



## AGENDA ITEM: 8

### SUMMARY

<b>Report for:</b>	<b>Licensing Health &amp; Safety Enforcement Committee</b>
<b>Date of meeting:</b>	<b>27 August 2013</b>
<b>PART:</b>	<b>1</b>
If Part II, reason:	

<b>Title of report:</b>	<b>Taxi and private hire vehicle licensing standards</b>
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To outline proposed changes to the vehicle types which will be accepted for licensing as hackney carriages or private hire vehicles within Dacorum
Recommendations	That officers be instructed to commence consultation on the proposals and report the results to a future meeting, as set out at para 4.1.
Corporate objectives:	<p>Safe and Clean Environment</p> <ul style="list-style-type: none"> <li>• Support the creation of a high quality, low carbon environment</li> <li>• Maintain a clean and safe environment</li> </ul>
Implications:	<p><u>Financial</u> The proposed changes may result in fewer applications for vehicle licences being made, however it is not possible to quantify this at the present time.</p> <p><u>Health And Safety</u> Newer vehicles will typically have higher safety standards and more safety equipment, thus proving safer for passengers, drivers and other road users.</p> <p><u>Value for Money / Risk / Equalities</u> No implications are expected to arise affecting these matters.</p>
Consultees:	Consultation with the taxi and private hire trades will be carried out if the recommendations of this report are adopted.

Background papers:	
Glossary of acronyms and any other abbreviations used in this report:	

## 1. BACKGROUND

- 1.1. The Council licences vehicles as hackney carriages under the Town Police Clauses Act 1847, and private hire vehicles under the Local Government (Miscellaneous Provisions) Act 1976. Both statutes permit the Council to set standards in respect of the suitability, type, size and design of vehicles which will be licensed, and it is open to the Council to refuse to licence any vehicle the suitability of which it is not satisfied of, or which is not in a suitable mechanical condition or safe or comfortable.
- 1.2. The Council has previously adopted a number of standards for the vehicles it will licence, which have been amended over time. Most recently, in 2012, a new standard was applied to hackney carriages requiring those vehicles to be of type M1 whole vehicle approval, and compliant with the relevant European standards. Other changes have been made in respect of prohibiting the issue of a new hackney carriage licence to anything other than a wheelchair accessible vehicle, the removal of a seat from multi-purpose vehicles so as to clear an access route to rear seats (later overturned), and exemptions in respect of stretch limousines.
- 1.3. Vehicle technology has continued to develop rapidly in recent years, with safety standards continuing to improve, engines delivering more power from smaller systems, and emissions levels dropping. However, the Council's specifications have not been reviewed in this time, and are now in danger of becoming outdated.
- 1.4. The Council's standards have become slightly muddled over time, with amendments being brought in piecemeal, and frequently applied only to one of the two categories of vehicle. It is now proposed to review the standards, applying common standards to both categories of vehicle, and updating the applicable standards. In particular, following a spate of recent requests for the licensing of older vehicles, it is proposed to introduce a maximum age limit on vehicles when first licensed.

## 2. PROPOSED CHANGES

- 2.1. The following proposals are being suggested at the basis of a review and consultation exercise. They are intended to a certain extent to provoke discussion, and as such any feedback received during consultation will be taken into account before a final proposal is brought back to the Committee.
- 2.2. The attached annexes contain proposed standards, applying to hackney carriages and private hire vehicles respectively, which if adopted would be applied by the Council prior to considering the issue of licences to vehicles. It is not enough that a vehicle can simply pass an MOT test – the Council must

be satisfied that the vehicle is suitable for its proposed use, in addition to being safe and comfortable for passengers.

2.3. The key changes being proposed include:

- The retention and consolidation of many existing policies into single documents, providing greater clarity as to the expectations on vehicle proprietors;
- The introduction of an age policy applying to vehicles on first licensing (i.e. not on subsequent renewal), requiring vehicles to be no older than 5 years for saloon/estate/MPV hackney carriages ('golden plates'), and 7 years for all other vehicles, taken from the date of first registration;
- The extension of the M1 type policy to private hire vehicles, for the first time;
- Clarification that vehicles converted and conforming to M1 standards under small scale or low volume type approvals will be accepted at the council's discretion;
- The formal introduction of a prohibition on 'dual plating' (i.e. a vehicle being licensed multiple times simultaneously – this has been refused previously on a case by case basis, but it is now sought to put this on a formal footing).

2.4. The age policy has been proposed to ensure that the vehicles being licensed by the Council benefit from the latest technologies and safety standards, as well as typically lower emissions levels than equivalent older vehicles. The issue has become particularly prevalent of late as a result of a number of older vehicles, particularly saloon vehicles on 'golden plates', being presented for licensing, in some cases being substituted for much newer vehicles, where a plate has recently changed hands. Such vehicles are bought cheaply (in some cases for a few hundred pounds), and tidied or repaired to a level where they will just be capable of passing the relevant tests. While it is not the intention to prevent new persons from entering the trade by virtue of a financial barrier to entry, it is reasonable to expect sufficient investment to be made in licensed vehicles to deliver a safe, comfortable and visually-satisfactory fleet within the borough. There are a number of proprietors who do invest significant sums of money in their vehicles, regularly bringing brand new vehicles to the fleet, and such a policy would support those proprietors in ensuring that they were not unreasonably undercut by poorer quality vehicles. The proposed age policy would not apply to the renewal of licences for existing licensed vehicles, only to new vehicles and to vehicles substituted to an existing licence.

2.5. Further options, which were considered but are not being proposed by officers at this time, would be for a maximum age limit on vehicles (after which their licences will not be renewed), or for vehicles which will reach a certain age within the period of a licence to be tested more frequently (e.g. for vehicles which will reach 12 years since first registration, to be required to undertake an MOT and compliance test on application and at 6 months after licensing, with the licence being suspended if the interim test is not attended or passed. A higher application fee, reflecting the additional test, would be charged for such vehicles). Officers did not feel that it was appropriate to introduce such requirements at this time – however, this matter will be kept under review and if issues arise with a proliferation of older vehicles, such measures may be proposed.

- 2.6. The M1 policy, first applied to hackney carriages in 2012 but omitted from private hire standards, ensures that only vehicles which have been designed and built for the safe carriage of no more than 9 persons (including driver) are being licensed. This policy ensures that vehicles which have been modified from other vehicle types (e.g. from larger passenger vehicles which have had seats removed, or from goods vehicles), and which may not satisfy the relevant European safety standards applying to M1 vehicles are not considered for licences. For this reason, it is proposed to extend this policy to cover private hire vehicles. An amendment to the policy also deals with vehicles which have been converted in accordance with approved specifications, and have been certified as conforming to the relevant type and safety standards – a significant number of purpose-built taxis and wheelchair-carrying vehicles are now manufactured and approved in this way, and would currently fall outside of the policy.
- 2.7. The Council is of course free to depart from any standards it has set when considering a particular vehicle, if the merits of the particular case in question warrant doing so. However, it is envisaged that this power will only be used in exceptional circumstances, and by no means will it be a regular occurrence – the standards should be set at a suitable level that will prove appropriate in the vast majority of cases. This power has previously been delegated to senior officers, subject to a right of appeal against a refusal to grant an exemption to the Committee.
- 2.8. This report contains proposals on the standard of vehicle that will be licensed, and does not refer to the conditions that may be applied to the vehicle's licences, nor does it stipulate compliance standards against which vehicles are tested. It is intended to review and report on these conditions and compliance standards, with suggested amendments, later this year.
- 2.9. This report also omits the specifications expected of stretch limousines and other novelty vehicles (e.g. decommissioned fire engines / ambulances / military vehicles, converted ice cream vans, etc, which are used to carry passengers), a number of which have been licensed as private hire vehicles. Again, it is intended to conduct a review of these specifications following a report later this year. Other types of vehicles which may also be licensed, such as horse-drawn carriages or non-motorised vehicles, will also be considered outside of these standards.

### **3. ATTACHED DOCUMENTS**

- 3.1. The following documents are attached to this report:

**Annex A** – proposed standards for hackney carriages  
**Annex B** – proposed standards for private hire vehicles

### **4. RECOMMENDATIONS**

- 4.1. That Committee instruct officers to commence consultation on changes to the Council's standards required for the licensing of hackney carriages and private hire vehicles, as set out in the attached annexes.
- 4.2. That the results of consultation shall be reported to a future meeting of the Committee for consideration prior to a decision as to whether to proceed.

## **ANNEX A**

### **Proposed requirements for hackney carriages**

#### **Vehicle specification**

1. The vehicle must be suitable in type, size and design for its proposed use, and must satisfy the following requirements:
  - a. The vehicle must be a vehicle with four road wheels, which is authorised for use on public roads in Great Britain;
  - b. The vehicle must be right-hand drive;
  - c. The vehicle must be in a suitable mechanical condition, free of rust and dents, safe and comfortable;
  - d. The vehicle must have sufficient seating capacity to carry not less than four and not more than eight passengers in addition to the driver. (The seating capacity is determined on the assumption that allowance is made for a rear seating width of approximately 16" per passenger measured laterally along the widest part of the seat and where arm rests are positioned over such seats the measurement shall be taken between arm rests).
  
2. The vehicle must:
  - a. Be a saloon, estate, hatchback or multi-purpose vehicle with:
    - i. at least four doors capable of being opened outwards from the near and offside of the vehicle to an angle of at least 60 degrees, or slide open to their fullest extent;
    - ii. an engine capacity of not less than 1400cc;
    - iii. all seats facing forwards or rearwards, and each fitted with an inertia seat belt per passenger, except continuous rear seats where centre belt may be lap type; and
    - iv. a suitable space separated from the passenger compartment for the safe carriage of luggage; or
  - b. Be a 'London' type taxi; a purpose-built taxi or a similar large passenger carrying vehicle (with seating for no more than eight passengers), with:
    - i. at least four doors, either hinged or sliding, and a rear tail-gate that must be capable of opening to their full extent. There must be at least one door on either side of the vehicle for passenger loading;
    - ii. an engine capacity of not less than 1800cc;
    - iii. all seats facing forwards or rearwards, and each fitted with a seat belt restraint per passenger per seat; and
    - iv. a vehicle capable of carrying passengers in wheelchairs must be equipped to safely load and restrain every wheelchair and its occupant securely. The wheelchair may face either forwards or rearwards. The vehicle must have a ramp or lift to load the wheelchair from the near side or rear.

#### **Type approval**

3. All vehicles must comply with British and European vehicle regulations, and be approved to the standard of type M1 European Whole Vehicle Type Approval

(EWWTA), and materially unaltered from the type approval specification. A certificate of conformity bearing the vehicle's unique identification number which relates to an M1 whole vehicle type approval may be required. This requirement is subject to the following provisions:

- a. The Council may, at its discretion, accept vehicles converted and certified as conforming to a Small Series or Low Volume Type Approval in place of the above requirement, providing no further modifications have been made to the vehicle since conversion. A certificate of conformity, bearing the vehicle's unique identification number, will be required as evidence of the satisfactory conversion.
- b. Proprietors of vehicles which have been modified from an original type approval specification must additionally provide proof of type conformity by way of successful completion of a voluntary Individual Vehicle Approval (IVA) test to M1 standards at a Vehicle and Operator Services Agency (VOSA) testing station, following completion of the modification and with any additional equipment (e.g. wheelchair access/restraints) in place. In such cases, the original vehicle, prior to modification, must be of M1 EWWTA Approval.
- c. Vehicles converted from other base vehicle types (e.g. M2 or N1) will not be accepted for licensing, unless converted and certified in accordance with sub-paragraph a.

#### **Roadworthiness inspection and compliance test**

4. The vehicle must attend the Council's authorised testing station and undergo a roadworthiness inspection ('MOT test'), and a compliance test against the relevant specifications set by the Council. The vehicle must satisfactorily complete both elements of the test before it may be considered for licensing.

#### **Egress from rear seating**

5. Multi-purpose vehicles (MPV's) which feature rear seating without direct unimpeded access to a door (i.e. if it is necessary to tilt or fold a seat in the middle row to gain access to a door adjacent to the middle row of seats) must feature a device enabling the rear door of the vehicle to be opened from the inside of the vehicle, permitting emergency egress from the rear seats. Under no circumstances shall a seat installed by a manufacturer be removed from the vehicle, unless replaced by a seat of identical construction and safety standards.

#### **Maximum age on first licensing**

6. When first presented for licensing (i.e. on application for a new plate, or for substitution of the vehicle to an existing plate), vehicles shall be no older than the following (in each case, calculated from the date of first registration, as shown on the V5C registration certificate):
  - a. Where the vehicle is wheelchair accessible, **7 years**;
  - b. Where the vehicle is not wheelchair accessible, **5 years**.

#### **Dual plating**

7. A vehicle will not be licensed as a hackney carriage if it is already licensed as a hackney carriage or as a private hire vehicle, by Dacorum or by any other

authority. Evidence of the surrender of any applicable licence will be required prior to the issue of a licence.

### **Wheelchair accessibility**

8. A hackney carriage vehicle licence will only be granted in respect of a vehicle which is 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.

(Note: The above requirement will not apply to the licence renewal or to the substitution of a vehicle to an existing licence, where a licence for a non-accessible vehicle was held prior to 1 April 2004, providing that the licence has been maintained continuously since then without revocation or lapse, and at no point since that time has an accessible vehicle been substituted to the licence).

*N.B. Alternate standards will be applied to horse-drawn or other non-motorised vehicles, presented for licensing.*

## **ANNEX B**

### **Proposed requirements for private hire vehicles**

#### **Vehicle specification**

1. The vehicle must be suitable in type, size and design for its proposed use, and must satisfy the following requirements:
  - a. The vehicle must be a vehicle with four road wheels, which is authorised for use on public roads in Great Britain;
  - b. The vehicle must be right-hand drive;
  - c. The vehicle must be in a suitable mechanical condition, free of rust and dents, safe and comfortable;
  - d. The vehicle must have sufficient seating capacity to carry not less than four and not more than eight passengers in addition to the driver. (The seating capacity is determined on the assumption that allowance is made for a rear seating width of approximately 16" per passenger measured laterally along the widest part of the seat and where arm rests are positioned over such seats the measurement shall be taken between arm rests).
  
2. The vehicle must:
  - a. Be a saloon, estate, hatchback or multi-purpose vehicle with:
    - i. at least four doors capable of being opened outwards from the near and offside of the vehicle to an angle of at least 60 degrees, or slide open to their fullest extent;
    - ii. an engine capacity of not less than 1400cc;
    - iii. all seats facing forwards or rearwards, and each fitted with an inertia seat belt per passenger, except continuous rear seats where centre belt may be lap type; and
    - iv. a suitable space separated from the passenger compartment for the safe carriage of luggage; or
  - b. Be a large passenger carrying vehicle (with seating for no more than eight passengers), with:
    - i. at least four doors, either hinged or sliding, and a rear tail-gate that must be capable of opening to their full extent. There must be at least one door on either side of the vehicle for passenger loading;
    - ii. an engine capacity of not less than 1800cc;
    - iii. all seats facing forwards or rearwards, and each fitted with a seat belt restraint per passenger per seat; and
    - iv. a vehicle capable of carrying passengers in wheelchairs must be equipped to safely load and restrain every wheelchair and its occupant securely. The wheelchair may face either forwards or backwards. The vehicle must have a ramp or lift to load the wheelchair from the near side or rear.
  
3. The vehicle must not resemble a 'London' type or purpose-built taxi or be of such design to lead any person to believe the vehicle is a taxi.



### **Type approval**

4. All vehicles must comply with British and European vehicle regulations, and be approved to the standard of type M1 European Whole Vehicle Type Approval (EWVTA), and materially unaltered from the type approval specification. A certificate of conformity bearing the vehicle's unique identification number which relates to an M1 whole vehicle type approval may be required. This requirement is subject to the following provisions:
  - a. The Council may, at its discretion, accept vehicles converted and certified as conforming to a Small Series or Low Volume Type Approval in place of the above requirement, providing no further modifications have been made to the vehicle since conversion. A certificate of conformity, bearing the vehicle's unique identification number, will be required as evidence of the satisfactory conversion.
  - b. Proprietors of vehicles which have been modified from an original type approval specification must additionally provide proof of type conformity by way of successful completion of a voluntary Individual Vehicle Approval (IVA) test to M1 standards at a Vehicle and Operator Services Agency (VOSA) testing station, following completion of the modification and with any additional equipment (e.g. wheelchair access/restraints) in place. In such cases, the original vehicle, prior to modification, must be of M1 EWVTA Approval.
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### **Maximum age on first licensing**

7. When first presented for licensing (i.e. on application for a new plate, or for substitution of the vehicle to an existing plate), vehicles shall be no older than **7 years** (calculated from the date of first registration, as shown on the V5C registration certificate).

### **Dual plating**

8. A vehicle will not be licensed as a private hire vehicle if it is already licensed as a hackney carriage or as a private hire vehicle, by Dacorum or by any other

authority. Evidence of the surrender of any applicable licence will be required prior to the issue of a licence.

*N.B. Alternate standards will be applied to stretched limousines and novelty vehicles, presented for licensing.*