

REVIEW AND HARMONISATION OF SOUTH OXFORDSHIRE AND VALE OF WHITE HORSE LICENSING POLICY FOR HACKNEY CARRIAGE AND PRIVATE HIRE

ISSUES PAPER

Background

Currently both councils have separate policies for the licensing of hackney carriage and private hire vehicles, drivers and operators. The policy at South Oxfordshire District Council came into force following extensive consultation on 1 July 2009. The policy at Vale of White Horse came into force on 1 January 2010. There are a considerable number of similarities between policies and there are some notable differences.

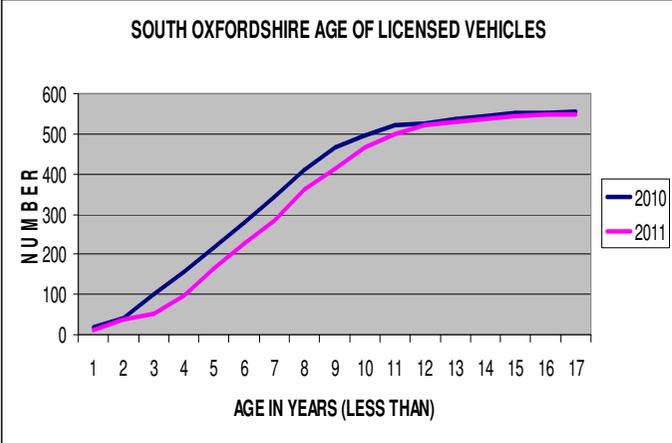
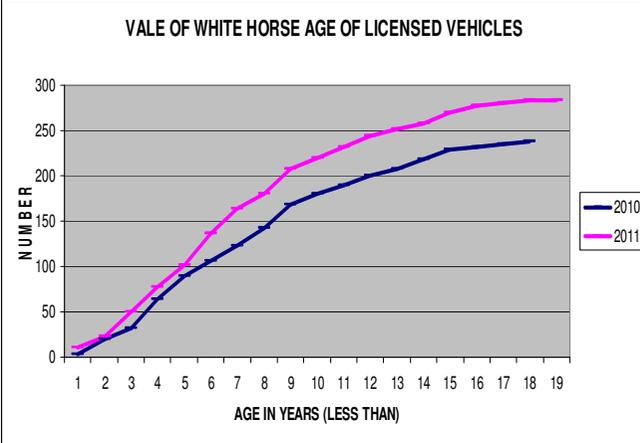
An interim review of the policy at South Oxfordshire District Council was scheduled for December 2010 to look at the issue of MOT testing stations for vehicles. In addition, a minor review of the policy was carried out in January 2011 and implemented on 1 April 2011 following consultation with the Chairman of the General Licensing Committee; however, this review highlighted, but did not address a number of major changes necessary to the policy. The minor review dealt with issues relating to clarification of terms, typographical errors, changes in legislation and government advice.

An interim review of the policy currently in force at Vale of White Horse is scheduled for October 2012 and a number of minor changes have been highlighted as necessary.

As the policies are due for renewal the opportunity has been taken to harmonise the two policies into a single policy for both councils.

The regulation of both trades is the same however, there are differences in the nature and size of the two distinct hackney carriage and private hire operations. South Oxfordshire has approximately 720 drivers, 500 vehicles and 50 operators whereas Vale of White Horse has approximately 220 drivers, 200 vehicles and 40 operators. The South Oxfordshire trade operates more out of area than in area particularly in Reading, Wokingham, Buckinghamshire and at Heathrow, whereas the Vale of White Horse trade operates more around the district area itself and Oxford with limited trips to Heathrow.

The proposed policy boxes have been 'traffic light' coded with regard to likely risk.

ISSUE	CURRENT SOUTH POLICY	CURRENT VALE POLICY	SUGGESTED POLICY
VEHICLES Age of Vehicle Policy Vehicle 8	<p>Currently no age restriction</p>  <p>Median Age of vehicles 2010 - 5.97 years 2011 - 6.86 years</p> <p>Although the median age of vehicles has increased the number of the oldest vehicles i.e. more than 16 years old has reduced from 19 to 13</p>	<p>Currently no age restriction</p>  <p>Median Age of vehicles 2010 - 6.95 years 2011 - 6.21 years</p> <p>Although the median age of the vehicles has reduced slightly there are more older vehicles and the number of the oldest vehicles has increased from 9-15</p>	<p>Option 1: Maximum age of vehicle when first licensed five years. Specialist wheel chair accessible vehicles (WAV) seven years.</p> <p>Option 2: As above but with maximum vehicle age limit of 10 years and 12 years for WAVs</p> <p>Option 3 No age restriction ie no change to current policy</p>
<p>In general, licensed vehicles will typically travel in excess of 50,000 miles per annum and therefore vehicles will have a limited life. Newer vehicles have lower emissions and promote the council's air quality objectives especially within the air quality management areas of Abingdon, Botley, Wallingford, Watlington and Henley. They also offer improved passenger safety. Office of Fair Trading data shows that around 50% of councils have an age limit on private hire or hackney carriage vehicles.</p>			
Reading	West Oxfordshire	Cherwell	West Berkshire
Maximum age at first licence 5 years. All HC vehicles are WAVs	Maximum age for HC 10 years. Maximum age for PHV 15 years including WAVs	Maximum age at first licence 5 years. Maximum vehicle age 7 years. All new HC must be WAVs	No restrictions except plate exempt vehicles which must be less than 5 years old

ISSUE	CURRENT SOUTH POLICY	CURRENT VALE POLICY	SUGGESTED POLICY
<p>Disabled Access</p> <p>Policy Vehicle 5 & 6</p>	<p>There are currently 30 disabled access vehicles within the hackney carriage and private hire fleet, this equates to 5.4% of the total fleet. Ten are private hire vehicles used for school contracts. The Government have been considering introducing a provision to set a percentage of vehicles that should be disabled accessible for a number of years. The disabled groups in the district raise this issue each year. The Equalities Impact Assessment (EIA) recognised this issue and there is a specific target within the EIA to address this matter within the policy review.</p>	<p>There are currently 28 disabled access vehicles within the hackney carriage and private hire fleet, this equates to 13% of the total fleet. 13 are private hire vehicles used for school contracts. The policy does not allow the rear loading of disabled persons (although vehicles licensed when the policy came into force in 2010 can continue to be licensed if there is no lapse in licence). The Joint EIA has raised the issue of disabled access vehicles as an issue, which needs to be addressed.</p>	<p>Harmonise to allow suitably adapted WAVs with rear access via tail lifts or ramps.</p> <p>Work with OCC to require all WAV to be registered as PH or HC.</p>
<p>MOT Testing</p> <p>Policy Vehicle 10</p>	<p>Vehicles can be tested at any MOT centre. Difficulties have arisen with the quality of some of the MOTs and the standard of reports. There is an outstanding issue from the last policy review to go out to tender to appoint a number of MOT testing stations within South Oxfordshire District Council's area that all vehicles would have to be tested at.</p>	<p>Two garages appointed as MOT Stations that all vehicles have to use to be tested. Both MOT stations were appointed after a tender exercise.</p> <p>The garages do not charge extra for the additional 'taxi' related checks that are over and above the MOT standard.</p>	<p>Move to an 'approved' MOT centre approach: Two in Vale Three in South Plus: one in Oxford and two in Reading using test centres already approved by neighbouring authorities</p>
<p>Roof Signs</p> <p>Policy Vehicle 12</p>	<p>The policy specifies the requirements for a roof sign and specifies the size, dimensions and wording.</p>	<p>The policy specifies the requirement for a roof sign but does not specify the size dimensions and wording.</p>	<p>There should be a harmonised style of roof sign. Signs display the relevant council logo. To be phased in over one year at vehicle licence renewal.</p>

ISSUE	CURRENT SOUTH POLICY	CURRENT VALE POLICY	SUGGESTED POLICY
<p>Plate Exemption</p> <p>Policy Vehicle 14</p>	<p>The policy allows for plate exemption in respect of private hire vehicles but at present implies plate exemption for life. A fee for plate exemption was introduced in 2011, which has made operators consider if they wish to continue. The policy should make clear that plate exemption has to be justified on an annual basis to allow it to continue.</p> <p>There are currently four plate exempt vehicles in SODC</p>	<p>The policy allows for plate exemption. The policy implies plate exemption for life. A fee for plate exemption was introduced in 2011, which has made operators consider if they wish to continue. The policy should make clear that plate exemption has to be justified on an annual basis to allow it to continue.</p> <p>There are currently 12 plate exempt vehicles in VWHDC</p>	<p>Plate exemption only granted in respect of PH Vehicles. The exemption will be reviewed on an annual basis and applicants for exemption will be required to demonstrate that their customers are requiring plate exemption for security or business reasons and that these customers are contributing to the majority of income for that vehicle.</p>
<p>Tariff</p> <p>Policy Tariff 1</p>	<p>There is no tariff within South Oxfordshire District Council's area and the council is the only one within the country that does not set a tariff. This leads to complaints from members of the public of overcharging especially at special events such as Henley Regatta when individual drivers set their own tariff. The lack of an official tariff leads to community safety issues in that vulnerable people can be left stranded because they have insufficient funds. This means that these people are either left stranded or start walking home late at night both of which scenarios leaves the person in a vulnerable situation. There is growing consensus within the trade to move towards an official council set tariff.</p>	<p>Vale of White Horse Council has a council set tariff, which was last changed in 2008. There have been consultations with the hackney trade in 2010 and 2011 to review the tariff. On both occasions, there has been no support from the vast majority of the trade to increase the tariff and it has therefore remained at the 2008 level. The meter tariff is the maximum payable charge. Many operators charge less than the meter tariff for regular customers or longer journeys.</p>	<p>There has been some support in South Oxfordshire for the council to set a tariff. There are considerable community safety and customer equality reasons why there should be a tariff in both councils.</p>

ISSUE	CURRENT SOUTH POLICY	CURRENT VALE POLICY	SUGGESTED POLICY
Accident Notification Policy Vehicle 22	There is currently no requirement to notify the council when a vehicle has been involved in an accident that could affect the performance and safety of the vehicle.	There is currently no requirement to notify the council when a vehicle has been involved in an accident that could affect the performance and safety of the vehicle.	There should be a requirement for all accidents resulting in damage to a vehicle that requires repair to be reported to the council. This allows officers to assess the impact of that damage on the safety of and the vehicle condition.
Advertising Policy Vehicle 13	Advertising is allowed. In the first instance it has to be approved by the council's licensing officer	There is no provision in the policy regarding licensing	Advertising the proprietor or operator's business will be permitted with prior permission of Licensing Officers
DRIVERS			
Driving Standards – DSA Test Policy Driver 4	There is currently no requirement for drivers to demonstrate their driving skills other than that they have held a DVLA driving licence for at least 12 months. Hackney carriage/private hire drivers are professional drivers and should be able to demonstrate a higher standard of driving. Complaints about driving standards are regularly received from members of the public. There is a DSA professional drivers test available.	There is currently no requirement for drivers to demonstrate their driving skills other than that they have held a DVLA driving licence for at least 12 months. Hackney carriage/private hire drivers are professional drivers and should be able to demonstrate a higher standard of driving. Complaints about driving standards are regularly received from members of the public. There is a DSA professional drivers test available.	The DSA provides a test for Hackney Carriage drivers. It is proposed that drivers who have been the subject of substantiated complaints about their driving standards, have got nine points on their DVLA driving licence or have been suspended for other driving offences should have their licence suspended until they have passed this DSA test.

ISSUE	CURRENT SOUTH POLICY	CURRENT VALE POLICY	SUGGESTED POLICY
Spoken English Test Policy Driver 3	There is currently no requirement to demonstrate a proficiency in spoken English and the council offers support to those applicants who's first language is not English	There is currently no requirement to demonstrate a proficiency in spoken English and the council offers support to those applicants who's first language is not English	The councils should set a minimum standard of spoken English. If the applicant cannot meet this standard then they should be required to pass an independent and externally accredited test.
Knowledge Test Policy Driver 2	The policy requires applicants to sit a knowledge test. There is no limit on the number of times that an applicant can sit the test. The policy sets the percentage pass mark (80%)	The policy requires applicants to sit a knowledge test. The policy prescribes that applicants can only sit a maximum of 4 tests. The policy sets the percentage pass mark (70%) and the time limit for the test.	The policy should set the requirement for a pass mark. This should be harmonised at 80%. The operational guidance for the tests should be in guidance notes not in the policy. There should be a maximum of five resits.
	The two tests have recently been standardised to a multiple-choice format but with separate pass marks.		
Driver Conditions Policy Driver 23	Thames Valley Police have requested a condition on driver's licences to protect both passengers and drivers. There must be no sexual activity, including consensual activity, between drivers and passengers either in a licensed vehicle or when a licensed driver is on duty Reading BC have this condition		There must be no sexual activity, including consensual activity, between drivers and passengers either in a licensed vehicle or when a licensed driver is on duty
Disability Awareness Policy Driver 6	There is currently no requirement for drivers to demonstrate a knowledge of disability awareness	Drivers are required to demonstrate knowledge of disability awareness within 6 months of being first licensed and for existing drivers within 6 months of renewal. The council sets the standards expected and offers courses at cost for drivers. Drivers who can demonstrate suitable alternative qualifications are exempt from this requirement.	Applicants for a hackney carriage/private hire driver's licence will be required to undergo disability awareness training. Alternative qualifications are accepted at the discretion of the council.

ISSUE	CURRENT SOUTH POLICY	CURRENT VALE POLICY	SUGGESTED POLICY
Duration of Licence Policy Driver 25 Private Hire Operator 12	The council only offers licences lasting three years	The council offers licences of one year and three years in length but the vast majority of drivers opt for the three year licence	Licences should be for three years only.
Medicals Policy Driver 9	<p>Applicants are required to have a medical meeting DVLA Group 2 Standard by a registered GP. Medicals last three years although drivers over 65 are required to have a medical annually</p> <p>There have been issues with drivers going to “medical centres” where the GP has no knowledge of the driver’s medical history. This can result in ‘hidden’ long term illnesses like heart disease or diabetes being missed and the public being put at risk.</p>	<p>Applicants are required to have a medical meeting DVLA Group 2 Standard by a registered GP. Medicals last three years although drivers over 65 are required to have a medical annually</p>	<p>The current requirement for three year medicals and annual medicals for those over 65 should continue. The policy should be amended to require the driver to have the medical with a GP at the surgery the applicant is registered. The GP must confirm that they have checked the applicant’s personal medical records.</p>

OPERATORS	CURRENT SOUTH POLICY	CURRENT VALE POLICY	SUGGESTED POLICY
Planning Permission Private Hire Operator 9	<p>The current policy states: “The operator is responsible for ensuring that appropriate planning consent exists for the use of the operational address to be used for that purpose. The grant of a private hire operator’s licence will not imply that planning consent has been given. Proof of planning permission may be required before a licence is granted.”</p>	<p>The current policy states: “It will be the responsibility of the Operator to ensure that appropriate planning consent exists for the operational address to be used for that purpose. The grant of a private hire Operators’ Licence will not imply that such consent is necessary or likely to be granted, as such determination will be subject to any appropriate planning application and consultation process.”</p>	<p>The following is recommended for inclusion in the policy: “To avoid inoperative operator licences being granted, the councils will not normally determine an application unless the applicant can demonstrate that the premises have either (in terms of activity and hours of use sought) planning consent or that it is otherwise lawful. Exceptions may be made where the applicant can demonstrate compelling reasons why the application should be considered, although the planning status of the premises has not been finalised.</p>
	<p>Problems have arisen with operators operating from addresses where no planning permission exists.</p>		

GENERAL	CURRENT SOUTH POLICY	CURRENT VALE POLICY	SUGGESTED POLICY
<p>Information Sharing</p> <p>Policy Driver 28</p>	<p>There is no reference to information sharing</p>	<p>There is no reference to information sharing</p>	<p>The following policy statement should be included within the policy:- “The councils will share all information with other enforcement bodies including other councils, the police, UK Border Agency, HMRC and the Department for Work and Pensions on enforcement related issues involving licensed drivers, operators and vehicle owners.”</p>
<p>Mobile Phones</p> <p>Appendix G Policy Driver 4</p>	<p>There is nothing in the policy about the use of mobile phones whilst driving.</p>	<p>There is nothing in the policy about the use of mobile phones whilst driving.</p>	<p>Include a statement that drivers seen using mobile phones whilst driving will be subject to a penalty or suspension.</p>

BREACHES	CURRENT SOUTH POLICY	CURRENT VALE POLICY	SUGGESTED POLICY
Penalty Points Scheme Policy Enforcement 1 Appendix H	<p>There is no penalty points scheme in place</p> <p>A sample penalty points scheme has been attached to indicate how a penalty point system operates.</p>	<p>There is no penalty points scheme in place</p>	<p>Implement a penalty point scheme that allows enforcement officers to issue points for breaches of the licensing conditions. Points allocation is proportional to severity of offence. Once a certain number of points are exceeded the licence will be suspended. Drivers or operators may then appeal to the committee/panel.</p>
	<p>The use of a penalty point system allows transparent and flexible enforcement by licensing officers whilst maintaining a committee based statutory oversight. This system mirrors that used by DVLA so is well understood by drivers. The adoption of a points based system provides a transparent set of offences and proportionate penalties. This builds on the current enforcement policies. The system is widely used by licensing authorities. Reading BC operates such a scheme, it has proven effective, and legally robust with no cases appealed to the magistrate's court having been lost.</p>		

Sample penalty points scheme

This council has adopted a penalty points scheme as a transparent disciplinary code whereby points are issued to licence holders for breaches of licensing conditions, non-compliance of the law or because of unsatisfactory conduct.

Serious breaches of licensing conditions or the law may result in offenders being referred directly to the relevant sub-committee or panel.

The main features of the scheme are as follows;

- points are issued to licence holders for breaches of licensing conditions, legislation or byelaws
- a total of 12 points credited to an individual licence/licensee in any 12 month period will result in a review of the licence by committee/panel or by delegated officer.
- in the case of a private hire operator licence the total number of points credited in any licensing year is extended to 30 points
- any outstanding points against a licence holder will be automatically removed after 12 months have elapsed from the date the points were issued

There is no financial penalty associated with this scheme and you may continue to work if points are awarded.

A list of breaches covered by the scheme, together with the points that can be awarded for each breach is shown below.

	Breaches	Driver	H/C Prop	P/H Vehicle	P/H Operator
1.	Failure to display drivers ID badge in the correct manner	3			
2.	Unsatisfactory appearance of the driver	2			
3.	Failure to notify change of address/any convictions received /medical grounds not to drive	3	3	3	3
4.	Failure to behave in a civil and orderly manner towards customers and other members of the public at all times	1-5			
5.	Obstruction of an authorised officer	3-6	3-6	3-6	3-6
6.	Failure to produce licence/insurance when requested by authorised officer	4	4	4	4
7.	Failure to report accident damage within 72 hours	3	3	3	3
8.	Overdue medical examination	2			
9.	Carrying more passengers than permitted by the vehicle licence	5			
10.	Refusal to carry passengers without a reasonable excuse	5			
11.	Failure to convey or assist with carrying luggage	2			
12.	Failure to display tariff of fares correctly	2	2	2	2
13.	Failure to recalibrate meter to the correct tariff		2	2	2
14.	Failure to display interior and/or exterior identity plate correctly	3	3	3	3
15.	P/H Exempt vehicles only:- Failure to display interior plate, carry exemption certificate and carry exterior plate	2		2	2
16.	Unreasonable prolongation of a journey or any other misconduct regarding the charging of fares.	5			
17.	Failure to be with taxi on rank	2			
18.	Failure to comply with the conditions/use of bus lanes	3			
19.	Failure to display door signs on Private Hire Vehicle	2		2	2
20.	Failure to have operational fire extinguisher fitted	2	2	2	2
21.	Failure to carry adequate first aid kit	2	2	2	2
22.	Failing to display approved roof sign	3	3		
23.	Unsatisfactory condition of vehicle interior/exterior	3	3	3	3
24.	Failure to deal appropriately with items of property accidentally left in vehicle	2	2	2	2
25.	Using/permitting licensed vehicle with no insurance	9-12	9-12	9-12	9-12
26.	Using licensed vehicle without current certificate of compliance/MOT	3	6	6	6
27.	Unauthorised advertising on licensed vehicle		3	3	3
28.	Standing or plying for hire in a private hire vehicle	5			3
29.	Failure to attend a hiring punctually	3			3
30.	Touting	6			
31.	Defective taxi meter	3	3	3	3
32.	Failure to keep or produce records of private hire bookings/documents required to be kept or produced.				4-6
33.	Any other breach or unsatisfactory behaviour	1-6	1-6	1-6	1-6