

Report of	Meeting	Date
Corporate Director (Neighbourhoods)	Licensing and Public Safety Committee	2 December 2009

TAXI VEHICLE LICENSING CONDITION REVIEW

PURPOSE OF REPORT

1. To advise Members of proposals to amend the conditions applied to taxi vehicle licence applications and the subsequent licence conditions and seek approval for their implementation

RECOMMENDATION

2. It is recommended that Members approve the proposed amendments to the vehicle licensing conditions for taxis

EXECUTIVE SUMMARY OF REPORT

3. In September 2008 the Licensing and Public Safety Committee approved a new set of taxi licensing and testing conditions to seek improvement in the hackney and private hire fleet and ensure that the taxi licensing regime was fit for purpose to meet its statutory requirement for ensuring public safety.
4. This new regime has been operational for 12 months and during that time it has become apparent to officers and the taxi trade that some elements are over burdensome on the trade as well as introducing superfluous business process layers into the taxi application and testing system.
5. A sub group of the Licensing Liaison Panel was established including representatives of the private and hackney trade as well as officers in the Directorates Public Protection Team. The sub group has met on several occasions and determined the amendments proposed in this report.
6. Members should be assured that any proposed changes are made and recommended with the public safety requirement in mind but also with a view to reducing any unnecessary burden that the licensing regime puts on the private hire and hackney carriage trade.

REASONS FOR RECOMMENDATION

(If the recommendations are accepted)

7. To ensure the licensing conditions are fit for purpose, ensure public safety and reduce unnecessary burden on business.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

8. The continuation of the current conditions was considered for a further period but the ongoing transition of the business process element of the licensing function and the increased enforcement capability within the Public Protection Team provides an opportune time for a review.

CORPORATE PRIORITIES

9. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	√
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	√

BACKGROUND

10. The proposed changes are dealt with below with a summary of the existing condition or requirement and the rationale for change together with the new proposal.

VEHICLE TESTING FREQUENCY (HACKNEY AND PRIVATE HIRE)

11. The current testing regime effectively limits the age of vehicles to 8 years old should they fail the testing regime beyond that age. In addition there is a complicated profile of testing frequencies dependant on the age of the vehicle with a 12 monthly period for new vehicles up to 3 years old rising to 6 monthly for vehicles 3 to 8 years old and then a test 3 times a year for vehicles over 8 years old provided they do not fail on any aspect of the test regime.
12. This system is over bureaucratic and burdensome on the trade. In addition it assumes that any vehicle over 8 years old is not repairable or capable of being made fit for purpose once it has failed on any aspect of the vehicle testing regime.
13. It is proposed that a streamlined testing frequency is introduced of a vehicle test every six months irrespective of age and that provided the vehicle can be repaired to a standard that meets the vehicle test requirements it should not be precluded from operating as a licensed taxi.

VEHICLE TESTING FORMAT (HACKNEY AND PRIVATE HIRE)

14. The current test format includes:
 - The standard MOT (VOSA) test
 - The Councils hackney carriage and private hire vehicle inspection (taxi test) which tests additional items such as signs, vehicle interior/exterior and compliance with the Councils conditions.
 - The Councils vehicle safety report (VSR) which effectively duplicates elements of the hackney carriage and private hire vehicle inspection test above.
15. This current system provides an unnecessary testing layer and the 'Councils Vehicle Safety Test' does not scrutinise anything that relates to the public safety remit of the licensing regime which is not scrutinised in either the MOT/VOSA test or the Councils hackney carriage and private hire vehicle inspection test (Taxi Test)
16. It is therefore proposed to withdraw the requirement of the third 'Council Safety Test' and rely on the MOT/VOSA test and the 'Taxi Inspection and Safety Test' to identify vehicles that are unsuitable or unsafe to operate as a taxi.
17. Testing garages will be provided with detailed guidance to assist them in assessing the elements of the Taxi Inspection and Safety Test.

TAXI PLATE REQUIREMENT (HACKNEY AND PRIVATE HIRE)

18. Linked to the testing frequency regime above is the current requirement for each licensed vehicle to operate with a plate that displays an expiry date in line with the next due test date.
19. This requirement does not provide any added benefit in either the enforcement function of the Council, neither is it believed that any other agency or the public have regard to the date displayed. The Council has received no calls or intelligence from the public relating to dated taxi plates where they have been known to out of date. In addition this requirement means an added layer of bureaucracy to the licensing process as well as an added cost to the trade each time a plate is re issued.
20. It is proposed to issue one plate for display at the initial licensing period with a renewable internal taxi badge to be displayed with the date of expiry of the taxi licence. This plate will be attached to the vehicle until such time as either the licence is not renewed or it is surrendered. The business process procedures within the Council will be used to monitor licences that have expired and not renewed or surrendered and our increased enforcement resource will be used to investigate and seize plates that are not properly licensed.

LUGGAGE CAPACITY REQUIREMENT (PRIVATE HIRE)

21. The current luggage capacity requirements make it a condition that any private licensed vehicle must be capable of effectively carrying one suitcase for each passenger that the vehicle is licensed to carry. Therefore a vehicle licensed to carry 6 passengers is required to have luggage capacity for six suitcases.
22. This condition effectively serves to preclude particular types of vehicle from use such as MPV's where additional seats are provided for passenger use. This could be challenged as anti competitive and it is not clear that this condition can be imposed on the grounds of public safety given that national and European safety standards exist for all vehicles sold and used on our roads. This condition does not apply to vehicles licensed as hackney carriages
23. It is proposed to remove this condition for private hire vehicles and replace it with a condition that requires operators to determine the luggage carrying capacity of the fare at the time of booking. The operator will then be required to inform the fare of any additional vehicles that will be required to accommodate luggage and ensure that all luggage is stowed internally in the vehicle in a manner that ensures the safety of passengers and other road users. No changes to luggage carrying capacity for hackney carriage vehicles are proposed.

TYRE TREAD REQUIREMENTS (HACKNEY AND PRIVATE HIRE)

24. The current vehicle testing regime makes it a condition that vehicles must have a minimum tyre tread depth of 3 mm over the central 3/4 of the tread pattern (including spare tyre).
25. This condition implies that should a vehicle not have a spare tyre then the vehicle fails the test. Members will be aware that some vehicles are manufactured with no spare wheel but fitted with 'run flat' or 'self inflate' tyres. In addition the current national legal standard for tyre tread depth is 1.6 mm over the central 3/4 of the tread pattern and the increased standard of 3 mm tread depth cannot be justified on the grounds of public safety.
26. It is proposed to remove the requirement for a 3mm tread depth and rely on the national standard of 1.6 mm over the central 3/4 of the tread pattern. In addition the test requirements will be clarified to state that the spare tyre where fitted must also comply to this standard and where the vehicle is not equipped with a spare tyre at the time of the vehicles manufacture then the vehicle manufacturers recommended 'run flat' or 'self inflatable' tyres should be fitted on all wheels. The use and carrying of proprietary puncture repair kits will not be considered as a suitable alternative.

IMPLICATIONS OF REPORT

27. This report has implications in the following areas and the relevant Corporate Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	√	No significant implications in this area	

COMMENTS OF THE CORPORATE DIRECTOR OF GOVERNANCE

28. The Council is entitled to impose reasonable requirements on vehicle licenses which may include safety standards addressing issues going beyond or to a higher standard than the MOT test although the latest Department for Transport Best practice Guidance does suggest that for technical matters it seems appropriate to apply the same standards as for the MOT test. However, the same guidance recognises that taxi licensing issues are not purely about public safety matters and specifically indicates that: "taxis and PHVs provide a service to the public, so it is also appropriate to set criteria for the internal condition of the vehicle, though these should not be unreasonably onerous".

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There are no background papers to this report.

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