



Committee and date  
Strategic Licensing  
Committee

16 March 2011  
10.00am

Item

**6**

Public

## **COMMON LICENCE CONDITIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES AND DRIVERS.**

**Responsible Officer:** David Edwards, Head of Trading Standards  
Email: david.edwards@shropshire.gov.uk Telephone 01743 254133

---

### **Summary**

Following the decision by the Strategic Licensing Committee to recommend that Council abolish the zones for Hackney Carriages in Shropshire a Task and Finish Group was established to develop a common set of conditions for Hackney Carriage drivers and vehicles that are licensed by Shropshire Council. This report sets out the final recommendations of the Task and Finish Group.

### **Recommendations**

That Strategic Licensing Committee:-

- A) Approve the amended Taxi and Private Hire Licensing Policies and Associated Documents as set out in Appendix A.

### **Report**

1. Currently Shropshire Council operates five zones for the purpose of licensing Hackney Carriages, based on the previous Borough and District Council Boundaries. The Implementation Executive during the establishment of policies for Shropshire Council approved the licence conditions for Hackney Carriages. These conditions did bring a level of consistency across Shropshire, however a number of fundamental differences remain between zones.
2. The principal differences are:-
  - Table of fares
  - Colour of vehicles and livery
  - Wheelchair accessibility
3. The Strategic Licensing Committee agreed to propose to Council the removal of the zones for Hackney Carriages with effect from 1<sup>st</sup> April 2011. In removing

zones, common license conditions are required across Shropshire and the committee established a Task and Finish Group to develop these common conditions.

4. The terms of reference of the Task and Finish Group were:-

- To consider the Council's licensing policies and conditions in respect of Private Hire and Hackney Carriage vehicle, driver and operator licences having regard to published best practice, current conditions and consultation responses; and
- To make recommendations to the Strategic Licensing Committee on a set of policies and conditions and implementation programme.

5. The Task and Finish Group has specifically focussed on the areas of difference in the current conditions and has taken the opportunity to review all conditions and guidance. In addition, the Task and Finish Group has had regard to licence conditions for Private Hire to ensure appropriate consistency and differentials between these two classes of licensed vehicles.

6. In general the Task and Finish group has taken a 'light touch' approach to licence conditions considering only imposing conditions where these are considered vital in ensuring the safety of passengers and drivers.

#### **Age Limit of Vehicles.**

7. Shropshire Council has a policy that generally allows both Hackney Carriage and Private Hire Vehicles to be used up to a maximum of 10 years, this being calculated from the vehicle's date of first registration.

8. During the period of the vehicle licence, which is usually issued for a period of one year, the vehicle has to undergo two full MOT type tests; the first test, at the time of the licence application and a second mid term test six months later. These tests can be conducted at any VOSA approved vehicle test station, the costs being met by the vehicle operator.

9. In addition, vehicles must pass an annual test of condition in respect of fixtures, fittings, carpets etc.

10. The DoT Best Practise Guidance states in relation to age limits, *'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 greater frequency of testing may be appropriate for older vehicles - for example twice yearly tests for vehicles more than five years old'*.

11. Following consideration of best practise guidance and representation received the task and finish group propose the following amendment to the licence condition in respect of an age limit for both hackney carriage and private hire vehicles:-

- That no age limit policy be applied for hackney carriage and private hire vehicles and
  - The vehicle to undergo two MOT tests per year. These can be undertaken at any VOSA approved test station.
  - Once the vehicle reaches the age of 9 years (from first registration) it is required to have three MOT tests per year. These can be undertaken at any VOSA approved testing station.
  - The cost of all tests being met by the vehicle operator.
12. The impact of this proposal will be to increase flexibility to proprietors. To ensure the safety of vehicles (that on average in Shropshire travel around 36000 miles per annum) a more rigorous testing regime is proposed when vehicles reach 9 years of age.

### **Vehicle Colour and Livery.**

13. Members of the public often confuse Hackney Carriage Vehicles (Taxis) with Private Hire Vehicles, failing to realise that Private Hire Vehicles are not available for immediate hire and that a Private Hire Vehicle driver cannot be hailed. It is important to distinguish between the two types of vehicle.
14. A district council {unitary} may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage. In addition a council may attach to the grant of a private hire licence licence such conditions as they may consider reasonably necessary including conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.
15. Currently Shropshire Council seeks to identify hackney carriages by conditions restricting vehicle colour (in one zone) a requirement to display a roof mounted sign saying TAXI and a Shropshire Council issued licence plates.
16. Currently Shropshire Council permits roof mounted signs on private hire vehicles and requires the vehicle to display Shropshire Council issued licence plates and signage stating 'pre booked only'.
17. The DOT Best Practice Guidance reiterates the importance of distinguishing between the two types of vehicle and suggests three possible approaches.
- a) A licence condition that prohibits PHVs from displaying any identification at all apart from the local authority licence plate or disc.
  - b) A licence condition that requires a sign on the vehicle in a specified form.
  - c) Another approach, possibly in conjunction with the previous option, is a requirement for a roof mounted, permanently illuminated sign with the words such as 'pre-booked only'.

18. The guidance does however suggest that this can lead to confusion so states that roof signs on PHVs are not seen as best practise.

19. Currently Shropshire Council permits roof signs on private hire vehicles and requires the vehicle to display a Shropshire Council issued licence plate. Whilst the plate is useful, the guidance does suggest it is best practise to have some additional clearer form of identification. 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 has the words such as 'pre-booked only'. The guidance suggests this is best practise.

20. Following consideration, the following revised conditions are proposed.

### **Hackney Carriages.**

- Vehicles can be any colour.
- All vehicles be required to display the Council issued vehicle licence plate on the outside rear of the vehicle in such a way as to be clearly visible.
- All vehicles (with the exception of purpose built vehicles with an integrated roof sign) are required to display a roof sign that meets the minimum specification determined by Shropshire Council.
- All vehicles will be required to display a small internal plate within the vehicle showing the Hackney Carriage Licence Plate number and saying 'In case of complaint please quote this number.'

### **Private Hire.**

- Vehicles can be any colour.
- All vehicles (with the exception of executive style vehicles) will be required to display Council issued signage on the sides of the vehicle. This will carry the Council Logo and the words 'Pre Booked Only'.
- No vehicle shall display a roof sign, save for those vehicles that were licensed within a Shropshire zone prior to 31<sup>st</sup> March 2011, which may display a roof sign until 31 March 2014.

### **Wheelchair accessible Vehicles.**

21. Consideration of the requirement or otherwise for Hackney Carriages to be wheelchair accessible was a substantial part of the consideration of the task and finish group. Due to the legal and technical issues surrounding this matter, it is subject to a separate report for Committee.

### **Other conditions.**

22. The Task and Finish Group considered all licensing conditions, associated documents and guidance for Hackney Carriage and Private Hire vehicles and made a number of suggested amendments to;

- d) Improve clarity of the document
- e) To improve consistency

- f) To remove unnecessary or duplicated requirements that were not considered necessary for the protection of safety
- g) To bring the license conditions more in line with best practise guidance and light touch regulation.
- h) To take account of the representations received from the trade.

23. The documents as amended are set out in Appendix A.

### **Consultation.**

24. Initial consultation on the licence conditions took place between 5<sup>th</sup> October 2009 and 5<sup>th</sup> January 2010. The consultation sought views on all aspects of the policy and the diversity impact assessment. The result of this consultation was presented to the Strategic Licensing Committee in March 2010. The consultation responses were made available to the Task and Finish Group and were taken into consideration when considering changes to policy.

25. Strategic Licensing Committee considered a report on this matter on 15 December 2010. The Committee decided that a further period of consultation was necessary, which took place up to and including 31 January 2011, and a special taxi forum was held on 6 January 2011.

26. Consultation was undertaken with trade bodies, individual drivers and operators and with bodies representing people with disabilities.

27. The recent consultation resulted in a range of responses summarised as follows:-

- The first licensing and maximum age restrictions should be removed;
- The first licensing age restriction should be removed and the maximum age set at 10 years;
- The requirement for 3 MOT tests per year after a vehicle reaches 9 years is too onerous;
- There should not be a requirement to use a Shropshire Council approved testing station;
- There should be no requirement to display door signs
- There should not be a requirement for taxis to display a Shropshire Council roof sign;
- The proposed roof signs are of the wrong colour;
- Private hire vehicles should not be permitted to have a roof sign;
- Greater flexibility on advertising should be permitted;
- Rather than require the purchase of a roof sign a minimum specification should be detailed;
- Taxis should be black;
- If taxis are to be used they should include 'For Hire';
- Taxi signs should be lit when available for hire;
- The criteria in respect of convictions should be amended (generally strengthened);
- Documents should not be required to be carried;
- Trailers should not need to be plated;

- Meters should be calendar controlled;
- Fire extinguishers and first aid kits should not be required;
- The wording regarding cleanliness of vehicles is too onerous;

28. The above is by necessity a summary of the representations. A pack containing all the representations in their complete form has been placed in the Members library.

### **Equality Impact Needs Assessment.**

29. The Equality Act 2010 (“the Act”) has brought together a number of “equality” obligations into a single statute. These obligations require public bodies to “have regard” to issues of equality and discrimination when exercising their statutory duties.

30. The duties do require that the decisions are taken in a fair, transparent and accountable way, taking into account the needs and rights of different members of the community by assessing the impact that changes to policies, procedures and practices could have on different equality groups.

31. Proportionality is the key concept and the extent of any particular assessment will depend on the likely impact of any particular proposal. It is vital therefore that any report proposing a new or a change to an existing policy, is explicit in terms of the EINA that has been carried out. Very broadly the following questions should be considered:

- Who benefits?
- Who doesn’t benefit and why?
- Who should be expected to benefit and why don’t they?

### **Who Benefits.**

32. The changes to policy proposed by the task and finish group seek to set a consistent set of licensing policies for all Hackney Carriages that may be permitted to trade across Shropshire. By having a common set of policies any passenger regardless of characteristic can expect a consistent approach. In addition a consistent approach benefits drivers and operators.

33. The policies proposed by the task and finish group seek ‘light touch’ regulation whilst ensuring the safety of passengers and drivers. This includes the safety of people protected by the Equalities Act. In particular the following proposed changes should benefit people from different equality groups;

- The distinction between private hire and hackney carriages through signage.
- Clarification on the medical requirements for drivers.
- Clarification on the requirements for older drivers
- Clarification in respect of the policies regarding the carrying of assistance and guide dogs.

### **Who doesn't benefit and why?**

34. In developing the policies the Task and Finish group has given regard to the impact on different members of the community. No specific needs, other than those that have been considered, were identified through the consultation.

### **Who should be expected to benefit and why don't they?**

35. No specific needs, other than those that have been considered, were identified through the consultation.

### **Conclusions.**

36. The Task and Finish Group has looked in detail at the council's policies and guidance in respect of Hackney Carriage and Private Hire and propose an amended set of conditions to the Strategic Licensing Committee.

37. The Task and Finish Group recognise that a range of often contrary views was submitted during the consultation and that the policies proposed cannot seek to satisfy all those views. The Committee has adopted a 'light regulatory touch' in keeping with the national government's direction, whilst ensuring appropriate and proportionate conditions to protect safety.

### **List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

#### **Human Rights Act Appraisal**

The Committee is required to consider the consequences any recommendation on the applicant's human rights.

#### **Environmental Appraisal**

No specific environmental impact is identified as a result of this report.

#### **Risk Management Appraisal**

The report sets out a light touch approach to licensing that is rooted in the need to maintain public safety.

#### **Community / Consultations Appraisal**

Several consultations have been undertaken in to assist in the development of the policy. These are set out in the report.

#### **Cabinet Member**

Cecilia Motley

#### **Local Member**

N/A

#### **Appendices**

Appendix A Taxi and Private Hire Licensing Policies and Associated Documents