach and breathing space for family members to make informed choices and decisions.

It should be noted that the licence is the property of the Council whilst the vehicle is part of the deceased's estate. We do however aim to work co-operatively and fairly in dealing with this issue.

d) Currently wheelchair accessible vehicles with a corporate wrap do not have to carry the proprietors licence number on the front doors.

### **Proposed Recommendations:**

a) Subject to any further feedback being raised, the Section will probably recommend that there be no change to the approved list of wheelchair accessible vehicles until such time as a new application is submitted, inspected and approved.

b) Subject to any further feedback being raised, the Section will probably recommend that there be no change to the livery until such time as a new proposal is submitted, inspected and approved.

c) Subject to any further feedback being raised, the Section will probably recommend that there be no change to the procedure to transfer a Hackney Carriage vehicle plate.

d) So that there is a level of conformity, the Section proposes that the licence number be placed at some point on the side windows, behind the driver, in an agreed format.

### **3. Hackney Carriage Byelaws**

The Taxi and Private Hire Licensing Section has not received any feedback from this proposal when emailed to the trade in November 2011 so the Byelaws will now go out for formal consultation.

This is the first review of the Byelaws since their creation in 1975 and must address many changes in technology, legislation and practices since that time.

### **4. Plying for hire policy**

The plying for hire policy was introduced following strong representations from Elected Members, Officers, members of the trade and the public all relating to public safety issues.

The Taxi trade, along with many Private Hire Operators, fully supported the introduction of the policy which has led to many convictions and has curbed what was an increasing problem.

It is one of the more emotive areas of activity but the Council is confident that any objectors would be hard pressed to say that the policy is not well known and that the amount of time and money the Council has invested in awareness training is significant. When balanced against public safety issues it remains a necessary policy.

There are two camps; one says the policy is too lenient, the other says it is too harsh. But it is a matter of choice whether a person wants to commit crime and drivers have to accept responsibility for their actions. The Council's policy and enforcement actions have been repeatedly tested in Court and have found to be sustainable.

#### **Proposed Recommendations:**

The proposal put forward is that no changes are made to the existing plying for hire policy, subject to any further feedback being raised.

### **5. Executive Private Hire conditions**

a) Feedback was received from the existing Executive Hire trade that they were fully supportive of the existing Executive Private Hire Operator conditions.

b) A request was made that drivers licensed to work in the Executive trade be able to work for different Operators without the requirement to change their badge.

The Council will need to undertake further investigations to understand the implications of introducing such a process.

c) A request was made that people carriers should be licensed up to a maximum of six years if kept in very good condition.

The current age criteria condition does allow a vehicle to be re-licensed for up to five years from the date of first registration, see the extract from the Conditions below;

#### **2. Age Criteria**

##### **(a) Executive Saloon**

*The age of a vehicle, for licensing purposes, shall be determined by the date of first registration on the V5 registration document (Log Book). A vehicle will only be accepted for licensing if the date of first registration is less than 2 years from the date of application. The vehicle must be licensed for use within one month from the date of application.*

##### **(b) Executive People Carrier**

*The age of a vehicle, for licensing purposes, shall be determined by the date of first registration on the V5 registration document (Log Book). A vehicle will only be accepted for licensing if the date of first registration is less than 1 year from the date of application. The vehicle must be licensed for use within one month from the date of application.*

*(c) Where a currently licensed vehicle does not meet the requirements of part 2 (a) and 2 (b), that vehicle will continue to be re-licensed for up to 5 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.*

d) A request was made that the cost of cars should be over £30,000 at new with up to 12 months to licence from first registration, rather than £45,000 at new and up to two years to licence as per the current conditions.

The Councils view remains the same; this is an Executive trade and the current condition sets the type of vehicle to be licensed at the Executive level. This is not considered to be onerous, with options available to extend the life of the vehicle licence.

An alternative choice would be for the vehicles to be licensed to the standard Private Hire conditions.

e) A request was made for the implementation of a discreet window badge at the rear of vehicles.

There are no objections in principle to the implementation of a rear window badge. Design proposals have previously been submitted by the trade for consideration.

f) The Executive Hire trade stated that they felt let down by the lack of Enforcement activity within their area of work.

This has been an infrequently raised issued. The Councils stance is; please provide information, in confidence, of those Operators operating outside of the legislation and we will take action. Such information has never been provided.

### **Proposed Recommendations:**

a) Subject to any further feedback being raised, the Section will probably recommend that there be no change to the current Executive Private Hire Operator conditions.

b) The Section will utilise the three month consultation period to fully understand the legislative, technological and administrative implications of introducing such a process to allow Executive Hire drivers to work for multiple Executive Hire Operators.

Subject to any further feedback being raised, the Section will probably recommend that there be no other amendments to the current Executive Private Hire driver conditions.

c) Subject to any further feedback being raised, the Section will probably recommend that there be no change to the current Executive Private Hire vehicle conditions, apart from re-wording the Age Criteria condition to more accurately reflect the Exceptional Condition applied within the Standard Private Hire conditions. This has to be reconciled with the term 'Executive Vehicle' so standards set must reflect that terminology at the time of any inspection.

d) Subject to any further feedback being raised, the Section will probably recommend that there be no change to the current Executive Private Hire vehicle conditions in respect of vehicle cost.

e) The design proposal submitted and approved by the Executive Hire trade for a rear window badge is a move away from the badge previously approved by the Licensing and Regulatory Panel. With this in mind, the amended badge will need to be presented to the Licensing Committee as part of the final recommendations made as a result of this review.

**Date of consultation closure: 05 October 2012**