



Committee and date
Strategic Licensing Committee

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Item

9

Public

COMMON LICENSE CONDITIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES AND DRIVERS.

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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 recommendations of the Task and Finish Group.

Recommendations

That Strategic Licensing Committee

- a) Approve the table of fares for Hackney Carriages as set out in Appendix A of this report for consultation in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 and if no representation is made to be adopted on 1st April 2011.
- b) Approve the amended Taxi and Private Hire Licensing Policies and Associated Documents as set out in Appendix B for consultation and further consideration by this Committee.

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 1st 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 licenses 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 license 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 license conditions considering only imposing conditions where these are considered vital in ensuring the safety of passengers and drivers.

Table of Fares.

7. All Hackney Carriages across Shropshire are required to be fitted with a meter that calculates the fare based on distance travelled and waiting time. The meter is calibrated against a table of fares set by Shropshire Council. The table of fares, known as the fare card, differs between zones as set out in table 1 below.
8. Local Authorities have the power to set the table of fares and this is done under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

Table 1. Hackney Carriage Fares across Shropshire

	Zone 1 Formally Bridgnorth District Council	Zone 2 Formally NSDC	Zone 3 Formally Oswestry Borough Council	Zone 4 Formally SABC	Zone 5 Formally SSDC	Proposed
1 Mile	£3.00	£3.30	£3.50	£3.20	£3.00	£3.30
5 Miles	£9.40	£10.10	£9.50	£8.00	£9.40	£9.30
10 Miles	£17.40	£18.60	£17.00	£14.00	£17.40	£16.80
Soiling Charge	£100	£50	£100	£50	£100	£100

9. Should the proposal to remove zones in Shropshire be approved, one table of fares will be required so that members of the public are charged the same amount for a journey. The Task and Finish Group are proposing a common fare card as set out in Appendix A and summarised in table 1 above.

10. It is important to note that the fare card is the maximum fare that can be charged and the operator can agree a lower fare with the passenger.
11. There is a requirement for the table of fares to be advertised in the Local Papers and adopted if no representations are received. If representations are made, these will need to be considered by the Strategic Licensing Committee and the table of fares determined.

Age Limit of Vehicles.

12. 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 10 years being calculated from the vehicles date of first registration.
13. 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 of the tests being met by the vehicle operator.
14. In addition, vehicles must pass an annual test of condition in respect of fixtures, fittings, carpets etc.
15. 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 license 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.*
16. 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 a no upper age limit policy be applied for hackney carriage and private hire vehicles and
 - No vehicle over 5 years of age to be considered for a first time license with Shropshire Council.
 - The vehicle to undergo two MOT tests per year. The first MOT at the time of Licence application can be undertaken at any VOSA approved test station. The second mid-term test being conducted at an approved VOSA testing station designated by Shropshire Council.
 - Once the vehicle reaches the age of 9 years (from first registration) it is required to have three MOT tests per year. The first test being at any VOSA approved testing station with the second and third test being at 4 and 8 months respectively being conducted at an approved VOSA testing station designated by Shropshire Council.
 - The cost of all tests being met by the vehicle operator.

17. The impact of this proposal will be to limit the vehicles to those 5 years old or newer at first licensing but do not stipulate an upper age limit. 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.

18. 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. So it is important to distinguish between the two types of vehicle.

19. Currently Shropshire Council seeks to avoid confusion by conditions restricting vehicle colour and signage on vehicles.

20. 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.

21. Whilst the plate is useful, the guidance does suggest it is best practise to have some additional clearer form of identification.

b) A licence condition that requires a sign on the vehicle in a specified form.

22. 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.

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'.

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

24. Following consideration the Task and Finish group propose the following revised conditions.

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 executive style vehicles) will be required to display Council issued signage on the two front doors. This will carry the Council Logo and the words Taxi.

- All vehicles (with the exception of purpose built vehicles with an integrated roof sign) be required to display the Council's approved roof sign for Hackney Carriage Vehicles – White with orange lettering, reverse of the sign permitted to carry the company name.
- 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 two front doors. This will carry the Council Logo and the words 'Pre Booked Only'.
- All vehicles be required to display the Council's approved signage and may have a roof sign for Private Hire Vehicles. Where displayed roof signs may be any colour with the exception of white and may only display the company name and telephone number and the words Advance Bookings Only.

Wheelchair accessible Vehicles.

25. 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.

26. 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,

- a) Improve clarity of the document
- b) To improve consistency
- c) To remove unnecessary or duplicated requirements that were not considered necessary for the protection of safety
- d) To bring the license conditions more in line with best practise guidance and light touch regulation.

27. The documents with the proposed amendments are set out in Appendix B.

Consultation.

28. Initial consultation on the licence conditions took place between 5th October 2009 and 5th 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.

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

Equality Impact Needs Assessment.

30. 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.

31. 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.

32. 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.

33. 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.

34. 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;

- Improved distinction between private hire and hackney carriages by increased 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?

35. 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?

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

Conclusions.

37. 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.

38. 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)

Current Hackney Carriage and Private Hire license conditions and guidance.

Environmental Appraisal

Not relevant

Risk Management Appraisal

Conditions are imposed on Hackney Carriages and Private Hire vehicles and drivers to protect the public. Committee must ensure that in setting new conditions the principal purpose of protecting the public is retained.

Community / Consultations Appraisal

Consultation on current conditions has been undertaken with the trade and other interested parties. Representation made was considered by the task and finish group. It is recommended that the amended conditions are subject to a short period of consultation prior to final adoption.

Cabinet Member

Cecilia Motley

Local Member

N/A

Appendices

Appendix A- Proposed table of fares

Appendix B – Licence conditions with proposed amendments.

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Appendix A



**HACKNEY CARRIAGE
TABLE OF FARES**

Tariff 1 (From 07.00 hrs to 23.00 hrs)	
Flag & First Mile (1,760 yards (1,609 metres))	£3.30
For each 176 yards or uncompleted part thereof (equivalent to £1.50 per mile)	£0.15
a. Waiting time (equivalent to £18 per hour)	£0.30 p per Minute or part thereof
b.	
c. Tariff 2	
d. (23.00 to 07.00 hrs including all day Sunday and Bank Holidays with the exception of those listed below)	
Flag & First Mile	£4.95
For each 176 yards or uncompleted part thereof (equivalent to £2.20 per mile)	£0.22
Waiting time (equivalent to £18 per hour)	£0.30 per Minute or part thereof
Tariff 3 (From 00.01 hrs to 24.00 hrs on Easter Sunday, Christmas Eve, Christmas Day, New Year's Eve and New Year's Day)	
Flag & First Mile	£6.60
For each 176 yards or uncompleted part thereof (equivalent to £4.50 per mile)	£0.30
Waiting time (equivalent to £18 per hour)	£0.30 per Minute or part thereof
Extra Charges	
Extra Passengers – for each person in excess of two	£0.50
Soiling charge	£100.00

All of the above fees are inclusive of VAT where applicable
Shropshire Council Tel: 0345 678 9000

**Licence conditions and supporting documents.
To Follow.**