

Wiltshire Council

Licensing Committee

28 April 2014

Policy changes to Hackney Carriage and Private Hire Licensing

Summary

This report recommends a number of changes to the hackney carriage and private hire vehicle licensing policy conditions.

Proposal

To recommend to the Licensing Committee:-

1. Changing the wording of vehicle conditions regarding; fire extinguishers, tinted windows for Hackney Carriages, increase minimum tyre depth and remove requirement for MOT on brand new vehicles.
2. Changes to enforcement penalty points system currently operated.

Reason for Proposal

This proposal will help Council Officers and Hackney and Private Hire operators better understand the policy requirement thus ensuring drivers, Hackney Carriage and Private Hire vehicles are compliant with the conditions set out in the council's policy guidance.

Tracy Carter
Associate Director, Waste and Environment

Policy changes to Hackney Carriage and Private Hire Licensing

Purpose of Report

1. This report recommends a number of changes to the hackney carriage and private hire vehicle licensing policy conditions and changes to the penalty points system.

Relevance to the Council's Business Plan

2. The process of controlling and licensing Hackney Carriage and Private Hire Vehicle operators assists the Council in achieving a number of the six outcomes in the business plan 2013-2017.
 - Everyone in Wiltshire lives in a high quality environment
 - People in Wiltshire have healthy, active and high-quality lives
 - People are as protected from harm as possible and feel safe.

Background

3. Under the Local Government Miscellaneous Provisions (LGMP) Act 1976, Wiltshire Council, as the local authority, has a legal responsibility to regulate all Hackney Carriage and Private Hire Vehicle licensing within its area.
4. The best practice requires local authorities to regularly review their policy.
5. The current guidelines issued to operators and drivers of Hackney Carriage and Private Hire vehicles need regular review and updating to comply with any changes to legislation and address compliance issues arising through our enforcement activities.
6. Often, issues of non compliance are due to the operators and drivers misunderstanding of the conditions issued in the guidance document.
7. The following changes to policy conditions and the wording of the following sub paragraphs (i. to v. below) will help improve operators' understanding and help Compliance Officers when conducting enforcement duties. The current guidelines (as at 2 September 2013) are attached as Appendix 1 and the Penalty Points Scheme (with proposed changes in red) are attached as Appendix 2.

Changes required:

- i. Fire Extinguishers (Conditions T16 and P16) – The option for vehicles to carry either AFF foam or powder. Currently powder is required in the conditions. However, members of the trade have concerns of the effects on asthmatic sufferers.
- ii. Tinted window in Hackney Carriages (Condition T12) – concerns from the trade that 70% rule for light transmission through rear and side windows is too restrictive. We would request that we go out to consultation with the public and the trade to reduce the tint requirement to 50%. The current legal requirement for a passenger car is 70% light transmission which applies to both the windscreen and forward front side windows. This needs to be reviewed as a matter of urgency due to grandfather rights ending on 1 April 2015. (Not applicable to Private Hire).
- iii. Vehicles tyre depths (Conditions T8 and P8) – Introduction of a minimum tread depth of 1.8mm for all licensed vehicles – this is due to an increase in vehicles being found with tyres in a dangerous condition.
- iv. The MOT requirements (Conditions T3 and P3) will now not require an MOT certificate at initial inspection for all brand new dealer registered vehicles. The requirement for an MOT at the second inspection when the vehicle is six months old remains.

A driver of a licensed vehicle shall (Condition D12):

- v. (a) when standing, plying or driving for hire, wear the drivers badge provided by the council in such a position and manner on the upper part of the body so as to be plainly visible. When off duty, and driving a licensed vehicle, the driver's badge must be carried in the vehicle and be available for inspection.

(b) not lend the badge to any other person or cause or permit any other person to wear it
8. Increase in temporary transfer fee from £31.00 to £50.00 this to cover the cost of Vehicle Compliance Officer time, administration time and cost of vehicle plates. This increase will be advertised to the trade following the normal process.
9. To improve our current enforcement activities, we plan to increase our visibility at town centre taxi ranks. We intend to implement a 'RAG' rating system to enable us to focus on targeted enforcement activities. To support this, the following changes are requested to be made to the Enforcement penalty points system:

Point 1

Failure to display a valid driver's badge in the correct manner when driving a licensed vehicle. Word change only, points stay the same.

Point 4

Reword to – Failure to behave in a civil and orderly manner towards customers, members of the public and officers from the Authority at all times.

Point 8

Overdue medical examination – points change - from 2 points to 3-6 points.

Point 9

Carrying more passengers than permitted – points change - Increase points from 5 to 10.

Point 17

Failure to be with taxi on rank – points change - Increase points from 2 to 3.

Point 23

Unsatisfactory condition of vehicle interior/exterior - Variation of points between; 3-6 depending on severity.

Point 26

Using licensed vehicle without current certificate of compliance/MOT -
Reword to 'using an un-licensed vehicle' Driver 9-12, Operator 9-12.

Additional point item to be added – driver operating vehicle with incorrect type of driver licence for type of vehicle Driver 6 points/Operator 6 points.

Additional point item to be added – Vehicles found with defective or worn tyres (below 1.8mm) 3 points per defective tyre.

Additional point item to be added - for smoking electronic type cigarettes.

Safeguarding Implications

10. Failure to effectively licence Hackney vehicles, drivers and operators leaves children and vulnerable people unprotected from unlicensed Hackney vehicles and drivers across the county. Potentially leaving the public at risk of unsafe vehicle journeys and possible overcharging.

Public Health Implications

11. Risk of children and vulnerable people being unprotected from unlicensed Hackney vehicles and drivers across the county. Potentially leaving the public at risk of unsafe vehicle journeys.

Environmental and Climate Change Considerations

12. There is minimal environmental impact of these proposals.
13. There are no direct environmental impacts, apart from reducing emissions from a number of older less efficient (heavily smoking) vehicles identified at inspections.

Equality Impact of the Proposal

14. The impact of these proposals is assessed as 'low' against the Council statutory responsibilities.

Risk Assessment

15. Potential risk of legal challenge or complaint from operators or drivers who feel unable to obtain licences to trade legally.

Financial Implications

16. There are no direct financial implications arising from this report.

Legal Implications

17. The Council is entitled to place conditions on the grant of hackney carriage and private hire vehicle licences. There is a right of appeal against the imposition of such conditions. Failure to comply with a condition can lead to the suspension or revocation of a vehicle licence. Failure to effectively implement the Council's hackney carriage licensing responsibilities places the Council at risk of legal challenge and reputational risk.

Recommendation

18. That the Licensing Committee approves this proposal for policy condition changes, governing Hackney Carriage and Private Hire licensing and risk related management across Wiltshire Council's administrative area.

Tracy Carter
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Background Papers

1. National Inspection Standards - Hackney Carriage and Private Hire vehicles
2. Wiltshire Council Guidelines for Hackney Carriage/Private Hire drivers, Hackney Carriage vehicles, Private Hire vehicles and Private Hire operators 2013

Appendices

1. Current Guidelines for Hackney Carriage/Private Hire drivers, Hackney Carriage vehicles, Private Hire vehicles and Private Hire operators as at September 2013
2. Penalty Points Scheme with proposed changes shown in red.