

Report of	Meeting	Date
Corporate Director of Governance	Licensing & Public Safety Committee	04/06/08

## CHORLEY COUNCIL'S CONDITIONS FOR THE LICENSING OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

### PURPOSE OF REPORT

- To present members with revised conditions for the purpose of licensing Hackney Carriages and Private Hire vehicles to operate within the controlled district of Chorley.

### RECOMMENDATION(S)

- Members are recommended to consider the contents of the report and any representations made by appropriate members of the Hackney Carriage (HC) & Private Hire (PH) trade who have been invited today.

### CORPORATE PRIORITIES

- 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

- Members will be aware that Chorley Council has the responsibility to ensure that hackney carriages and private hire vehicles are suitable for use as such. This means that they must meet conditions as to roadworthiness, suitability, appearance and comfort. The Council has power to require those vehicles to be submitted for inspection and testing and to impose conditions on licenses.
- It would appear that the last time the Council's licensing conditions relating to the licensing of HC/PH vehicles was reviewed, was in 1996, some 12 years ago. A number of factors suggest that it is timely to review those conditions.
- It is fair to say that motor vehicle use, the motor trade and the way in which vehicles are traded has changed significantly in the past 12 years. This would also include the expectations of the travelling public who may use 'taxis'.

7. It is also fair to say that the administrative procedures involved in providing the statutory functions has also changed in recent years notably through the introduction of the Council's One Stop Shop and computerised systems operated by both internal and external customers of the council including LalPac, MoT recording systems and the Police / DVLA automatic number plate recognition system.
8. Further the recent removal of the exemption under section 75 of the Local Government (Miscellaneous Provisions) Act 1976 which covered vehicles hired on contracts for seven or more days, could lead to vehicles of a different type and class being presented for licensing. The present licensing conditions offer insufficient guidance to the owners of such vehicles or those charged with testing of such vehicles for the purposes of HC/PH use.
9. At present the provision of testing vehicles presented for either HC/PH vehicle licences is arranged through 4 local garages that are MOT approved. One of those garages has now withdrawn its services of providing taxi testing, as it is uneconomical for them to continue.
11. The present system operated by Chorley Council requires vehicles to be tested twice a year for the purposes of the taxi test and where the vehicle is over 3 years old the vehicle is also subjected to the MoT test.
12. The current testing regime may or may not run in sequence with the taxi licence or insurance for that vehicle. This factor increases the administrative burden on the council in ensuring vehicles are correctly licensed.
13. More importantly the current conditions of the taxi test relating to roadworthiness have not necessarily kept pace with changes in the MOT testing regime. This means that newer vehicles are not necessarily being tested to current MOT standards. While the arrangements do meet the minimum statutory criteria they fall below current best practice. (A copy of the current taxi test is appendix A).

## **PROPOSED TESTING ARRANGEMENTS**

14. It is proposed the revised conditions will address the concerns highlighted above. Under the proposed new arrangements a vehicle will be primarily tested using the MoT test which is independent to and controlled by Vehicle Operating Standards Agency (VOSA). The price for the test is set at a government maximum and should this maximum fee be adopted as a condition of the provision of licensing, then the matter of re-determining any fee will not ordinarily have to be reconsidered by the council in the future as it would be adjusted by VOSA. In line with trade and industry requirements.
15. It is proposed that the council's taxi test is conducted immediately after the conclusion of the MoT test, irrespective of whether that vehicle has passed or has not passed the MoT test. It will be a requirement that the council's taxi test will be conducted by the same engineer/tester who conducted the MoT test, as this will lead to greater consistency and economies, and that with experience the council's taxi test would not ordinarily take longer than 15 minutes. The contents of the taxi test are set out in appendix B. The vehicle will be required to pass both the MoT test and a taxi test as a condition of licensing.
16. The benefits of adopting the MoT test and revised Council taxi test.
  - (a) The vehicle will be examined to existing independent testing standards MoT tests that are robustly enforced and tested by VOSA.
  - (b) The MoT test is uninterrupted and controlled by a maximum fee. Therefore the test is not price led.

- (c) The revised testing procedure will allow and enhance the testers of vehicles to focus on the council's taxi test as a separate consideration to the mechanical conditions of the vehicle.
  - (d) Will offer the proprietors of such vehicles the opportunity to have any remedial work carried out at any repair centre to existing standards for the purposes of the MoT test (note only appointed garages may issue MoT test certificates and taxi test certificates).
  - (e) The MoT testing procedure allows for greater transparency for identifying problematic vehicles by the issue of failure notices and advice notes regarding vehicle condition. This will allow for improved targeted enforcement action. Towards those vehicles giving concerns for safety and condition.
17. It is proposed that the council will administer the testing arrangements for those vehicles applying for HC/PH vehicle licences, including the payment of testing fees.

### **VEHICLES OVER FOUR YEARS OLD**

18. Under the present system vehicles older than 4 years may enter the taxi industry under discretion of the licensing officer with regard being given to the age, condition, service history type and class of vehicle and the colour of the vehicle. Any such vehicle must, of course, have a valid MOT certificate.
19. It is proposed that the council introduce a Vehicle Safety Report (VSR) (Appendix C) to further assess the mechanical condition of a vehicle that has reached 3 years of age from date of first registration. The VSR report will be required as a condition of licensing when:
- (a) An application is made for the grant of a HC/PH vehicle licence and the vehicle is more than 3 years old.
  - (b) On the application for the renewal of a HC/PH vehicle licence where the vehicle is more than 3 years old and annually thereafter.
  - (c) On the request of an authorised officer where the vehicle in question is licensed as a HC/PH vehicle and is subject to a suspension notice. The safety check VSR shall be required to ascertain the vehicle's fitness to have the suspension notice removed.
20. It is believed that the safety check list will benefit both the council and the proprietors of existing and proposed HC/PH vehicles in that:
- (a) A proprietor wishing to purchase a vehicle more than 3 years old will have a detailed check list to which the vehicle must comply with, he may insist this is met prior to purchase by the vendor.
  - (b) Many auction houses now sell vehicles with an engineers report, this is not dissimilar to the proposed VSR and may indicate a vehicles condition for use as a taxi prior to purchase.
  - (c) The VSR will ensure the council's minimum standard for HC/PH vehicles is maintained on an annual basis, will help establish and maintain standards.
  - (d) A minimum condition for vehicles on entry to the system will for the first time be quantified for mechanical means in addition to the subjective criteria already established.

- (e) Public confidence will be reassured as to the condition and appearance of licensed HC/PH vehicles through quantitative scrutiny of the vehicle type and condition.

21. It is expected that the requirement for a VSR will coincide with the renewal process for existing vehicles at its next renewal on or after the vehicles 3rd birthday.

## VEHICLE CONDITIONS

22. In accepting that the motor industry has changed in many ways over the past 12 years and more recently the repeal of Local Government (Miscellaneous Provisions) Act 1976 Section 75 exemption, officers now believe it is appropriate to introduce minimum tolerances for vehicle type and construction. This is necessary to address the vast array of vehicles now on the market that without controlled measures in place the council could not refuse a legitimate request to licence.

23. Examples of vehicles that would perhaps give concern would be vehicles with adjustable configuration for seating or vehicles offering little or no luggage space. It is intended that the conditions as attached at (Appendix D) will address those concerns of vehicle suitability without fettering the discretion of the council by precluding a vehicle type. This will also be reflected in changes to the licensing conditions as attached in Appendix E.

24. Areas giving concern include:

- (a) Pop-up seats
- (b) Maximum weight for seats
- (c) Luggage room
- (d) Luggage trailers/security (pick ups) SUV's MPVs
- (e) Seating configuration/exit and entry of passengers

## FEES

### Proposed Fees

25. The taxi licensing fees shall remain unchanged.

26. It is proposed that the council recognises the MoT test fee maximum setting of £50.35 at present.

27. Through negotiation with the appointed garages, the council's taxi test will be conducted immediately after the MoT test for a fixed fee of £9.65 inc VAT and where appropriate the vehicle safety report (VSR) (for vehicles applying for a HC/PH vehicle licence over 3 years of age) will be conducted at the same time as the council's taxi test for a fixed fee of £10.00 including VAT.

28. Hence a vehicle under 3 years applying for a HC/PH vehicle licence for 12 months would incur a cost of:

Hackney Carriage		Private Hire	
Licence Fee	£416.00	Licence Fee	£220.00
MoT & taxi test	£60.00	MoT & taxi test	£60.00
Taxi Livery	£23.50 +VAT	Taxi Livery	£23.50 +VAT

29. It is envisaged that only vehicles under 3 years of age may apply for a HC/PH vehicle licence for a 12-month period. In all other cases where a vehicle is 3 years or older, vehicles will be required to undergo the councils vehicle testing requirements and be licensed for a period not exceeding six months.

30. Vehicles applying for a grant of a licensing HC/PH over 3 years of age will incur costs of, (for a six monthly licence) of:

Hackney Carriage		Private Hire	
Licence Fee	£216.00	Licence Fee	£125.00
MoT & taxi test VSR	£70.00	MoT & taxi test VSR	£70.00
Taxi Livery	£23.50 +VAT	Taxi Livery	£23.50 +VAT

31. Renewals will be as above less the cost of livery @ £23.50 plus VAT.
32. Vehicles reaching six years of age, testing will be required every four months and no licence shall be issued for a period of more than four months, as proposed in Appendix F1.
33. It is appropriate to allow the proprietors of proposed vehicles to negotiate with the appointed garages any fee in undertaking the councils VSR, where that report is used only to establish whether or not the vehicle is suitable to progress to an application for a HC or PH licence.

#### ALTERNATIVE OPTIONS

34. The options are to approve the recommendations as presented in the report and approve as a condition of licensing the documents as given in Appendix B, C, D, E & F to alter or reject any part of the proposed documents as members see fit. The taxi trade have been consulted on the proposals and are generally supportive of the principles as to the way forward. However, an alternative detailed option has been put forward following representations from the taxi trade, Members are asked to consider their proposal which is at Appendix F2.

#### REASONS

35. The reasons for the recommendations are fully explained within the report.

#### IMPLICATIONS OF REPORT

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

Finance		Customer Services	4
Human Resources		Equality and Diversity	
Legal	4	No significant implications in this area	

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There are no background papers to this report.

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