

LICENSING REGULATORY COMMITTEE

Review of Rules, Regulations & Procedures for Hackney Carriage & Private Hire Licensing

2 September 2010

Report of Licensing Manager

PURPOSE OF REPORT

To seek Members' approval of the proposed changes to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing

This report is public.

RECOMMENDATIONS

Members are requested to consider the results of the consultation exercise into the review of the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing that has taken place with members of the taxi trade and to approve the proposed document.

1.0 Report

- 1.1 Members will recall that at the Licensing Regulatory Committee meeting on 10th June 2010 the Licensing Manager produced a draft document that was intended to update the Rules, Regulations and Procedures for Hackney Carriage and Private hire Licensing. The purpose of this update was to consolidate all information into one document which could then be issued to all licensed drivers, proprietors and operators. The document clarifies the rules and regulations for the benefit of drivers, operators and proprietors as well as licensing officers.
- 1.2 Following that meeting, and as a result of consultation with all members of the trade, representations were received and are attached at Appendix 1
- 1.3 Members will note that not all points covered in the attached representations are relevant to this consultation or the Committee's consideration of the proposed document.
- 1.4 Officers are of the opinion that within the representations there are 4 main relevant points which are addressed within this report together with the officers preferred options.

- 1.5** Members of the trade raised concerns about changing the current system for vehicle testing, in particular that standards would vary between testing stations, and subsequently this would have a detrimental effect on vehicle and therefore public safety. Officers have taken these representations into consideration, and members will note on the attached summary of amendments, officers preferred option would be to continue with the current system of vehicle testing, as requested by the trade.
- 1.6** Members of the trade were also concerned about the requirement that vehicles should have unimpeded access and egress to all passenger seats. Their concern was based on cost. Officers' preferred option would be for this condition to remain on the grounds of public safety and comfort, which officers' feel should be the main concern when licensing vehicles to carry members of the public. For instance, if the vehicle was involved in an accident, and the person sitting in the seat that had to be tilted in order for other passengers to get out, had a back or neck injury, tilting the seat, or moving that person could result in very serious injury. In addition it has become common practice in Lancaster to purchase a 4 seater vehicle and put extra seats in the back of that vehicle, which is effectively the luggage compartment. This condition would bring this council in line with many other authorities. Further and coincidentally an enquiry was received from a member of the trade regarding the requirement for hackney carriage vehicles to carry luggage. As the licensing manager felt that the enquiry highlighted one of the problems that this section is aimed at correcting, she asked permission of the driver to include his email in this report. His enquiry along with her response is attached at appendix 3 to this report and the Licensing Manager would like to request that members' take time to consider that enquiry.
- 1.7** Members of the trade were concerned about the minimum engine size being 1600 cc. Officers' preferred option would be to remove the minimum engine size, as new vehicles with small engines often have quite an high bhp, and therefore can perform as well as an older car with a larger engine. Members of the trade enquired as to whether the vehicle specification could be based on CO2 emissions, however officers would not recommend this as all vehicles must pass a carbon emission test and therefore must be efficient. Basing the minimum specification on CO2 emissions could potentially preclude the licensing of mini buses etc. This District benefits from having many different vehicles licensed. The vehicles must be capable of carrying between 4 and 8 passengers in comfort.
- 1.8** Members of the trade requested that their driver's licence be issued for 3 years instead of annually as is the current situation. Officers would not support this change, as they do not think that this would be in the interest of public safety. Currently drivers sign a medical declaration annually, stating that there has been no deterioration in their medical condition that could affect their driving. They also sign a convictions declaration annually. If a licence were only renewed every three years, it is possible that the Council would not made be aware of any medical condition or conviction within that period which might affect its view of whether the driver is a fit and proper person to hold a licence. Many drivers would not want to pay for a 3 year licence, as it would be costly, and some drivers may move on before the end of the 3 year period, and therefore would be losing out financially. Some drivers are under the misapprehension that the cost of the 3 year licence could be the same as a 1 year licence, as they think it is purely administrative, however licensing fees must cover all of the costs involved in the licensing function, including enforcement, staff training, public notices in newspapers etc. Drivers should be aware that even if they have a licence for 3 years they would still be using all the services of the licensing department throughout that 3 year period and therefore the cost of the licence could not be reduced.

- 1.9 The Licensing Manager has drafted a revised version of the document following consideration of the representations, and has attached this, together with the original document and a summary of the proposed amendments at Appendix 2 to this report.

2.0 Conclusion

If members are minded to approve the proposed changes the licensing officers would wish the policy to take effect immediately. It is acknowledged however, that some proprietors may have ordered new vehicles that would not comply with the proposed minimum specification, therefore, exceptions would be permitted where a proprietor is able to demonstrate that a vehicle was ordered before the 6th September 2010. Clearly there will be a transitional period where some vehicles already licensed with us would not meet the new minimum specification.

- 2.1 If the proposed recommendations are approved, they would improve public safety, would provide clearer guidance for the taxi trade and assist enforcement officers in carrying out their duties.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

The Rules, Regulations and Procedures contribute to – developing and strengthening Lancaster's economy and promoting the well being of Lancaster's Communities.

The additional recommendations will improve public safety, failure to continually improve safety could leave the Council open to criticism.

The proposed policy does not have the potential to cause negative impact or discriminate against different groups in the community based on age, disability, gender, race/ethnicity, religion or religious belief (faith), sexual orientation, or rural isolation.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

LEGAL IMPLICATIONS

Pursuant to section 47 of the Local Government (Miscellaneous Provisions) Act 1976 any person who is aggrieved by any conditions attached to a hackney carriage vehicle licence may appeal to the magistrates' court.

Pursuant to section 48 of the Local Government (Miscellaneous Provisions) Act 1976 any person aggrieved by any condition attached to a private hire vehicle licence may appeal to a magistrates' court.

BACKGROUND PAPERS

None.

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