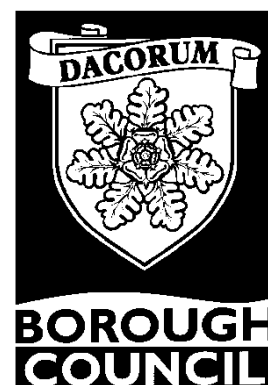


<b>Report for:</b>	<b>Licensing Health &amp; Safety and Enforcement Committee</b>
<b>Date of meeting:</b>	<b>1 March 2012</b>
<b>PART:</b>	<b>AGENDA ITEM: 6</b>
If Part II,	<b>SUMMARY</b>



<b>Title of report:</b>	<b>Types of vehicles to be licensed as Hackney Carriages</b>
<b>Contact:</b>	Kathryn Ashton, Environmental Health, Team Leader, Regulatory Services
<b>Purpose of report:</b>	To consider the categories of vehicles to be licensed as Hackney carriage vehicles and in particular the use of 'grandfather rights' for those licences obtained prior to 2004, known as 'Golden Plates'.
<b>Recommendations:</b>	That the Licensing and Health and Safety Enforcement Committee consider the recommendation within the report and agree for this to be subject to consultation with the licensed hackney carriage trade..
<b>Financial Implications</b>	n/a
<b>General Policies:</b>	Members of the Licensing Sub Committee act in a quasi-judicial capacity under delegated powers to determine licensing matters on behalf of the Council.
<b>Key Policies:</b>	All of the Council's key policies are relevant to its licensing function. Principal issues include: supporting the local economy; encouraging the provision of leisure facilities for people in Dacorum particularly where measures are taken to combat social exclusion, whilst at the same time minimising the impact (particularly crime disorder and noise) of licensable activities on the environment.

## 1.0 Background

- 1.1 Hackney Carriage and Private Hire vehicles have specific roles to play in an integrated transport system. They are able to provide services in situations where public transport is either not available, for example in rural areas, or for those with mobility difficulties.
- 1.2 The aim of licensing the Hackney Carriage and Private Hire vehicle trade is, primarily, to protect the public and to ensure that they have reasonable access to Hackney Carriage and Private Hire services because of the part they play in the provision of local transport. It is important that the Authority's Hackney Carriage and Private Hire Licensing powers are used to ensure that licensed vehicles in Dacorum are safe, comfortable, properly insured and available where and when required
- 1.3 The Council has the responsibility for licensing Hackney Carriage and Private Hire Vehicles and Drivers and Operators within the Borough of Dacorum. It has traditionally exercised these functions through a number of different policies and procedures that have been developed over a significant number of years. A comprehensive review of these Policies and Procedures is currently being undertaken alongside a review of operational procedures within the Licensing Section. The review of policies and procedures has regard to latest Government Guidance and best practice in terms of Hackney Carriage and Private Hire licensing.
- 1.4 In 2004 Dacorum Borough Council introduced a policy in respect of Hackney Carriage Vehicles which stated that all new vehicles licensed as Hackney Carriages shall be purpose built and fully wheelchair accessible. There was an exemption for those persons who already held a Hackney Carriage Vehicle Licence who would be entitled to 'grandfather rights'. This enabled those licence holders to continue to licence their saloon vehicle as a hackney carriage provided there was no lapse in the licence. The result of this is that there is a mixed fleet of saloon vehicles and wheelchair accessible vehicles
- 1.5 The 2004 policy in respect of the requirement for wheelchair accessible vehicles has recently been reviewed as evidence had been obtained, through Officer inspections, that some of the vehicles licensed as hackney carriages were in fact not suitable to carry wheelchair users safely. This was addressed by the decision made at the Committee meeting on 31 January 2012 with the following:

For all new licences granted in respect of Hackney Carriage Vehicles:

**A Hackney Carriage vehicle will only be granted in respect of a vehicle which must be safely accessible to a disabled person in their wheelchair and must be able to carry the person in safety and in reasonable comfort whilst remaining within their wheelchair. The vehicle must comply with British and European**

**vehicle regulations approved to the standard of M1 whole vehicle type approval, (ECWVA), and unaltered since the type approval.**

For those vehicles which are currently licensed and have been inspected that cannot demonstrate that they meet European Whole Vehicle Type Approval:

**The Vehicle must successfully pass an individual type approval test, (IVA), which must include testing of all fixings, mountings, ramps, straps and seatbelts which have been incorporated as part of the adaptation of the vehicle to carry wheelchair users. A successful IVA must be obtained by 31<sup>st</sup> July 2012 otherwise the Council will cease to licence the vehicle.**

For those vehicles that are currently licensed and have been inspected that have not been adapted appropriately and able to safely carry a wheelchair user:

**The vehicle will continue to be licensed for a minimum of 6 months or until the expiry of its licensing plate. After such time unless it can be demonstrated by the appropriate paperwork that the vehicle meets ECWVA or has the appropriate IVA which must include testing of all fixings, mountings, ramps, straps and seatbelts which have been incorporated as part of the adaptation of the vehicle to carry wheelchair users, then it will cease to be licensed. Until such time as it is demonstrated that the vehicle is compliant then it will not be licensed to carry wheelchair users.**

**That the policy in respect of seating arrangements requiring unimpeded access and egress without the need to tilt or fold a seat which has resulted in seating be removed and thus potentially invalidating the type approval, be amended so that no seats will be removed from MPV's or Hackney Carriage vehicles and vehicles will be licensed for the number of seats as per manufacture. However a rear handle must be installed for emergency egress from the vehicle to allow passengers in the rear row of seating to be able to exit safely.**

1.6 There still remains the issue of 'grandfather rights' for existing saloon hackney carriages and these have become known as 'Golden Plates'.

## **2.0 Grandfather rights and Golden Plates**

- 2.1 The issuing of grandfather rights from 2004 is considered to be fair and appropriate to ensure a mixed fleet continues which is a recommendation by the Department of Transport in order to meet the needs of all fare paying passengers.
- 2.2 However the way in which this has been operated within Dacorum has meant that these hackney carriage licences, (plates), have become extremely valuable and thus known as 'Golden Plates'. In some cases these plates have been sold to another party without a vehicle for large sums of money. The way in which they have been operated is summarised as follows:
- 2.2.1 Those persons who have continued to license their vehicle as a hackney carriage since 2004 and have continued to use their vehicle orupgraded to a new/newer saloon under the 'golden plate';
- 2.2.2 Those persons who have continued to license their vehicle as a hackney carriage and have transferred the vehicle and plate to a third party;
- 2.2.3 Those persons who have continued with the licence but do not have a saloon vehicle or are no longer a Hackney Carriage Driver, and have transferred the 'Golden Plate' a third party; and
- 2.2.4 Those persons who no longer have a saloon vehicle whether or not still driving as a Hackney or Private Hire Driver, although still continue keeping the licensed plate which is currently held with the Council.
- 2.3 The 'grandfather rights' agreed in 2004 should clearly apply to 2.2.1 and 2.2.2, however it is considered that such exemption may not have intended to cover 2.2.3 and 2.2.4.
- 2.4 Whilst it has already been stated that a mixed fleet of Hackney Carriages is appropriate, the use of the exemption to the policy within Dacorumhas resulted in a fleet of 244 saloon hackney carriages and 65 wheelchair accessible hackney carriages, of which it has recently been identified that at least 12 are unsuitable to safely carry wheelchair users.

### **3.0 Recommendations**

- 3.1 It is considered that the exemption to the amended policy for 'grandfather rights' in respect of continuing to licence a saloon vehicle as a hackney carriage should be clarified. It is recommended that the exemption should apply to those persons genuinely continuing to license their vehicle and use it for hire and reward purposes and also those persons who decide to transfer their plate and vehicle to a third party. This would include drivers who may have retired or cannot drive for some other reason, medical etc. It is not considered that the exemption should apply to the matters outlined in 2.2.3 and 2.2.4 above.

#### **4.0 Options available to the Committee**

- 4.1 To agree the recommendations in 3.1 above;
- 4.2 To agree the recommendations in 3.1 above with any necessary modifications; or
- 4.3 To make no changes to existing policy.

