

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING COMMITTEE – 11 SEPTEMBER 2019

Title of report	REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE POLICY AND CONDITIONS
Contacts	<p>Councillor Andrew Woodman 07932 758555 andrew.woodman@nwleicestershire.gov.uk</p> <p>Lee Mansfield Environmental Health Team Manager 01530 454610 lee.mansfield@nwleicestershire.gov.uk</p> <p>Andy Cooper Licensing Team Leader 01530 454844 andy.cooper@nwleicestershire.gov.uk</p>
Purpose of report	To outline a draft hackney carriage and private hire vehicle policy and conditions, for consultation
Council Priorities	Business & Jobs Homes and communities
Implications:	
Financial/Staff	All staffing costs associated with the preparation, consultation, adoption and enforcement of the Hackney Carriage and Private Hire Vehicle Licence Policy and Conditions can be met by the existing level of staff and budget.
Link to relevant CAT	Not applicable
Risk Management	No significant risks identified. The Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guidance has been fully considered in drafting the proposed licence conditions. All proposed conditions relate to the promotion of public, driver or passenger safety.
Equalities Impact Assessment	Not applicable
Human Rights	Any interference with property rights protected by Article 8 and Protocol 1 Article 1 of the Human Rights Act must be legitimate, necessary and proportionate
Transformational Government	None

Comments of Head of Paid Service	The report is satisfactory
Comments of Section 151 Officer	The report is satisfactory
Comments of Monitoring Officer	The report is satisfactory
Consultees	Existing driver licence holders Existing vehicle proprietors
Background papers	NWLDC Hackney Carriage and Private Hire Driver Fit & Proper Person Policy Issue 16 Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guide Department for Transport Statutory Guidance for Licensing Authorities; Taxi and Private Hire Vehicle Licensing: Protecting Users NWLDC Hackney Carriage Conditions – Issue 8 NWLDC Private Hire Vehicle Conditions – Issue 7
Recommendations	<p>1. THAT LICENSING COMMITTEE CONSIDERS AND MAKES COMMENT ON THE DRAFT HACKNEY CARRIAGE VEHICLE POLICY AND CONDITIONS PRIOR TO WIDER CONSULTATION</p> <p>2. THAT LICENSING COMMITTEE CONSIDERS AND MAKES COMMENT ON THE DRAFT PRIVATE HIRE VEHICLE POLICY AND CONDITIONS PRIOR TO WIDER CONSULTATION</p>

1.0 Background

1.1 The Local Government (Miscellaneous Provisions) Act 1976 (LG(MP)A) gives the local authority the following discretionary powers in relation to hackney carriage licences:

- Section 47(1) states, a district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 (Town Police Clauses Act 1847) such conditions as the district council may consider reasonably necessary.
- Section 47(2) states, without prejudice to the generality of the foregoing subsection, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.
- Section 47(3) Any person aggrieved by any conditions attached to such a licence may appeal to a magistrates' court.

- Under Section 48(2) of LG(MP)A 1976 a district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.

1.2 The last review of vehicle policy was carried out in 2016 with a new policy and set of conditions being introduced on 1 January 2017.

1.3 In reviewing the current vehicle conditions account has been taken of the current edition of the Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guide issued in 2010 and the Department for Transport Statutory Guidance for Licensing Authorities; Taxi and Private Hire Vehicle Licensing: Protecting Users issued in February 2019.

1.4 Objectives

The current policy and conditions have been reviewed with the following four objectives in mind.

1. Vehicle conditions are further improved;
2. Vehicle emissions are further reduced;
3. Licensed taxi vehicles are more easily recognisable;
4. Driver and passenger safety is further improved

1.5 The draft hackney carriage and private hire vehicle policy and conditions are located at appendix 1 (Hackney Carriage) and appendix 2 (Private Hire). Tracked changes show the amendments made to existing policy and conditions.

2.0 Summary of proposed amendments

2.1 The following is a list of the proposed changes:

Each of the proposed changes have been listed under one of the objectives of the review

Objective 1 – Vehicle conditions are further improved

Vehicle age (paragraph 4 of draft policy)

- Requirement for all new vehicles (upon initial application) to be less than 6 years old from the date of first registration.
- No vehicle licence will be renewed on a vehicle that is 6 years of age or more, unless that vehicle is in an exceptionally well-maintained condition. The definition of exceptionally well-maintained condition has been amended. Vehicles failing 3 consecutive inspections will fall outside of the definition.
- For vehicles 10 years and older to increase the number of mechanical inspections from 2 to 3 per year.

Reporting of accidents / damage to vehicles / replacement vehicles (paragraph 9 of draft policy)

- Amendment to policy relating to the reporting of accidents.
- New policy relating to vehicle applications from hire companies.
- New policy relating to insurance 'write-off' and damaged vehicles.
- Minor amendment made to licence condition relating to the maintenance of vehicles (condition1).

Objective 2 – Vehicle emissions are reduced

Vehicle emissions (paragraph 3.0 of draft policy)

- To bring forward the implementation date for policy requiring all vehicles to be fitted with at least a Euro 5 compliant engine from 1 January 2022 to 1 July 2020.
- To bring forward the implementation date for policy requiring all vehicles to be fitted with at least a Euro 6 compliant engine from 1 January 2026 to 1 January 2025.

Objective 3 - Licensed taxi vehicles are more easily recognisable

Identification of licensed vehicles (paragraph 8.0 of draft policy)

Licence plates and roof signs

- New policy and licence condition has been introduced requiring the display of the internal vehicle plate. The practice of issuing internal plates began in April 2019. The plate, to be displayed in the front windscreen identifies the vehicle as being licensed for anyone approaching the vehicle from the front. All vehicles will continue to be required to display an external licence plate on the rear of the vehicle. (licence condition 3)
- Amendment to policy and licence condition relating to the permitted wording on roof signs. 'Taxi' will be permitted in addition to current policy permitting 'For Hire'. Removal of the requirement to display the maximum number of persons carried on the side of the roof sign. (Paragraph 8 of draft policy and hackney carriage condition 10)
- New policy relating to the processing of requests for an exemption from displaying licence plates (paragraph 10 of draft policy).

Objective 4 – Drive and passenger safety is further improved

Vehicle specification (paragraph 2.0 of draft policy)

- Minor change to minimum engine capacity
- More detail added to specification (windows, floor covering, wheels and tyres)

CCTV (in-car cameras) (paragraph 6 of draft policy)

To retain a policy whereby the installation of CCTV in licensed vehicles is discretionary.

- Amendments to policy providing more detail covering system installation, specification, activation, audio recording, security and retention of images, making use of images and signage.
- New licence conditions relating to system maintenance, retrieval of data, instruction to drivers and signage. (private hire condition 5, hackney carriage condition 4)

Motor insurance (paragraph 7.0 of draft policy)

- More detail added to policy relating to motor insurance cover

Tinted windows (private hire condition 14, hackney carriage condition 13)

- More detail added to licence conditions relating to minimum light transmission

Safety equipment (private hire condition 6, hackney carriage condition 5)

- Minor changes made to the requirement to have a fire extinguisher

Absence of vehicle proprietor (private hire condition 7, hackney carriage condition 6)

- New condition requiring the appointment of a responsible person where the vehicle proprietor is not available

3.0 Consultation Process

3.1 Comments made by Licensing Committee on 11 September will be used to shape the final draft for wider consultation.

3.2 A 12-week consultation period will take place. The following individuals and groups will be consulted:

All current private hire and hackney carriage licence holders;
Leicestershire County Council;
local interest groups, including hospitals and tourist attractions;
the police;
transport stakeholders – bus, coach providers
Licensing Committee

Consumers and passengers will also be consulted by placing the consultation documents on the Council's web site.

4.0 Future Amendments to Vehicle Policy and Conditions

4.1 This and future issues of the policy and conditions will require further amendment from time to time to reflect changes to legislation and central government policy and practice. In order to ensure that any such changes in legislation and central government policy are effectively reflected in the policy without unnecessary reference to Licensing Committee it is proposed that such amendments are delegated to the Environmental Health Team Manager.

5.0 Next Steps

20 September	Devise final draft for consultation (considering comments made by Licensing Committee)
October - December	Consultation process
19 February 2020	Report and draft policy and conditions to Licensing Committee for approval