

TO: LICENSING AND SAFETY COMMITTEE
9 JANUARY 2014

**REVIEW OF GUIDANCE NOTES AND CONDITIONS FOR HACKNEY CARRIAGE
AND PRIVATE HIRE VEHICLE OWNERS, OPERATORS AND DRIVERS
Chief Officer: Environment and Public Protection**

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to bring to the attention of the Committee the results of the recent consultation on the amended version of the Council's Guidance Notes and Conditions document, and to highlight a proposed change to the vehicle specifications outlined in the document.

2 RECOMMENDATION(S)

2.1 That the Committee

- i) **notes the results of the consultation; and**
- ii) **approves the amended Guidance Notes and Conditions document at Annex A for implementation with immediate effect, subject to the additional changes as proposed at recommendation 2.1 (iv)**
- iii) **approves the proposal as set out in Para 5.3, and**
- iv) **approves the variation to the criteria for new vehicle licensing as outlined at 5.7, 5.8 and 5.9 in this report.**

3 REASONS FOR RECOMMENDATION(S)

- 3.1 The Council issues the Guidance Notes and Conditions document to owners, drivers and operators of hackney carriages and private hire vehicles. These notes are intended to set out the legal requirements and licence conditions and give guidance to the trade. The guidance notes are updated on a regular basis to reflect changes in law and Council policy.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Members may choose to vary the document at this stage, retain the original document, or to go out to further consultation on the Council's website with reference to the proposed changes to vehicle specification.

5 SUPPORTING INFORMATION

- 5.1. Attached at Annex A are the proposed new Guidance Notes for 2014 which were brought to this Committee on the 10 October 2013. The proposed amendments are shown in tracked changes.

Tinted Windows

- 5.2 Officers have consulted the taxi trade via newsletter at the start of December. The closing date for responses was the 7 January. In addition officers consulted with those garages approved by the Council to conduct the testing of licensed vehicles with respect to the inclusion of a light transmission test for tinted windows.

- 5.3 It has been established that testing garages do not maintain tint testing equipment as a matter of course. Should the testing of tinted windows become a compulsory requirement this would require for each garage a start up cost of approximately £650 for the equipment and an annual cost of £160 for calibration. An option would be for the Council to purchase the equipment and loan it to the authorised garages. The garage under the agreement could be required to keep it in good working order and this would include calibration of the equipment on an annual basis.

New Vehicle Classification

- 5.4 In addition to the proposed changes discussed at the previous Committee meeting, the Licensing Team has received two requests from trade representatives to license vehicles that do not meet the current minimum engine size requirement at section 11.5 of the guidance. It is recognised that the current engine size criteria may be outdated through technological advances in engine design. Research with other local authorities has revealed that a number, including Slough and Reading, use the Euro NCAP specification as criteria for initial vehicle licensing.
- 5.5 This approach has merit and is worthy of consideration. Currently, if a person presents a vehicle for licensing which is of a make and model not currently licensed, officers must take measurements of the interior dimensions to ascertain the vehicle's suitability. This is often a complicated (or impossible) task prior to the applicant purchasing the vehicle. Using an industry-wide recognised method of classifying passenger vehicle into categories and then choosing the groups that are suitable to be licensed allows for clear and concise boundaries to be drawn.
- 5.6 Such a change would result in the removal of sections 11.3 and 11.5 of Annex A and would only apply to new vehicle licence applications. For clarification, the changes would not in any way affect the criteria requiring hackney carriages to be wheelchair accessible vehicles as outlined in section 11.2 of Annex A.
- 5.7 It is proposed that new vehicles will only be licensed which fall within the following Euro NCAP categories:
- i) Large family
 - ii) Executive
 - iii) Small MPV (for 4 passengers only)
 - iv) Large MPV
 - v) Large Off-Road 4x4

A table showing examples of the types of vehicles included in each category is attached at Annex B to this report.

- 5.8 Any vehicles which do not fall within the appropriate Euro NCAP may be considered for licensing on a case by case basis. In particular it is envisaged that exceptions could be made for 'green' vehicles such as the Toyota Prius. However these vehicles will only be licensed for an appropriate number of passengers depending on the number of seats and internal dimensions of the vehicle, with a minimum seat width and depth of 16" (41cm) per passenger. It is recommended that prior to purchasing any such vehicle advice be sought from the Licensing Team.
- 5.9 In addition to the above, to provide clarity to those applicants wishing to obtain a dispensation from display of the vehicle plate for vehicles engaged solely in chauffeur/corporate/executive work, section 20.3 of the Guidance Notes and Conditions would be amended to specify that only vehicles of the following Euro NCAP categories:

- i) Executive
- ii) Large Off-Road 4x4

will be able to obtain a dispensation. Any vehicles which do not fall within these categories could be considered for dispensation on a case by case basis, in particular those vehicles meeting the definition of a 'prestige vehicle' as defined in Appendix G of the Guidance Notes and Conditions document. It is recommended that prior to purchasing any such vehicle advice be sought from the Licensing Team.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The legal implications are identified within the report.

Borough Treasurer

- 6.2 There are no significant financial implications arising from the recommendation in this report.

Equalities Impact Assessment

- 6.3 There are no implications arising from the recommendation in this report.

Strategic Risk Management Issues

- 6.4 There are no implications arising from the recommendation in this report.

7 CONSULTATION

Principal Groups Consulted

- 7.1 All holders of current licences and the general public.

Method of Consultation

- 7.2 A section in the Newsletter drew the attention of licence holders to the consultation details were placed on the Council website.

Representations Received

- 7.3 At the time of writing the report no representations had been received. Any responses received from the taxi trade will be reported verbally to the committee at the meeting

Background Papers

Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers - Licensing and Safety Committee 10 October 2013.

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