

**REPORT:** Regulatory Committee

**DATE:** 18 March 2013

**REPORTING OFFICER:** Chief Executive

**PORTFOLIO:** Resources

**SUBJECT:** Hackney Carriage and Private Hire  
Vehicle Conditions Policy Review

**WARDS:** Borough-wide

- 1 **PURPOSE OF REPORT** To determine the outcome of the Councils consultation exercise on Licensed Vehicle Conditions
2. **RECOMMENDED:** That the Committee consider the information available and the comments from the taxi trade and determine changes (if any) to the Councils current policy on Licensed Vehicle Conditions.
3. **BACKGROUND INFORMATION**
  - 3.1 At its meeting on 10 April 2012 the Council's Regulatory Committee decided that a review of the Hackney Carriage and Private Hire Vehicle conditions be undertaken in the Borough. The current conditions are set out at Appendix A.
  - 3.2. On 11 April 2012 members of the Taxi Consultative Group were advised of the review and asked for their comments and reasons for the comments in writing
  - 3.3 A response was received from one member of the trade. This response together with other relevant information and proposals for Licensed Vehicle Conditions were reported back to the meeting of the Taxi Consultative Group on 26 July 2012
  - 3.4 The matters considered by the members of the Taxi Consultative Group on 26 July 2012 were:
    - Retain rules on maximum age of all vehicles
    - Introduce a minimum age condition
    - Prohibit roof pods on Hackney Carriage Vehicles
    - Clarify rules on renewal of expired Hackney Carriage Licences
    - Clarify rules on duration of vehicle licences
    - Halton Livery for all Hackney Carriage Vehicles
    - Carrying of steps in all vehicles except standard saloon vehicles

3.5 At the meeting the members of the group made comments on the proposals and were asked to make recommendations / comments in writing to the Licensing Section Legal Services.

3.6 No responses were made by the Taxi Consultative Group Members

3.6 At the Taxi Consultative Group meeting on 29 November 2012 the group were reminded of the proposals which are set out at Appendix B and requested to respond in writing by 18 January 2013

3.7 To date no further recommendations or comments have been received by the Licensing Office from the taxi trade. However any recommendation or comments made by the trade prior to the Committee meeting will be notified to members at the meeting.

3.8 It should be noted that the current moratorium relating to the age of vehicles (adopted by the Committee on 10 April 2012) does not affect this review

#### **4 WHY REVIEW POLICY?**

4.1 Policy should not be changed just for the sake of change. However, it is best practice to review policy from time to time to establish whether they remain up to date and continue to meet the needs of the public and the trade.

4.2 The policy changes being considered as part of the current review have been of a technical nature and affect the trade rather than the public. Consequently, the consultation mechanism has been to use the Taxi Consultative Group.

4.3 It should be clear by comparing Appendix A with Appendix B that the overwhelming majority of the existing vehicle conditions are still considered to be satisfactory.

#### **5 OPTIONS**

5.1 The options available to members are:

- Make no changes to the current policy
- Amend Licensed Vehicle Conditions
- Introduce new Vehicle Conditions

5.2 Depending on the option(s) adopted the Committee would have to consider the time scale for introducing changes together with any grandfather rights that may be appropriate and the proposals are set out at Appendix C.

#### **6 POLICY IMPLICATIONS**

By definition this item concerns an existing Council policy. The existing policy (with minor modifications) has been in place since 2007. Any change in policy would last for an indefinite period.

## **7 OTHER IMPLICATIONS**

In reaching its decision the Committee will have to take into account a number of competing interests. Vehicle owners have invested large sums in their businesses and their views must be given full weight. However the Council also has wider considerations to take into account in its capacity as licensing authority. No policy will be accepted by everyone but a proper evaluation of the competing views will discharge the Council's obligations to the trade.

## **8 IMPLICATIONS FOR THE COUNCILS PRIORITIES**

- 8.1 Children and Young People in Halton**  
None
- 8.2 Employment Learning and Skills in Halton**  
N/A
- 8.3 A healthy Halton**  
N/A
- 8.4 A Safer Halton**  
None
- 8.5 Halton's Urban Renewal**  
N/A

## **9 RISK ANALYSIS**

N/A

## **10 EQUALITY AND DIVERSITY ISSUES**

None

## **11 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
Application Documents	Legal Services	John Tully/ John Findlow

## APPENDIX A

### THE COUNCIL'S CURRENT HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS

#### 1. Qualifying Proprietors

1.1 The applicant must be the proprietor of the vehicle which is the subject of the application.

1.2 The word "proprietor" includes a part proprietor and, in relation to a vehicle which is the subject of a hiring agreement, means the person in possession of the vehicle which is under that agreement.

1.3 No person including the proprietor of a licensed hackney carriage vehicle may drive the same unless he holds a current single status driving licence issued by the Council

#### 2. Qualifying Vehicles

In these conditions:

**"MPV" means** a multi-purpose vehicle (that is, a vehicle in which the seats may be removed or reconfigured and be fully wheelchair accessible);

**"MSV" means** a multi-seat vehicle (that is, a vehicle which is fitted with a number of fixed position seats for in excess of 5 passengers and not exceeding 8 passengers).

**"Minimum useable luggage space" means** minimum internal usable luggage space which must be calculated with reference to the comfort and needs of passengers and may result in less passengers being carried at any particular time than the permitted maximum allowed under the licence.

"vehicle" means the vehicle which is the subject of a Hackney Carriage Vehicle Licence

**"Wheelchair Accessible" means** capable of carrying a wheel chair in a folded and stored condition with the wheelchair passenger seated in a standard seat

**"Fully wheelchair accessible" means** capable of carrying a wheel chair in a folded and stored condition with the wheelchair passenger seated in a standard seat or at the election of the wheelchair passenger capable of carrying the passenger while sitting in the wheelchair provided that vehicles with rear access for wheelchair passengers shall not be deemed to be fully wheelchair compatible

2.1 To qualify for a Hackney Carriage Vehicle Licence the vehicle must:

##### *Purpose built hackney carriages*

2.1.1 be purpose-built as a hackney carriage and fully wheelchair compliant which means that it must :

- (1) be type approved by the Public Carriage Office
- (2) have a full M1 type approval and

- (3) be under **sixteen** years old (this will be calculated on the basis of the expiry of the vehicle licence which falls within the sixteenth anniversary of first registration of that vehicle)
- (4) be fully wheelchair accessible and
- (5) be painted black or the original manufacturer's colour
- (6) have a minimum of 4 useable wheels or

Saloon, estate vehicles and MSVs (Hackney Carriage and Private Hire)

2.1.2 be a saloon, estate vehicle or MSV with the following characteristics –

- be under **eight** years old (this will be calculated on the basis of the expiry of the vehicle licence which falls within the eighth anniversary of first registration of that vehicle)
- 4/5 doors
- minimum engine capacity rated at 1600 cc or 1500 cc multi-valve
- minimum useable luggage space of 353 litres (12.5 cubic feet)
- minimum knee room spacing (the distance between the front surface of all seat backs and the back(s) in front): 650mm (25.61")
- minimum front knee room spacing (the distance between the front surface of the front seat back(s) and the surface of the front console:650mm (25.61")
- minimum foot space (the clear space in front of the seat): 300mm long, 250mm wide and 80mm high (11.82" x 9.85" x 3.15")
- minimum rear cabin width: 1346mm (53")
- painted manufacturer's black (not Private Hire Vehicles)
- be wheelchair accessible or

*MPV style vehicles*

2.1.3 be a MPV style vehicle with the following characteristics;

- full M1 type approval or Small Volume Production Certificate
- be under **twelve** years old (This will be calculated on the basis of the expiry of the vehicle licence which falls within the twelfth anniversary of first registration of that vehicle)
- painted manufacturer's black (not Private Hire Vehicles)
- minimum engine capacity rated at 1600 cc or 1500 cc multi-valve
- minimum useable luggage space 353 litres (12.5 cubic feet)
- approved seat configuration
- be fully wheelchair accessible

**Calculation of Age** (For the avoidance of doubt)

Vehicle ages shall be calculated using the following principles;

- Ages shall be calculated from the date of first registration of the vehicle.
- The maximum ages specified in these conditions relate to the date when the first application is made in respect of the vehicle or (as the case may be) the date when the current licence applicable to a vehicle is due to expire;

- Where a vehicle has not reached its maximum age when the first application is made in respect of the vehicle a licence granted in respect of such vehicle shall continue for a period of 12 months notwithstanding that the vehicle shall have exceeded its maximum age by the date of expiry of such licence;
- Where a vehicle has not reached its maximum age when the date when the current licence applicable to such vehicle is due to expire a licence granted in respect of such vehicle shall continue for a period of 12 months notwithstanding that the vehicle shall have exceeded its maximum age by the date of expiry of such licence provided that no renewal licence shall be granted in respect of such vehicle if the vehicle shall not have qualified for renewal by such date of expiry

#### *Other types of vehicle*

2.1.4 be any other type of vehicle, such as a limousine, which may be approved by the Council from time to time subject to any special requirements deemed appropriate to such vehicle

2.1.5 Horse drawn vehicles are subject to special conditions

## **2.2 Passenger numbers and seat configuration**

2.2.1 The permitted number of passengers shall be one passenger per permitted passenger seat and the number of permitted passenger seats shall be calculated in accordance with the following rules:

- in **purpose built hackney carriages** the permitted passenger seats shall be in accordance with manufacturers' specifications;
- in **saloon and estate** vehicles the permitted passenger seats shall be in accordance with manufacturers' specifications;
- in **MSVs** the permitted passenger seats shall be in accordance with manufacturers' specifications except that the nearside seat on the middle row of the vehicle shall be removed;
- in **MPVs which have all forward facing seats** the permitted passenger seats shall be in accordance with manufacturers' specifications except that the nearside seat on the middle row of the vehicle shall be removed;
- in **MPVs which do not have all forward facing seats** the permitted passenger seats shall be in accordance with manufacturers' specifications;

2.2.2 In all cases the above rules are subject to (1) the right of proprietors to request fewer passenger numbers to be licensed and (2) to the minimum sizes specified elsewhere in these Conditions.

## **2.3 Trailers**

2.3.1 Trailers shall be subject to prior approval by the Council.

2.3.2 Trailers shall be painted the same colour as the towing vehicle.

2.3.3 An identity plate supplied by the Council shall be affixed to the rear of the trailer.

2.3.4 A trailer shall only be used in conjunction with one licensed vehicle.

2.3.5 Trailers shall be tested initially before use at the Council's testing facility and thereafter shall be tested annually at the same time as the towing vehicle.

2.3.5 Trailers shall not be used while the towing vehicle is standing or plying for hire.

## 2.4 Roof Pods

2.4.1 Roof pods shall be subject to individual prior approval

## 2.5 Privacy glass

Privacy glass shall be permitted subject to the following rules:

- Blackout glass shall be banned in Halton;
- The permitted degree of tinting of glass in front of the vehicles' "B-Pillar" shall be in accordance with national standards;
- The permitted degree of tinting of glass behind the vehicles' "B-Pillar" shall be in accordance with rules to be determined from time to time by the Council.

## 3. Fittings applicable to MSV, saloons and estate vehicles and MVP style vehicles

Saloon, estate vehicles and MVP/MSV style vehicles must have the following fitments which are generally fitted as standard on purpose-built vehicles:

- 3.1 The vehicle **must** be fitted with approved permanent **mounting brackets** which must be positioned externally on the front near side or centre of the vehicle and the rear off side or centre of the vehicle in an upright position above or below the bumper bar where it is clearly visible and not obstructing lights or indicators;
- 3.2 The vehicle **must** be fitted with an approved **roof sign and mounting** as approved which must be fitted and maintained in clean and good working order, positioned above the centre pillars of the vehicle so as to display the red light to the rear. (Vehicles with sunroofs may be subject to special approval for minor positional changes to roof signs);
- 3.3 The vehicle **must** be fitted with an approved "**For Hire**" **sign** which must be positioned by suction to the top near-side of the front windscreen and in such a manner as to conceal all wiring.
- 3.4 Roof signs and "For Hire" signs **shall** be illuminated at any time when the vehicle is available for hire but not be illuminated at any time when the vehicle is not available for hire.

## 4. Vehicle testing

- 4.1 Prior to the issue of a Hackney Carriage Vehicle Licence all vehicles other than brand new vehicles will be tested to ascertain their condition. Brand new vehicles will be checked to establish compliance with taximeter (and its sealing), signs, fire extinguishers and seat belts requirements only;
- 4.2 All vehicles three years old and over will be subject to automatic six-monthly testing.

- 4.3 Vehicle tests and checks will take place at the Council's Vehicle Testing Facility at Lowerhouse Lane, Widnes. On passing the annual test a Certificate of Compliance will be issued by the tester in lieu of an MOT Certificate
- 4.4 Vehicle test fees are payable in accordance with the Council's current scale of charges.
- 4.5 Arrangements for vehicle testing are entirely the responsibility of the licence holder and in particular, the dates and times of six-monthly tests shall be arranged at each preceding annual test between the licence holder and the Council's Vehicle Testers. No further reminders will be issued by the Council's Licensing Services Section.

**4.6 Expiry of Hackney Carriage Licences (and Private Hire Vehicles Licences)**

- Hackney carriage and private hire vehicle licences last for 12 months.
- If they are not renewed before they expire they cease to exist.
- You cannot renew what does not exist.
- The only option if you allow your licence to expire is to make a new application.
- This may cause no problems for private hire vehicles but for hackney carriage vehicles it is a different matter.
- Once a hackney carriage plate is gone it's GONE.
- The Council has a fixed number of hackney carriage plates and when "spare" plates become available they will be re-distributed by the Council by lottery.

**4.7 Certificate of Compliance**

- Halton Council is entitled to issue Certificates of Compliance.
- Hackney carriage vehicles and private hire vehicles are exempt from having to have an MOT if a Certificate of Compliance has been issued.
- The exemption only applies while (1) the Certificate of Compliance is in force AND (2) the hackney carriage vehicle licence or private hire vehicle licence is in force.
- An MOT is therefore required if a vehicle licence is revoked or expires but not if it is suspended.

**5. Taximeters**

An approved taximeter is mandatory and shall be fitted in a position approved by the Council. A taximeter shall be deemed to be approved if it bears the EU Pattern Approval Sign or the EU Partial Initial Verification Mark. In other cases specific approval will be required from the Council. All taximeters shall be 'calendar' type. Taximeters must not be used unless sealed by the Council.

**6. Display of items supplied by the Council**

The following items will be supplied by the Council and must be permanently displayed in an approved manner:

- Licence plates (front and rear)
- An interior licence number plate

## **7. Holding and Display of insurance certificate**

The licence holder shall ensure that proper insurance is taken out and maintained in his name which must cover all persons holding single status drivers licences who will be driving the vehicle. A copy of the current insurance certificate shall be kept in the vehicle at all times.

## **8. Fire extinguishers**

A fire extinguisher shall be maintained within the vehicle in a position approved by the Council. The extinguisher shall comply with BSEN3 1996, bear a K mark and licence number and have a gauge. The extinguisher shall be subject to annual test by a qualified tester and the test certificate shall be produced to the Council when the vehicle tested by the Council.

The fire extinguisher shall be permanently marked with the vehicle registration number and/or plate number.

## **9. Display of Table of Fares**

The licence holder shall ensure that a copy of the fare table supplied by the Council from time to time is exhibited inside the vehicle at all times and that the same is not concealed from view or rendered illegible while the vehicle plying for hire.

## **10. Maintenance of the Vehicle**

The licence holder shall ensure that the vehicle shall be maintained in a sound mechanical and structural condition **at all times** and be capable of satisfying the Council's mechanical and structural inspection at any time during the continuance of the vehicle licence.

## **11. Mechanical and Structural alterations to the Vehicle**

The licence holder shall not allow the mechanical and structural specifications of the vehicle to be varied without the written consent of the Council's Solicitor. No equipment or object shall be placed above the dashboard in a position contrary to the relevant test regulations.

## **12. Signs and Advertisements**

**12.1** Purpose built Hackney Carriage Vehicles may be allowed to have "all-over" adverts subject to prior approval from the Council. (The reason for this is that their shape denotes them as taxis and adverts do not detract from this).

**12.2** Non-purpose built Hackney Carriage Vehicles may be allowed to have adverts on side panels only subject to prior approval from the Council. (The reason for this is that, since vehicles must all be black, adverts must be restricted to spaces which do not detract from their overall appearance).

**12.3** The following shall be allowed on any vehicle without the need for specific consent of the Council: a one line display on the rear windscreen (top or bottom so as not to interfere with rear visibility), provided that letters within the advertisement shall not exceed two inches in height and provided that the display shall only contain a telephone number and the identity of the system.

### 13. Duration of Licences

The licence period stated on the vehicle licence shall apply unless the licence is revoked earlier except that the licence period shall expire six months after the commencement of the licence period if for whatever reason the vehicle requires a six-monthly test and does not pass its six-monthly test.

### 14. Notification of transfer

The licence holder shall notify the Council in writing immediately of any transfer of the interest in the vehicle.

Licensed Hackney Carriages/Private Hire Vehicles may be “transferred” on payment of a fee, from one proprietor to another on either a permanent or a temporary basis. (see temporary transfers)

In the trade this is known as “transferring the plate” but it is important to clarify that the transfer actually relates to the Licensed Vehicle and to the right to be the proprietor of that vehicle.

The plate is merely a physical indication that a particular vehicle is licensed, and it always remains the property of the Licensing Authority.

Any financial arrangements between transferor and transferee are personal matters in which the Local Authority has no involvement.

PLEASE NOTE:- IF THE HCV/PHV LICENCE HAS EXPIRED PRIOR TO OR DURING THE TRANSFER PROCESS THAT LICENCE WILL NO LONGER EXIST AND A TRANSFER CANNOT TAKE PLACE. IT IS PARTICULARLY IMPORTANT THEREFORE THAT ALL PARTIES ARE FULLY AWARE OF THE EXPIRY DATE OF THE LICENCED VEHICLE WHICH IS THE SUBJECT OF THE TRANSFER

### 15 Temporary transfers

In certain circumstances, a Vehicle Licence may be subject to a Temporary Transfer.

This would occur if the Licensed Vehicle was “off the road” for an extended period. (For example, this situation might arise if the licensed vehicle was involved in a road traffic collision and required extensive repairs.)

These Temporary Transfers will normally be instigated by the Insurance Company which is dealing with the incident, and will only be permitted between Official bodies who are directly concerned with any incident.

A Temporary Transfer will last for an initial period of 2 months.

Should the period of repair take longer than 2 months the licence holder should contact the Licensing Section and a further fee will be payable for a further temporary licence to be issued for 2 months.

Failure to contact the Licensing Section and pay the required fee will result in the temporary vehicle being unlicensed.

A second compliance test is not required.

#### **16. Notification of damage to the Vehicle**

The licence holder shall report to the Council within 72 hours of the occurrence thereof any damage to the vehicle (whether involving an accident or otherwise).

#### **17. Notification of change of address**

The licence holder shall give notice in writing to the Council's Solicitor on any change of address during the period of the licence within seven days of such change taking place.

#### **18. Retention of Single Status Drivers Licences**

The licence holder shall retain a copy of the Single Status Drivers Licence of all drivers using the vehicle and produce the same to an authorised Officer of the Council or Constable on request.

#### **19. Security Cameras in vehicles**

Security cameras in the vehicle shall be permitted provided that:

- the existence of the camera is clearly indicated by a notice displayed on the passenger window; and
- images obtained from the security cameras shall not be used for commercial purposes or in contravention of data protection legislation.

#### **20. Compliance with legislation**

This licence is issued subject to compliance with the current Hackney Carriage By-laws, and relevant provisions in the Town, Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the Transport Act 1985.

#### **21. Non-compliance with conditions**

Failure to comply with any of the conditions attached to this licence may result in prosecution.

#### **22. Discretion of the Council**

The Council reserves the right to exercise its discretion at any time in connection with any of these conditions.

<p><b>NOTE:</b> Failure to make a fully completed application for renewal of a licence in sufficient time for the renewal licence to be granted immediately following the expiry of an earlier licence will result in permanent loss of the plate and</p>
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the Council may at its absolute discretion allocate the plate to another applicant.



	luggage space <i>Condition 2.1.2 and 2.1.3</i>	back seat down”	were saloon type vehicles. With the increased use of hatchbacks and estate vehicles the calculation of luggage space has included all of the space up to the roof of the vehicle. The calculation of usable luggage space should not include any space which would obscure the rear visibility or risk luggage etc spilling forward into the passenger area.
5	Knee room front and rear <i>Condition 2.1.2</i>	No change recommended at present	The population as a whole is getting larger. The Council is aware that research is on-going on a national level regarding the ergonomics of seat design and vehicle interiors. It would be anticipated that higher standards will be required in future however at this stage the Council does not have the evidence base to make specific recommendations. The issue will be revisited when national data is available.
5a	Foot space <i>Condition 2.1.2</i>	No change recommended at present	See above
6	Rear cabin width <i>Condition 2.1.2</i>	No change recommended at present	See above
7	Removal of seats <i>Condition 2.2.1</i>	Add word “Permanently” In MSV’s the permitted passenger seats shall be in accordance with manufacturers’ specifications except that the nearside seat on the middle row of the vehicle shall be “permanently” removed and the connecting points sealed and In MPV’s which have all forward facing	The purpose behind the current condition is still valid. It is to enable passengers to get in and out of large vehicles quickly. The proposed new wording is designed to prevent seats being put back after a licence has been granted.

		seats the permitted passenger seats shall be in accordance with manufacturers' specifications except that the nearside seat on the middle row of the vehicle shall be "permanently" removed and the connecting points sealed.	
8	Roof pods <i>Condition 2.4</i>	HCV conditions only substitute: " Roof pods shall not be allowed"	Hackney Carriage Vehicles (HCV's) unlike Private Hire Vehicles (PHV's) have roof signs. Roof pods would obscure the roof signs. Certain purpose built and converted HCV's have built in forward facing only roof signs. Such vehicles may have to be assessed on an individual basis should applications for roof pods be made. Additionally there have been rare applications for converting vehicles to run partly on liquid gas these are also assessed on an individual basis.
9	Expiry of licences and end note <i>Condition 4.6 and end note</i>	After the word "exist" insert "except in exceptional circumstances and in any event if there are exceptional circumstances the renewal period cannot be extended for more than 3 days.	The case of Exeter City Council and Sandle (2011) clarified the position on this matter and the proposed extra wording of that judgement.
10	Return of vehicle plates <i>(New condition)</i>	Licence plates front rear and internal shall be returned to the council within 24 hours of a vehicle licence expiring.	At present there is no express condition relating to the return of vehicle plates.
11	Temporary plates (15)  <i>(new condition)</i>	All temporary licence plates (front and rear) shall be returned to the Council in exchange for permanent licence plates. No new	At present there is no express condition relating to the return of temporary vehicle plates.

		licence will be issued to a proprietor unless temporary plates have been returned.	
12	Fold up seats  (New condition)	Fold up seats within the boot area of any vehicle must be permanently removed and the connecting points sealed.	All vehicles are licensed for a specific number of passengers. Where additional seating is provided in the boot space the proposed condition will remove the temptation to utilise the seating and will ensure that the boot capacity will be maintained.

**APPENDIX C****PROPOSED EFFECTIVE DATE AND GRANDFATHER RIGHTS**

<b>No</b>	<b>Topic</b>	<b>Date comes into effect</b>	<b>Grandfather rights</b>
1	Vehicle maximum age	N/A	N/A
2	Age of vehicle when first licensed	1 July 2013	N/A
3	Engine Capacity	1 July 2013	N/A
4	Luggage Space	1 July 2013	During the period the vehicle remains continuously licensed with Halton Borough Council
5, 5a and 6	Knee room front and rear, foot space and rear cabin width	N/A	N/A
7	Removal of seats	1 July 2013	During the period the vehicle remains continuously licensed with Halton Borough Council
8	Roof Pods	1 July 2013	No grandfather rights
9	Expiry of licences	1 July 2013	N/A
10	Return of vehicle plates	1 July 2013	No grandfather rights
11	Temporary Plates	N/A	No grandfather rights
12	Fold up seats	1 July 2013	During the period the vehicle remains continuously licensed with Halton Borough Council