
Meeting: Extraordinary Regulation Committee Meeting
Date: 13th January 2010
Subject: Private Hire Vehicle Conditions
Report of: Gary Alderson - Director of Sustainable Communities
Summary: This report seeks a decision from members in relation to those conditions they wish to adopt and subsequently apply to this type of licence.

Contact Officer: Margaret James, Licensing and Enforcement Officer
Public/Exempt: Public
Wards Affected: All
Function of: Council

CORPORATE IMPLICATIONS

Council Priorities:

Supporting and Caring for an ageing population – provision of safe public transport supports independent living.

Educating protecting and providing opportunities for children and young people - provision of safe public transport allows children and young people to travel to educational and other activities in a safe environment.

Creating safer communities – the provision of regulated public transport helps ensure a vibrant and safe night time economy.

Financial:

Fees are payable for this type of licence, the fees being charged represent the cost to the Council of producing this type of licence.

Legal:

Local Government (Miscellaneous Provisions) Act 1976.

Risk Management:

Ensuring that private hire vehicles operating in central Bedfordshire are safe and properly regulated.

Staffing (including Trades Unions):

There are no staffing implications.

Equalities/Human Rights:

The Council has a legal duty to proactively promote race, gender and disability equality and to tackle discrimination experienced by other vulnerable groups. In order to ensure accessibility for disabled people and to ensure the personal safety of all vulnerable groups wishing to use this form of transport, conditions have been proposed to ensure that this duty is met.

Community Safety:

Contributes to a safer public transport system and a safer night time economy. The Council has a statutory duty under Section 17 of the Crime and Disorder Act to do all that it reasonably can to reduce crime and disorder in its area. The provision of safe, well regulated transport contributes to this duty.

In considering the recommendations it is pertinent to note that clear signage, linked to the licensing authority, with regard to the need for advance bookings also provides members of the public with an indication that the vehicle is a legitimate Private Hire Vehicle, and is safe. This is particularly important for more vulnerable members of the community and has particular links to reducing serious violent crime, including sexual assault.

Sustainability:

By regulating this service area we can ensure that those businesses who are compliant can be supported, and resources can be focused at those businesses that will not comply.

RECOMMENDATION(S):**That the Regulation Committee:**

- 1. decide which conditions they wish to apply as indicated in Recommendations A to J contained within the report;**
- 2. approve the amended conditions;**
- 3. recommend that Full Council adopts these conditions;**
- 4. That the Assistant Director Community Safety and Public Protection, in consultation with the Portfolio Holder for Safer and Stronger Communities, be given delegated authority to undertake any necessary minor amendments to the conditions prior to publication.**

Background

1. This Council is the Licensing Authority for hackney carriage and private hire drivers, vehicles and operators and is responsible for providing a licensed service to the community that is safe and accessible.

2. The hackney carriage and private hire trade have a right to expect a fair and reasonable licensing regime.
3. The policies and conditions attached to the former South Bedfordshire District Council (S.B.D.C.) licences, differ to those attached to the former Mid Bedfordshire District Council (M.B.D.C.) It is necessary, therefore, to agree on new policies and conditions for Central Bedfordshire Council.
4. Regulations exist which provide for the continuity of existing legislation until new policies and conditions are adopted.
5. During this transition period, it has been necessary to zone Central Bedfordshire into two areas to reflect the policies and regulations previously adopted by SBDC and MBDC.
6. The new policies and conditions must be in place by 1st April 2010.
7. In matters where interested parties have opposed the draft conditions, Members will be given options to either keep the draft conditions or amend them.

The Consultation Process

8. Before a local authority can make a decision on policies and conditions affecting the hackney carriage and private hire trade, they must consider the views of all interested parties.
9. In March 2009, all hackney carriage and private hire proprietors, operators and drivers were informed of the need for consultation. A copy of the letter sent to the trade is attached at Appendix 'A'.
10. In April 2009, all hackney carriage and private hire proprietors, operators and drivers, together with other interested parties, were informed of the consultation process and sent draft copies of new application forms, conditions and policies relating to hackney carriage and private hire matters. A copy of the letter sent to the trade is attached at Appendix 'B'.

Response to the Consultation

11. A good response to the consultation was received from the trade. Approximately 85 licence holders attended the 'drop in' meetings and numerous comments were made by letter, fax and in person. The views of the trade and other interested parties are attached at Appendix 'C'.

Private Hire Vehicles

12. Private hire vehicles are licensed to perform pre-booked work only. Bookings can only be obtained through a licensed private hire operator and driven by a licensed private hire driver. All three licences must be granted by the same local authority. Private hire vehicles must not ply for hire, or wait on a rank, however, they can be pre-booked to undertake a journey anywhere in the country.

13. The draft private hire vehicle conditions are attached at Appendix 'D'.

Views of interested parties

14. No comments were made about the draft vehicle application form or the guidance notes attached to it.

Private Hire Vehicle Conditions

15. The trade and other interested parties are concerned about the following matters.

Age of Vehicles

16. With few exceptions, the majority of the trade do not agree with an age limit on private hire vehicles. They would also prefer that consideration be given to imposing a minimum age for vehicles when first licensed by the authority.
17. The Department for Transport Best Practice Guidance states:

'it is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not licence vehicles may be arbitrary and inappropriate. But a great frequency of testing may be appropriate for older vehicles – for example, twice-yearly for vehicles more than five years old'
18. The National Association of Licensing and Enforcement Officers (NALEO) Model Standard for licensed vehicles state:

'due to the high mileage and the general wear and tear achieved, consideration should be given to an upper age limit. You could also consider additional vehicle tests within the licence period with a maximum of three inspections in a one year period'
19. Members should note that, proprietors refused a licence because of an age restriction, are entitled to appeal that decision and members must consider the application if requested to do so.
20. The former SBDC had a policy whereby all private hire vehicles should be under 6 years old at the time of testing with the exception of wheelchair accessible vehicles, limousines i.e. Rolls Royces, Bentleys, Daimlers and certain Mercedes or any other vehicle of similar type approved by the council.
21. The former MBDC had a policy whereby all private hire vehicles were licensed up to a maximum age of 6 years from the date of original registration. Special occasions Vehicles, including stretch limo's were licensed up to a maximum age of 10 years from the date of original registration. Vehicles designed or adapted to accommodate a disabled passenger seated in their wheelchair were also licensed up to a maximum age of 10 years from the date of original registration.
22. In view of the Department for Transport's Best Practice Guidance and the views of the trade, Members may wish to lift the age restriction on private hire vehicles.

23. The private hire vehicle condition 1 that was consulted on contains an age restriction on vehicles:

Central Bedfordshire Council has an age policy for Private Hire Vehicles as follows:

Saloon and hatchback vehicles will be licensed up to a maximum age of 6 years from the date of original registration.

The Council may waive the age restriction in the case of executive vehicles where an application is made and the Council considers there are exceptional circumstances.

Vehicles designed or adapted to M1 standard to accommodate a disabled passenger seated in their wheelchair will be licensed up to a maximum age of 10 years from the date of original registration. (disabled vehicle access conditions will apply)

Vehicles currently licensed as wheelchair accessible Private Hire Vehicles will be permitted to be re-licensed annually provided they pass the mechanical requirements, but any replacement vehicle will be required to meet all current conditions.

Please see separate conditions for Special Event (private hire) vehicles

24. **Recommendation A:**

Private Hire Vehicle Condition 1:

That Members decide if they wish to keep the current age restriction on vehicles,

Or;

if they wish to lift the restriction and replace Condition 1 with:

All new private hire vehicles must be under 5 years of age from the original date of registration when first licensed.

Vehicles designed or adapted to accommodate a disabled passenger seated in their wheelchair will need to conform to the disabled vehicle access conditions.

Vehicle currently licensed as private hire vehicles will be permitted to be re-licensed annually provided they pass the mechanical inspection, but any replacement vehicle will be required to meet all requirements.

Please see separate conditions for Special Event (private hire) vehicles

Mechanical Test

25. Some members of the trade are unhappy with the proposed frequency of vehicle inspections.
26. The former SBDC required all private hire vehicles to be inspected every 6 months. Their nominated testing centre was Luton Borough Council's Transport Depot. Each vehicle would be issued with a Certificate of Compliance once a year and a satisfactory pass certificate every 6 months.
27. The former MBDC required all private hire vehicles to be inspected annually. All vehicles were subject to two inspections each year when the vehicle's total mileage exceeded 100,00 miles. They had three nominated testing centres, one in Biggleswade, one in Flitwick and Luton Borough Council's Transport Depot. Vehicles that were subject to a 6 monthly test because the total mileage had exceeded 100,00 miles, could be tested at any VOSA appointed test centre registered to test that class of vehicle.
28. The Department for Transport Best Practice Guidance states:-

'the legal requirement is that all private hire vehicles should be subject to an MOT test or its equivalent once a year. An annual test for licensed vehicles of whatever age seems appropriate in most cases, unless local conditions suggest that more frequent tests are necessary. However, more frequent tests may be appropriate for older vehicles
29. The NALEO Model Standard for Taxi and Private Hire Licensing states:-

'to ensure that vehicles are mechanical sound, they should be inspected at least once, but not more than three times a year'
30. Local Authority's with the responsibility of licensing private hire vehicles can only licence such vehicles if they are satisfied that they meet a satisfactory standard of mechanical inspection. Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 lays out the requirements that such vehicles have to meet, which are in addition to those things that must be tested during a standard MOT. On receipt of a satisfactory mechanical inspection, the Council may issue a 'Certificate of Compliance' to private hire vehicles. A local council designated by the Secretary of State can undertake these inspections itself.
31. If the council wishes to authorise contractors to carry out the additional checks necessary to meet the requirements in respect of vehicles, officers would suggest inviting prospective garages in Central Bedfordshire to express an interest in carrying out the work.
32. A standard MOT certificate (for 6 monthly inspections) can be issued by any VOSA appointed test centre.

33. In view of the Department for Transport Best Practice Guidance and the views of the trade, Members may wish to amend the frequency of the testing of vehicles.

34. In view of the inspection requirements for private hire vehicles, Members may wish to nominate Luton Borough Council's Transport Depot and Bedford Borough Council's Transport Depot as the nominated test centres for issuing annual Certificates of Compliance.

35. The private hire vehicle condition 7 that was consulted on was:

All vehicles, including new, are required to undertake an initial mechanical compliance inspection at the Council's nominated test centre.

The annual test must be the Compliance inspection carried out at the Councils nominated test centre. The second (six monthly) test may be at any VOSA appointed garage registered to test that class of vehicle

Should an amendment be required for the frequency of testing and to name the nominated tests centres the following condition is recommended:

36. **Recommendation B:**

Private Hire Vehicle Condition 7:

That members decide if they wish to keep the current condition regarding frequency of testing and to refer only to 'the Council's nominated test centre',

Or;

if they wish to change the frequency and to name the nominated test centres and replace condition 7 with:

(a) All vehicles, including new, are required to undertake an annual mechanical compliance inspection at the Council's nominated test centre at Luton Borough Council's Transport Depot or Bedford Borough Council's Transport Depot.

(b) A second (six monthly) test will be required on any vehicle over the age of 5 years. It can be carried out at any VOSA appointed garage registered to test that class of vehicle.

First Aid Kits

37. Some drivers are unhappy with the requirement to carry a first aid kit.

38. The former SBDC did not require a first aid kit to be carried in private hire vehicles.

39. The former MBDC required first aid kits to be carried in private hire vehicles.

40. There is no legal requirement for first aid kits to be carried in private hire vehicles, however, as part of Health and Safety at Work legislation, a first aid kit should be carried in the vehicle to enable a driver to administer basic first aid to himself only.

41. **Recommendation C:**

Private Hire Vehicle Condition 11 (i): That members decide if they wish to keep condition 11 (i) requiring drivers to carry a first aid kit in their vehicles, or if they wish to delete the condition which states:

provide a suitable first aid kit to comprise of at least the following items:-

sterile wound dressings (small, medium, large), eye pad, assorted plasters, triangular bandage, antiseptic wipes, 1 pair blunt end scissors.

Complaints

42. A member of the Regulation Committee has expressed concern that the requirement to present a vehicle to the Authorised Officer for inspection and possible testing within one working day of being requested to do so is too strict.

43. The private hire vehicle condition 25 that was consulted on was:

Any vehicle against which a complaint is laid must be presented to the Authorised Officer within one working day of being so requested for inspection, possible testing and for the driver to answer such complaint.

44. **Recommendation D:**

Private Hire Vehicle Condition 25:

That members decide if they wish to keep condition 25 requiring drivers present their vehicle to an Authorised Officer within one working day,

Or;

to amend the condition to three days and replace condition 25 with:

Any vehicle against which a complaint is laid must be presented to the Authorised Officer within three working days of being so requested for inspection and/or possible testing and for the driver to answer such complaint.

Private Hire Vehicle Signage

45. One proprietor has raised concern about the requirement to permanently display a self-adhesive vinyl door sign on private hire vehicles.

46. The former SBDC had a condition whereby, upon the grant of a private hire vehicle licence, the proprietor was issued with two SBDC designed self-adhesive vinyl door signs **or** two magnetic vinyl door signs. The door signs identified the vehicle as a private hire vehicle and stated 'Advance Bookings Only to Validate Insurance'. The signs also contained the licence number and registration number of the vehicle. The door sign had to be permanently displayed on the front door panels of each vehicle. Private hire vehicles exempt from displaying a private hire plate (because of the nature of their business) were also exempt from displaying the door signs when the vehicle was being used as a chauffeur service or executive hire.

47. The former MBDC had a condition whereby the vehicle carried a projected sign on the roof of the car bearing the telephone number of the private hire operator or the words 'Private Hire Car'.

48. The Department for Transport Best Practice Guide states:-

'A licence condition which requires a sign on the vehicle in a specified form. This will often be a sign of a specified size and shape which identifies the operator (with a telephone number for bookings) and the local licensing authority, and which also has some words such as 'pre-booked only'. This approach seems the best practice; it identifies the vehicle as private hire and helps to avoid confusion with a taxis, but also gives useful information to the public wishing to made a booking. It is good practice for vehicle identification for private hire vehicles to include the contact details of the operator.

Another approach, possibly in conjunction with the previous option, is a requirement for roof-mounted permanently illuminated sign with words such as 'pre-booked only' but it can be argued that any roof-mounted sign, however unambiguous its words, is liable to create confusion with a taxi. So roof-mounted signs on private hire vehicles are not seen as best practice'.

49. Door signs can either be adhesive, and fixed permanently to the vehicle, or magnetic and capable of being removed.

50. A private hire vehicle is always a private hire vehicle and, as such, the door signs should never be removed whilst the vehicle continues to be licensed.

51. In the former SBDC district where proprietors were able to chose either self-adhesive or magnetic door signs, most proprietors chose to use magnetic signs. However, officers experienced may instances where the magnetic door signs were lost or stolen or simply not used.

52. **Recommendation E:**

Private Hire Vehicle Condition 13 (a): Officers recommend that the requirement for a private hire vehicle to display a Central Bedfordshire designed self-adhesive vinyl door sign (unless written application has been made for, and an exemption certificate had been granted) as shown in condition 13(a) remain.

Technical Requirements

53. **Recommendation F:**

During the consultation period, officers have sought confirmation that the technical requirements contained in the private hire conditions are correct. Following advice, the following modifications are recommended:

Condition 1(d) - the deletion of the words 'in the M1'

Condition 11(h) – after (minimum 1kg dry powder) the words 'or a one litre foam, both types should have gauges to show the state of charge, and should be manufactured to satisfy relevant BSEN accreditation'.

Condition 21 – after proper manner, the words 'The trailer should be built by an approved or recognised trailer manufacturer'.

Private Hire (Special Event) Vehicles

54. Following the repeal of contract exemption in 2008, vehicles that were previously exempt from private hire requirements are subject to the same requirements as all other private hire vehicles. Such vehicles would include converted fire engines, other novelty vehicles and stretched limousines. Many stretched limousines are imported from abroad, particularly the United States. Some have been stretched by up to ten feet with resulting stress on all vehicle components. As these vehicles do not suit the legislation in respect of buses, albeit that some have more than 8 seats, they are commonly adapted for use as private hire vehicles.
55. These vehicles have a legitimate role to play in the private hire trade by meeting a public demand. However, such vehicles are not always able to comply with the conditions attached to standard private hire vehicles and it is necessary for additional conditions to be attached to them.
56. A copy of the draft conditions relating to Private Hire (Special Event) Vehicles can be found at Appendix 'E'.

Views of interested parties on the conditions attached to private hire (special events) vehicles

57. A member of the Regulation Committee has raised concern that the requirement to inform the council by personal visit immediately if no acknowledgement is received within 7 days that a change of ownership has occurred is too strict.

58. The private hire (special events) vehicle condition 11(a) that was consulted on was:

The sale or change of ownership of a licensed vehicle must be notified to the Council on the form provided for that purpose within 14 days of such change, if no acknowledgement is received from the Council within 7 days then the proprietor selling the vehicle must inform the Licensing Office by personal visit immediately. If sold out of trade or local authority area the licence and discs must be returned at the time of notifying this sale or change.

59. **Recommendation G:**

Private hire (special events) vehicle condition 11(a):

That members decide if they wish to keep condition 11(a) requiring a personal visit if no acknowledgement of a change of ownership has occurred,

Or;

to remove this requirement from the condition and replace condition 11(a) with:

The sale or change of ownership of a licensed vehicle must be notified to the council on the form provided for that purpose within 14 days of such change. If the vehicle is sold out of the trade or local authority area, the licence and discs must be returned at the time of notifying this sale or change.

60. **Recommendation H:**

Private hire (special events) vehicle condition 1(c): If Members wish to lift the age restriction on private hire (special events) vehicles in line with those of standard private hire vehicles (Recommendation A), officers would recommend deleting Condition 1(c) which states:

Private Hire (Special Event) Vehicles licensed by the Council shall be so licensed for a maximum period of 10 years from the date of first manufacture.

61. **Recommendation I:**

If Members wish to remove the need for drivers to carry a first aid kit in a private hire (special events) vehicle in line with those of standard private hire vehicles (Recommendation C), officers would recommend deleting Condition 2(g) of the private hire (special events) vehicle conditions which currently states:

a Council approved first aid kit marked with the vehicle's registration number is to be carried within the driver's compartment at all times.

62. The Individual Vehicle Approval (IVA) scheme provides a pre-registration inspection for all passenger vehicles that have not been type-approved to British or European standards. The main purpose of this scheme is to ensure that these vehicles have been designed and constructed to modern safety and environmental standards before they can be used on public roads.
63. The private hire (special event) vehicle condition 2(e) that was consulted on was:

Vehicles may be left or right hand drive providing that they have proof of full Department of Environment, Transport and Regions (DETR) / Department for Transport (DfT) vehicle type approval.

64. **Recommendation J:**

Private hire (special events) vehicles condition 2(e): That members agree the rewording of condition 2(e) for clarity to:

Vehicles may be left or right hand drive providing that they can prove compliance through the Individual Vehicle Approval Scheme (IVA), formerly known as the Single Vehicle Approval Scheme (SVA).

Conclusion and next steps

65. Members recommendations will be put before a meeting of the Full Council on 25th February 2010.

Appendices:

- Appendix A - letter sent to the trade dated March 2009
- Appendix B - letter sent to the trade dated April 2009
- Appendix C - Views of the trade and other interested parties
- Appendix D - Draft private hire vehicle conditions
- Appendix E - Draft private hire (special Events) vehicle conditions

Background Papers: N/A

Location of papers: The Council Offices, Dunstable