

WILTSHIRE COUNCIL

LICENSING COMMITTEE

7TH SEPTEMBER 2011

**PROPOSED AMENDMENTS TO HACKNEY CARRIAGE AND PRIVATE HIRE
VEHICLE GUIDELINES**

Executive Summary

This report suggests amendments which should be made to the existing guidelines for hackney carriage/private hire vehicles in response to concerns expressed by the trade.

Recommendations

It is recommended:

- i. That the Licensing Committee agree to the proposed amendments to existing guidelines for hackney carriage/private hire vehicles with immediate effect.
- ii. Where minor amendments are necessary through legislative changes authority be given to the licensing manager to make those changes to the guidelines without recourse to the Licensing Committee.

Reason for Proposal

New guidelines for hackney carriage/private hire vehicles licensed by Wiltshire Council were agreed by the Licensing Committee at its meeting on 25th May 2010 and introduced from 1st October 2010. These guidelines are now nearly a year old and there has been some pressure from stakeholders to amend some of the existing guidelines.

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1. Purpose of Report

- 1.1 For the Licensing Committee to decide whether amendments should be made to the existing guidelines for hackney carriage/private hire vehicles.

2. Background

- 2.1 Recent discussions have taken place between operators and internal stakeholders such as Passenger Transport Unit and Fleet Services, regarding the age limit of wheelchair accessible vehicles (WAV`s). Concerns have been expressed about the current age restriction of 5 years and it is proposed that the current age limit specified in the hackney carriage and private hire vehicle guidelines is amended from 5 to 7 years in respect of wheelchair accessible vehicles only.

The reasons for this are:

- Under the Disability Discrimination Act 1995, Wiltshire Council has a duty to promote the use of wheelchair accessible vehicles.
 - The cost of these specialist vehicles is significantly higher than non adapted vehicles.
 - Due to their specialist nature they tend to do less mileage than standard saloon vehicles.
- 2.2 It is also proposed that the current Private Hire Vehicle guidelines in relation to tinted windows are amended.

The guidelines currently state:

Windows

Vehicles must meet the legal standards for light transmission through the front windscreen and front side windows. Rear windows and rear side windows must have a light transmission of at least 70%, irrespective of whether the vehicle was manufactured contrary to this standard. Documents must be provided for proof of light transmission when requested by the council. Limousines are excluded from the requirement relating to rear and rear side windows.

(Note: This standard is the same as the legal requirement for front side windows).

It is recommended that that wording is removed and replaced with the following:

- Tinted glass should conform to the legal requirements of the current Road Vehicle (Construction & Use) Regulations.

The same relaxation for tinted glass is not being considered for Hackney Carriages due to public safety issues because they are not pre booked and can be hailed in the street.

3. Consultation

- 3.1 A letter was sent to all hackney carriage/private hire vehicle proprietors in Wiltshire as well as our internal stakeholders, Passenger Transport Unit and Fleet Services on 11th July 2011 regarding the proposal to amend the above guidelines and asking whether they agreed with these proposals .(Attached as appendix 1.)

In total 448 letters were sent, the Council received 65 responses. This represents approximately 15% response rate.

While the response rate is low it must be noted that the proposed changes only affect a minority of proprietors. Out of the 448 letters that were sent 65 of those were to proprietors who own wheelchair accessible vehicles and 125 were to proprietors who own private hire vehicles.

The responses were as follows:

Question 1 – Changing the age restriction on wheelchair accessible vehicles from less than 5 years of age to less than 7 years of age.

78% of respondents supported the proposed change.

Question 2 – Removing the existing guideline for private hire vehicles and replacing the wording in relation to tinted windows:

90% of respondents supported the proposed change.

- 3.2 Other minor general amendments to be made:

Inspection frequency and age policy

Due to duplication of vehicle inspections between licensing officers and fleet services officers we have been working together to come up with a solution that will benefit both the Council and vehicle proprietors by getting more effective inspections but not duplicating other officers work. It is proposed that vehicle inspections can be carried out by an authorised officer of the Council rather than solely licensing officers.

Wheelchair accessible vehicles

In the Anchorage section the proposed wording requires amending to read European Directive 76/115 EEC (as amended).

Written off vehicles

The wording in this guideline should be amended so as to allow the continued use of vehicles that have been written off in categories C & D which are legitimately and legally repairable.

Pre licensing guidelines for limousines

The documents required to be produced for licensing need to be updated from Single Vehicle Approval (SVA) certificate to Individual Vehicle Approval Scheme (IVA) certificate

This reflects a change in name of the certificate by VOSA.

The proposed amendments are summarised in appendix 2 which reflects the amended guidelines.

4. Environmental Impact

4.1 No significant impact.

5. Equality and Diversity

5.1 By extending the age at which a wheel chair accessible vehicle can be first licensed from 5 to 7 years it is hoped that proprietors will be encouraged to purchase and run such vehicles, thus increasing their availability to disabled users.

6. Risk Assessment

6.1 The proposed revisions will improve the general condition of the fleet, but a small number of proprietors may be disadvantaged by these amendments as they may have bought vehicles to comply with the old guidelines.

7. Financial Implications

7.1 None.

8. Legal Implications

8.1 The Local Government (Miscellaneous Provisions) Act 1976 requires the Council to be satisfied that a vehicle is: -

- Of a suitable type, size and design for use as a private hire vehicle;
- Not of such design and appearance as to make it likely to be confused with a hackney carriage;
- In suitable mechanical condition;
- Safe;
- Comfortable.

All of the above must be satisfied before a private hire/ hackney carriage vehicle licence may be granted. The main conditions will be enforceable by the Authorised Officer.

9. Conclusion

9.1 It is recommended:

- That the Committee agree to the proposed amendments to existing guidelines for hackney carriage/private hire vehicles with immediate effect.
- Where minor amendments are necessary through legislative changes authority be given to the licensing manager to make those changes to the guidelines without recourse to the Licensing Committee.

Appendices

1. Letter regarding proposed amendments sent to Stakeholders 11th July 2011- Form enclosed with letter for responses
2. Proposed amendments to existing guidelines.

Appendix 1

Proposal letter and form

11 July 2011

Licensing Team
165 Bradley Road
Trowbridge
Wiltshire
BA14 0RD

Our ref: jq9.6

Dear Proprietor

Proposed changes to the Hackney Carriage/Private Hire Vehicle Guidelines

Following recent discussions regarding the age limit of wheelchair accessible vehicles, it is being proposed that the current age limit specified in the hackney carriage and private hire vehicle guidelines is amended from 5 years to 7 years in respect of wheelchair accessible vehicles only.

The arguments for this are:

- Under the Disability Discrimination Act, Wiltshire Council has a duty to promote the use of wheelchair accessible vehicles.
- The cost of these specialist vehicles is significantly higher than normal vehicles.
- Due to their specialist nature they tend to do less mileage than normal vehicles.

It is also proposed that the Private Hire Vehicle guideline in relation to tinted windows (T12 – Windows) is removed and replaced with the following:

- Tinted glass should conform to the legal requirements of the current Road Vehicle (Construction & Use) regulations.

If you have a view on either of these proposals that you would like the Council to take in to consideration, please complete the attached form and return it to the office above within 21 days of the date of this letter.

All responses will be collated and put in to a committee report to be presented to the Licensing Committee in September 2011, where Councillors will be asked to make a decision on these proposals.

Yours sincerely



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Licensing Officer

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Wiltshire Council

Where everybody matters

Proposed amendments to Hackney Carriage and Private Hire Vehicle Guidelines in the Wiltshire Council area

Your full name:-

Postal address:-

.....Postcode

Phone numberEmail address

Proposal 1 – Age limit for Wheelchair Accessible Vehicles

1. It is proposed that the current age limit specified in the hackney carriage and private hire vehicle guidelines is amended from 5 years to 7 years in respect of wheelchair accessible vehicles only.

Do you agree with the proposal?

A. Yes	
B. No	

Proposal 2 – Remove Private Hire Vehicle Guideline T12

2. It is also proposed that the Private Hire Vehicle guideline in relation to tinted windows (T12 – Windows) is removed and replaced with the following:

- Tinted glass should conform to the legal requirements of the current Road Vehicle (Construction & Use) regulations.

Do you agree with the proposal?

A. Yes	
B. No	

Please return this completed form to:-

Licensing Department
Wiltshire Council
165 Bradley Road
Trowbridge
Wiltshire
BA14 0RD

Appendix 2

Proposed Amendments to Existing Guidelines

Wheelchair accessible vehicles

Vehicle age

On first application for a licence, only wheelchair accessible vehicles under seven years old from the date of first registration will be considered.

Vehicle Type

Prior to licensing, all new vehicles and equipment must undergo an initial inspection by a qualified and competent vehicle examiner nominated by the Council to ascertain the suitability of the vehicle, and to confirm the vehicle is fit for purpose. This will include the seating, the system and devices used to secure the wheelchair and occupant and the wheelchair access equipment. The applicant must provide the licensing authority with written confirmation from the examiner that the vehicle meets the required standard.

Following issue of the first licence your vehicle will be required to undergo a further inspection as above no later than six months in to your licence. This will then continue yearly whilst the vehicle is licensed.

A system for the effective anchoring and securing of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces. The system and the devices used to secure a wheelchair to the vehicle shall comply with the relevant standards laid down in European Directive 76/115 EEC (as amended).

P12 Windows

Tinted glass shall conform to the legal requirements of the current Road Vehicle (Construction & Use) regulations.

T3 & P3 Inspection frequency and age policy

On first application for a licence, only vehicles under five years old from the date of first registration will be considered. Please see guideline T22 in relation to vehicle age for wheelchair accessible vehicles.

Prior to first application a conditions check will be carried out by a licensing officer before referral for a new MOT or compliance certificate, irrespective of the vehicles age.

From the date of the first licence being issued, an inspection will be carried out by an authorised officer of the Council, and an MOT or compliance certificate will be required on a six-monthly basis, irrespective of the vehicles age.

All existing licensed vehicles will be required to have a six-monthly inspection, carried out by an authorised officer of the Council and an MOT or compliance certificate, irrespective of the vehicles age.

T18 & P18 Written-off vehicles

Vehicles that have been written off under Category A or B for insurance purposes will not be considered for licensing.

Vehicles written off under category C for insurance purposes will be considered on an individual basis by the licensing officer, subject to the following being carried out:

- Vehicle Identity Check (VIC) is carried out by VOSA and VIC Marker is removed from the DVLA vehicle record. Evidence of this will need to be provided.
- New MOT
- Vehicle inspection carried out by an authorised officer of the Council

Vehicles written off under category D for insurance purposes will be considered on an individual basis by the licensing officer, subject to the following being carried out:

- New MOT
- Vehicle inspection carried out by an authorised officer of the Council

Current licensed vehicles

Vehicles currently licensed when written off will be subject to the above provisions.

P33 Pre licensing guidelines for limousines

The council will require the original documentation to be produced before an initial application for a vehicle licence can be considered:

Individual Vehicle Approval Scheme (IVA) certificate issued by VOSA.