

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING COMMITTEE – 15 JUNE 2016

Title of report	REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE POLICY AND CONDITIONS
Contacts	Portfolio Holder - Councillor Alison Smith MBE 01530 835668 alison.smith@nwleicestershire.gov.uk Lee Mansfield Environmental Health Team Manager 01530 454610 lee.mansfield@nwleicestershire.gov.uk Stephen Eyre Licensing Team Leader 01530 454844 stephen.eyre@nwleicestershire.gov.uk
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 Conditions can be met by the existing level of staff.
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 Screening	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 Deputy Section 151 Officer	The report is satisfactory
Comments of Deputy Monitoring Officer	The report is satisfactory
Consultees	Existing driver licence holders Existing vehicle licence holders
Background papers	NWLDC Hackney Carriage and Private Hire Driver Fit & Proper Person Policy Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guide NWLDC Hackney Carriage Conditions – Issue 7 NWLDC Private Hire Vehicle Conditions – Issue 6
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 reasonable 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 significant review of vehicle policy was carried out in 2009 with a new set of conditions being approved by Licensing Committee on 25 November 2009. Less significant amendments to the conditions were made in 2010, 2011, 2013 and 2014.

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.

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 reduced
3. Licensed taxi vehicles are more easily recognisable
4. Customers of the service feel the council is spending money well

1.5 The current hackney carriage and private hire vehicle policy and conditions are located at appendix 1 (Hackney Carriage) and 2 (Private Hire).

1.6 The draft hackney carriage and private hire vehicle policy and conditions are located at appendix 3 (Hackney Carriage) and 4 (Private Hire).

2.0 Summary of proposed amendments

2.1 The following is a list of the significant changes:

The structure of the document has been amended, creating 2 parts by separating the licensing policy and the ongoing conditions of holding a licence.

Each of the proposed changes have been listed under one of the 4 objectives of the review

Objective 1 – Vehicle conditions are further improved

Vehicles must be less than 6 years old on the date of the first application, unless they are in an 'exceptionally well maintained condition, subject to inspection at continuing 6 monthly intervals' A vehicle of 6 years and older has to undergo and pass a visual check and mechanical check before it is licensed. Currently a vehicle is permitted an unlimited number of attempts to pass these checks. It is proposed to limit the number of attempts.

Amendments have been made to the definition of a vehicle that is 'exceptionally well maintained'. This is explained below:

Proposal 1 - Should a vehicle fail a visual inspection a second inspection will be permitted. Should a vehicle fail the second visual inspection it will be deemed not to be of exceptional condition and consequently will not be licensed.

Proposal 2 - Should a vehicle of 6 years or older fail a mechanical inspection with defects in more than one critical area (listed below), it will be deemed not to be of exceptional condition and consequently will not be licensed.

Proposal 3 - Should a vehicle of less than 6 years old fail a mechanical inspection, one retest will be available. Should the vehicle fail the inspection at the second attempt with defects in more than one critical area the vehicle will not be licensed.

Critical areas covered by the inspection: engine; brakes; suspension; steering, tyres

Objective 2 – Vehicle emissions are reduced

Vehicle Age – Vehicles must be less than 6 years old on the date of the first application with the exception of purpose-built London style cabs.

Proposal 4 – To remove purpose built London style cabs from the list of exemptions. Work is underway to replace diesel purpose built London style cabs with ultra low emission vehicles. This proposal removes the risk of surplus London style cabs of 6 years and over being licensed within the district.

Proposal 5 – To add ultra low emission vehicles to the list of exemptions, permitting vehicles 6 years and over on the first application

Vehicle emissions – Newer vehicles not requiring an MOT as deemed to be compliant. Vehicle emission standards are regulated through the MOT, where required. Currently there are no restrictions on the type of engine permitted.

Proposal 6 - To require vehicles to be fitted with a Euro 6 compliant engine, from January 2021.

Euro emissions standards were first introduced in 1992 (Euro 1) with the aim of making cars cleaner. For diesel cars, the new Euro 6 standards, introduced in September 2014 dramatically dropped the permitted level of nitrogen oxide emitted down to a maximum of 80mg/km compared to the 180mg/km set by the Euro 5 standard. The limit for nitrogen oxide from petrol cars remains unchanged from the Euro 5 standard at 60mg/km. The permitted levels of carbon monoxide and particulate matter remain unchanged from the Euro 5 standard.

Or

To require vehicles to be fitted with a Euro 4 compliant engine (registered since January 2005), from 1 January 2017

To require vehicles to be fitted with a Euro 5 compliant engine (registered since September 2009), from 1 January 2021

To require vehicles to be fitted with a Euro 6 compliant engine (registered since September 2014), from 1 January 2025

Objective 3 - Licensed taxi vehicles are more easily recognisable

Vehicle Design, colour – Currently there are no restrictions on the exterior colour of a hackney carriage.

Members of the public can often confuse private hire vehicles with taxi, failing to realise that private hire vehicles are not available for immediate hire. So it is important to distinguish

between the two types of vehicle. Measures currently used to distinguish the two types of vehicle include colour coded licence plates, mandatory door signage detailing the words 'advanced bookings only' on private hire vehicles and mandatory roof sign for hackney carriages.

Proposal 7 - To introduce a livery colour for hackney carriages, making the vehicles more recognisable to the public. From 1 January 2018 all vehicles relating to new applications for a hackney carriage licence must be the livery colour agreed by the council.

Objective 4 - Customers of the service feel the council is spending money well

Motor insurance certificate – Currently there is not a policy relating to the length of cover notes or insurance certificates. Consequently there is currently nothing to prevent a licence holder from submitting short term cover notes for the whole period of the licence, creating an administrative burden. Although drivers submitting short term cover notes is not currently an issue here in North West Leicestershire, it has become a problem for other licensing authorities.

Proposal 8 – In the event that a short term cover is in place at the time of grant the licence holder must present a further insurance certificate to the licensing team before the expiry of the cover note. Failure to present an insurance certificate before the expiry of the cover note will result in the licensing team contacting the licence holder requiring evidence of insurance to be produced. This service will be chargeable.

Customer feedback – Currently it is not a requirement to display a sign or notice informing customers how they can give feedback relating to the service provided. Currently, very little feedback is received by the licensing team.

Proposal 9 - To introduce a requirement to display a notice within the vehicle explaining to a passenger how they can provide feedback to the council.

3.0 Consultation Process

3.1 A first draft of the policy and conditions was presented to the Hackney Carriage and Private Hire Driver Forum on 24 May. Feedback from drivers was limited due to poor attendance.

The forum raised concerns relating to proposal 6, to require vehicles to be fitted with a Euro 6 compliant engine, from January 2021. It was felt that this policy would result in a significant fall in the number of licensed vehicles. Consequently a revised proposal has been put forward.

No adverse comments were made relating to the other proposals.

3.2 Comments made by Licensing Committee on 15 June will be used to shape the final draft for wider consultation. To assist Licensing Committee, a feedback form has been included at Appendix 5.

3.3 A 12 week consultation period will commence on 27 June 2016 and end on 18 September 2016. 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 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 June	Devise final draft for consultation (considering comments made by Licensing Committee)
27 June	Consultation process to commence
18 September	Consultation process to end
23 November	Report and draft policy and conditions to Licensing Committee for approval