

# General Licensing Committee



**8 October 2009**

Report of **Head of Legal & Democratic Services**

Report No. 56/09

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## **Draft Hackney Carriage and Private Hire Driver, Vehicle and Operator Policy – Post Consultation**

### ***Recommendations***

That the committee:

- 1) considers the responses to the consultation and decides whether to make any changes to the draft policy*
- 2) authorises the Head of Legal and Democratic Services to update the policy for submission to Council, reflecting the committee's decisions*
- 3) recommends Council A) to adopt the hackney carriage and private hire driver, vehicle and operator policy as submitted to Council with effect from 1 January 2010 and B) to authorise the Head of Legal and Democratic Services to make any minor changes necessary*

### **1. Purpose of Report**

1.1 To inform the committee of the feedback received during the consultation period on the draft Hackney Carriage and Private Hire Driver, Vehicle and Operator Policy, to ask them to consider any changes that may be necessary and to ask the committee to recommend adoption of the new policy to Council.

### **2. Relationship with Corporate Plan**

2.1 The draft policy would satisfy our Corporate Priority of 'Supporting a vibrant local economy' in particular by:

- a) working in partnership to sustain vibrant market towns and
- b) supporting rural businesses and communities

2.2 The draft policy also supports the Corporate Priority of 'Helping to maintain a safe Vale' by:

- a) helping to maintain, or further reduce low levels of crime and anti-social behaviour and
- b) by reducing the fear of crime and anti-social behaviour

2.3 Thirdly, the draft policy is consistent with the priority, 'Rising to the challenge of climate change' by:

- a) minimising the impact on the causes of climate change.

### **3. Background**

3.1 The council has responsibility for licensing hackney carriage and private hire drivers, vehicles and operators.

3.2 In July 2007 the council's first policy on these matters came into force and was duly reviewed earlier this year. The licensing team has prepared a revised draft policy, based on their experiences of working with the current policy and in the light of new legislation and the Department for Transport's existing Best Practice Guidance and current Best Practice Guidance Consultation document.

3.3 After a few minor amendments, the General Licensing Committee approved the draft policy for consultation with the hackney carriage and private hire trade on 10 July 2009. Consultation was undertaken with the trade and other interested parties for a six week period ending on 28 August 2009. The draft policy was also posted on the council's website, was available at both Abingdon and Wantage Local Services Points and at local libraries.

3.4 In addition, during the consultation period, a meeting with the hackney carriage and private hire trade took place during which attendees were invited to ask questions or ask for clarification on the proposed changes and were reminded to submit any comments in writing by the consultation end date.

3.5 A response was received from the Vale's Community Safety Manager supporting all proposals. Only two members of the trade responded in writing and their comments have been considered and included below in paragraph 4. A Schedule of Proposed Amendments is attached as **Appendix 1**, setting out the main proposed amendments and giving an explanation and reasons for them. The draft policy is attached as **Appendix 2**.

3.6 It is proposed that the new policy shall come into effect on 1 January 2010.

### **4. Options**

4.1 Where no comments have been received by the trade or interested parties, the committee is asked to approve the proposed amendments that were outlined at the meeting of the General Licensing Committee on 10 July 2009. Where comments have been received, the issues have been stated below along with officers' recommendations. The number in brackets stated after the subject matter gives reference to the relevant point in the Schedule of Proposed Amendments (**Appendix 1**) which details the proposed wording. The committee is asked to approve these recommendations or suggest suitable, workable alternatives which would achieve the same aims.

**4.2 Requirement that vehicles manufactured or adapted to carry passengers in their wheelchairs have side (not rear) loading facilities (5.3.3.)** This was proposed as it is recommended by disabled persons' groups and other relevant bodies, however it has since been noted by officers that vehicles on two of Abingdon's taxi ranks (Ock Street and the proposed 'The Square' rank) load from the right side and not all side-loading vehicles load from both sides therefore meaning that vehicles with left side only loading on right sided ranks will retain the same risk to passengers in wheelchairs by causing them to be pushed into the road in order to board the vehicle. **Recommendation:** To approve the proposal for side-loading only vehicles to be permitted, subject to the following timescale, as this still reduces the numbers of people put at risk. Timescale: Each new vehicle licence application (after the date of introduction of the new policy) for a wheelchair accessible vehicle shall be for a vehicle with side-loading facilities. Currently licensed (at the date of the introduction of the new policy) rear-loading only wheelchair accessible vehicles will continue to be licensed so long as there is no lapse in the licence and the licence is not transferred to another person.

**4.3 Removal of the option to have magnetic licence plate and magnetic door stickers (5.6.6 and 5.6.8).** Both letters received from the trade during consultation mention this issue. One respondent was concerned that the adhesive stickers damaged vehicles, however officers have asked this question at a taxi trade meeting previously where all seven attendees, two of which represented companies with several vehicles, agreed they did not. This respondent also mentioned that adhesive stickers caused paint fading which the other respondent was also concerned about. Officers maintain that if the magnetic stickers remained on the vehicle throughout its licensed period as prescribed in the policy, the same amount of fading would result. Furthermore, officers are also of the opinion the decision to use a vehicle as a taxi is a business one and legal requirements and of those of local policy must be considered when owners make this decision. **Recommendation:** The option to have magnetic licence plates and stickers should be removed in the interests of safety and for the prevention of misuse.

**4.4 Discreet identification stickers for private hire vehicles exempted from displaying the licence plate (5.6.11).** One respondent commented on this proposal and was in favour, stating this should be made compulsory as all passengers should be aware that they are in a licensed vehicle. **Recommendation:** To approve the proposal that discreet identification stickers must be displayed in exempted vehicles.

**4.5 The council's definition of a 'low emission vehicle' (5.8.6).** No comments were received about this definition however since proposing the wording the Government has published additional tax bands, changing the levels of CO2 emissions in several bands. The proposed definition is now therefore, 'vehicles with CO2 emissions of 120g/km or lower' which is the same level as the level in the previous wording of 'Tax Bands A & B'. **Recommendation:** Approve the definition of a 'low emission vehicle' as one with CO2 emissions of 120 g/km or lower.

**4.6 Licensed hackney carriages or private hire vehicles used for weddings (5.11.3).** No comments were received however licensing officers have reconsidered this in the light of several recent difficulties enforcing the display of stickers and roof signs and are now of the opinion that this would be unenforceable, could be seen as not giving a consistent message and would create problems if the option to have magnetic stickers is removed as recommended in 4.3 above. **Recommendation:** To remove this provision from the draft policy, reverting to the current position where both should be displayed throughout the period a vehicle is licensed.

**4.7 Introduction of disability awareness training (6.4.4).** One of the respondents commented he did not think this training should be compulsory for all, only for the drivers of

vehicles able to carry disabled passengers. Licensing officers would like to highlight their inability to control both which licensed drivers drive licensed vehicles and which drivers drive for which companies. In addition the training would educate drivers in assisting people with a range of disabilities, not just those with significant mobility problems who are most likely to use the vehicles he describes. **Recommendation:** To approve the proposal for compulsory disability awareness training to be undertaken within the first six months of licensing for new applications (after the date of the introduction of the new policy) for hackney carriage and private hire drivers' licences and for currently licensed hackney carriage and private hire drivers to be trained within the first six months of licence renewal.

4.8 **Requirement to undergo medical examination every three years (6.5.4).** One of the two respondents made comment that he would be in agreement with this only if he could be convinced that the existing period of five years is insufficient and that passengers are put at risk if this period is not shortened. The Department for Transport's (DfT) current Best Practice Guidance Consultation document states, 'It is clearly good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal.' As the DfT also recommends three year licensing it can be said that they recommend three yearly medical examinations. **Recommendation:** To approve the proposal for medicals to be carried out every three years.

4.9 **Proof of right to work / prevention of illegal working (6.8).** One of the respondents commented on this and was in agreement. **Recommendation:** To approve the proposal to require all applicants (new or renewing drivers and operators) to prove their right to work in the UK and for licences to only be issued for a period consistent with their right to work if their right to work is not permanent.

4.10 **Position of door stickers (Appendix A, page 3 of the policy).** No comments were received about the proposals. However no timescale for the introduction of a prescribed fixing location for the door stickers has been previously suggested and therefore officers suggest a phased approach the same as that for other new conditions, for example each new vehicle licensed should have its stickers displayed in the new prescribed manner with currently licensed vehicles' stickers to be relocated if necessary to comply with the new condition if the vehicle licence lapses, is transferred to another person or new stickers are required. **Recommendation:** To approve that door stickers should be affixed both horizontally and vertically central on the rear passenger doors of hackney carriages subject to the timescale outlined.

4.11 **Vehicle registration document to be in the same name as the applicant (Appendix B of the policy).** Since the wording of this proposed addition to the policy, it has been noted that it is necessary to reflect the situation for those leasing vehicles and therefore an amendment to the proposed wording would read, 'the vehicle registration document issued by the DVLA in the name of the applicant or, if applicable the leasing company...' with a separate bullet point to be added to the list of necessary documentation: 'in the case of leased vehicles, a letter from the leasing company to confirm they give approval for the vehicle to be licensed.' **Recommendation:** To approve this requirement with the change of wording as stated above.

## 5. Financial, legal and any other implications

5.1 The cost of administering the revised policy once it has been adopted will be met from licensing fees. In making proposals for change, officers have had regard to the likely costs of implementation and have endeavoured to strike an appropriate balance between the financial interests of the trade, public safety and the delivery of other council policies.

## **6. Conclusion**

6.1 The Committee is requested to consider the consultation feedback from the taxi trade alongside the officers' comments and recommendations and to recommend Council to adopt the revised policy with effect from 1 January 2010.

### Background Papers:

- 'Department for Transport - Hackney Carriage and Private Hire vehicle Licensing: Best Practice Guidance, published in November 2006
- Vale of White Horse District Council Hackney Carriage and Private Hire Driver, Vehicle and Operator Policy, July 2007
- Department for Transport's Best Practice Guidance Consultation document, published May 2009