

**LICENSING COMMITTEE  
Tuesday, 21 March 2017 at 7.30 pm  
Council Chamber - Civic Centre**

**AGENDA**

1. Apologies for Absence

2. Declarations of Interest

Councillors' declarations of interest (if any) in relation to any matters on the agenda.

3. Minutes (Pages 2 - 4)

To agree the minutes of the meeting held on 24 January 2017.

4. Matters Arising

5. Written Questions and Petitions

6. Committee Work Plan (Page 5)

7. Disability Awareness Training (Pages 6 - 20)

8. Licensed Vehicle Standards (Pages 21 - 122)

9. References from Other Committees

Any references arising from meetings held after the publication of this agenda will be circulated separately.

10. Matters of Urgent Business

Such other business which, in the opinion of the Chairman, should be considered as a matter of urgency by reason of special circumstances to be specified in the minutes.

**MINUTES OF THE LICENSING COMMITTEE  
HELD ON**

24 January 2017

7.30pm - 7.55pm

**PRESENT**

**Committee Members**

Councillor Maggie Hulcoop (Chairman)  
Councillor John Strachan (Vice-Chair)  
Councillor Ian Beckett  
Councillor Karen Clempner  
Councillor Lanie Shears

**Officers**

Michael Pitt, Environment and Licensing Manager  
Dimple Roopchand, Assistant Solicitor  
David Taylor, Principal Environmental Health Officer  
Jo Maskell, Governance Support Officer

**APOLOGIES**

Councillor Bill Pryor  
Councillor Edna Stevens

**30. DECLARATIONS OF INTEREST**

None.

**31. MINUTES**

**RESOLVED** that the Minutes of the meeting held on 22 November 2016 are agreed as a correct record and signed by the Chairman, subject to the inclusion of Councillor Edna Stevens in the list of Councillors present.

**32. MATTERS ARISING**

None.

**33. WRITTEN QUESTIONS AND PETITIONS**

- a) Written Question from Tony Foley: Licensed Drivers Medical Providers

“Would the Chairman of the Committee please advise me what progress has been made by the Licensing Team, further to meetings with trade

representatives, with regard to widening the choice of source for Group 2 medical examinations for applicants?”

The reply from the Chairman of this Committee was as follows:

“The Licensing Team has accepted the principle of widening choice and actively considered potential alternative providers nominated by trade representatives.

Unfortunately, of the two alternative providers initially identified by trade representatives, one was found (on enquiry) to be considerably more expensive for drivers than the current provider; and the second advised that they were unable to undertake additional work due to lack of capacity.

The Licensing Team met with trade representatives in November 2016 to discuss current licensing issues and this question was discussed again. A further provider was identified and the Licensing Team agreed to follow this up and to consider any further suitable suppliers identified in future.

The Licensing Team has brought forward a report later on the agenda of this meeting recommending an approach whereby drivers would be able to use any qualified provider.”

- b) Any Other Written Questions or Petitions

None.

#### **34. COMMITTEE WORK PLAN**

The Committee received its Work Plan for the remainder of the municipal year.

**RESOLVED** that

- (a) the Committee’s Work Plan is noted;
- (b) the report ‘Disability Awareness Training’ be allocated to the March meeting of this Committee;
- (c) a review of the Taxi and PHV Licensing Criminal Convictions Policy be included in the Work Plan.

#### **35. HACKNEY CARRIAGE AND PRIVATE HIRE: MEDICAL FITNESS TO DRIVE**

The Committee received a report on requirements for medical assessments to be provided by Hackney Carriage and private hire drivers; and options for them to obtain such assessments from medical providers.

It was agreed that option 2, whereby drivers could obtain their assessment from any qualified provider, would be the preferred way forward as it offered greater flexibility and fewer disadvantages for both the applicants and the Council.

**RECOMMENDED to COUNCIL** that

- (a) the proposals set out in paragraphs 11 to 15 of the report be approved;
- (b) Option 2, as set out in paragraph 8 of the report, be approved.

36. **STATEMENT OF GAMBLING ACT POLICY - OUTCOME OF CONSULTATION**

In line with guidance from the Gambling Commission and following consultation with stakeholders, the Committee received a report proposing that the Council produced a 'Local Area Profile' (LAP). The LAP would help gambling operators fulfil their statutory requirement to produce risk assessments.

It was noted that, if the LAP were to be attached as an appendix to the Gambling Licensing Policy Statement, it could be updated as required (without invoking the statutory consultation process needed to amend the Policy Statement).

**RECOMMENDED** that a report proposing a Local Area Profile, to be appended to the Statement of Gambling Act Policy, be submitted to a future meeting of this Committee.

37. **REFERENCES FROM OTHER COMMITTEES**

None.

38. **MATTERS OF URGENT BUSINESS**

None.

CHAIRMAN OF THE COMMITTEE

**LICENSING COMMITTEE WORK PLAN 2016/17**

<b>Unallocated Items</b>	
○ Update the Street Trading Licensing Policy to Take Account of Revised Legislation <i>(Awaiting changes to the legislation)</i>	Michael Pitt
○ Review of Taxi and PHV Criminal Convictions Policy (34,24/1/17)	Michael Pitt
○ Local Area Profile - to be appended to Statement of Gambling Act Policy (36,24/1/17)	Michael Pitt
○ Review of Driver Standards Testing Arrangements (due November 2017 - 27,22/11/16)	Michael Pitt
<b>Standing Items</b>	
○ Licensing Sub-Committee Decisions <i>(Annual report to first meeting in the municipal year 6,9/7/13)</i>	Michael Pitt

**REPORT TO:** LICENSING COMMITTEE  
**DATE:** 21 MARCH 2017  
**TITLE:** DISABILITY AWARENESS TRAINING  
**LEAD OFFICER:** MICHAEL PITT, ENVIRONMENT AND LICENSING MANAGER (01279) 446114  
**CONTRIBUTING OFFICER:** DAVID TAYLOR, PRINCIPAL EHO (LICENSING) (01279) 446164

**RECOMMENDED that:**

- A the Licensing Committee note the proposed arrangements made to offer disability awareness training to new and existing drivers.

**BACKGROUND**

- 1 Harlow Council licenses private hire and Hackney Carriage drivers through a licensing system established by statute. The system allows the licensing authority to attach conditions to driver licences.
- 2 Members of the Licensing Committee will be aware that disability awareness training for taxi and private hire drivers was agreed by the Licensing Committee in March 2016.
- 3 The Licensing Team arranged a tendering exercise for disability awareness training and received 4 completed tenders. The successful tenderer will now be invited to begin the training program to groups of 30 drivers.
- 4 The start of the training will coincide with the commencement of sections 165 and 167 of the Equality Act 2010, for which detailed guidance has been issued by the Department of Transport. The guidance entitled “Access for Wheelchair Users to Taxi and Private Hire Vehicles” is available at Appendix A.

**PROPOSALS**

5. The Licensing Team shall commence disability awareness training during late spring/early summer 2017.

**IMPLICATIONS**

**Place (includes Sustainability)**

As contained within the report.

Author: Graeme Bloomer, Head of Place

### **Finance (Includes ICT)**

None specific.

Author: **Simon Freeman, Head of Finance**

### **Housing**

None specific.

Author: **Andrew Murray, Head of Housing**

### **Community Wellbeing (includes Equalities and Social Inclusion)**

Increased awareness of issues around Child Sexual Exploitation in the licensed taxi trade will make a valuable contribution to Community Wellbeing.

Increased awareness of issues and responsibilities around the needs of disabled service users of the licensed taxi and private hire trades will make a valuable contribution to Community Wellbeing. The Disability Awareness Training will be aiming to address some of the difficulties that are encountered by disabled people, to ensure that people with disabilities have the same opportunities as everyone else to access taxi and private hire services.

Author: **Maureen Pearman, Community, Leisure & Cultural Services**

**Manager, on behalf of Jane Greer, Head of Community Wellbeing**

### **Governance (includes HR)**

By offering disability awareness training to all drivers, the Council will be acting proportionately to exercise compliance with the statutory guidance recently issued. Drivers will need to be aware of the implementation of statutory provisions from April 2017 which intend to assist passengers in wheelchairs within use of designated Hackney Carriage or Private Hire Vehicles licenced by the Council.

Author: **Dimple Roopchand, Assistant Solicitor, on behalf of Brian Keane, Head of Governance**

**Background Papers:** Department of Transport Taxi and Private Hire Licensing: Best Practice Guide March 2010

<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>



Department  
for Transport

# Access for wheelchair users to Taxis and Private Hire Vehicles

## Statutory Guidance

**Moving Britain Ahead**

The Department for Transport has actively considered the needs of blind and partially sighted people in accessing this document. The text will be made available in full on the Department's website. The text may be freely downloaded and translated by individuals or organisations for conversion into other accessible formats. If you have other needs in this regard please contact the Department.

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# Ministerial Foreword



This Government is committed to ensuring that transport works for everyone, including disabled people. Since joining the Department for Transport in 2015, and taking on Ministerial responsibility for transport accessibility, I have made it my mission to challenge the status quo and encourage innovative thinking to improve access to transport across the modes.

I know however, that despite the real improvements which have taken place in recent years, some disabled passengers still face discrimination when attempting to travel. I am clear that this is unacceptable.

Owners of assistance dogs are already protected by provisions in the Equality Act 2010 which make it unlawful to refuse or charge them extra. I want similar protections to apply to wheelchair users, which is why I am delighted that we have commenced the remaining parts of sections 165 and 167 of the Equality Act 2010, making it a criminal offence for drivers of designated taxi and private hire vehicles to refuse to carry passengers in wheelchairs, to fail to provide them with appropriate assistance, or to charge them extra. I hope that in so doing we will send a clear signal to the minority of drivers who think it acceptable to discriminate on grounds of disability that such behaviour will not be tolerated – and, more importantly, to enable wheelchair users to travel with confidence.

A handwritten signature in blue ink that reads "Andrew Jones".

**Andrew Jones MP,  
Parliamentary Under Secretary of State, Department for Transport**

# 1. Introduction

## Status of guidance

- 1.1 This guidance document has been issued in order to assist local licensing authorities (LAs) in the implementation of legal provisions intended to assist passengers in wheelchairs in their use of designated taxi and private hire vehicle (PHV) services. It provides advice on designating vehicles as being wheelchair accessible so that the new protections can apply, communicating with drivers regarding their new responsibilities and handling requests from drivers for exemptions from the requirements.
- 1.2 This is a statutory guidance document, issued under section 167(6) of the Equality Act 2010 and constitutes the Secretary of State's formal guidance to LAs in England, Wales and Scotland on the application of sections 165 to 167 of the Equality Act 2010. LAs must have regard to this guidance document.

## 2. Putting the law into practice

### Background

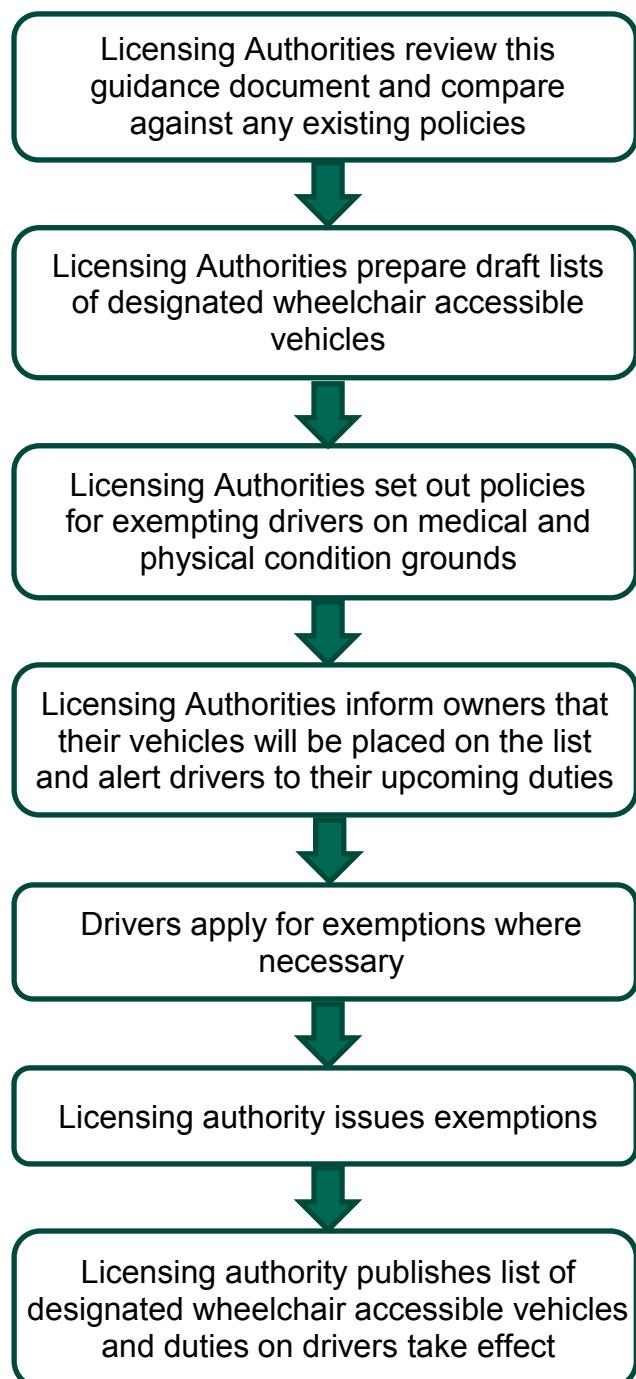
- 2.1 We have commenced sections 165 and 167 of the [Equality Act 2010](#) (“the Act”), in so far as they were not already in force. Section 167 of the Act provides LAs with the powers to make lists of wheelchair accessible vehicles (i.e. “designated vehicles”), and section 165 of the Act then requires the drivers of those vehicles to carry passengers in wheelchairs, provide assistance to those passengers and prohibits them from charging extra.
- 2.2 The requirements of section 165 do not apply to drivers who have a valid exemption certificate and are displaying a valid exemption notice in the prescribed manner. An exemption certificate can be issued under section 166 of the Act, which is already in force. This allows LAs to exempt drivers from the duties under section 165 where it is appropriate to do so, on medical grounds or because the driver’s physical condition makes it impossible or unreasonably difficult for them to comply with those duties.
- 2.3 On 15<sup>th</sup> September 2010, the Department for Transport issued guidance on the Act which stated, in relation to section 167, *“although the list of designated vehicles will have no actual effect in law until the duties are commenced, we would urge licensing authorities to start maintaining a list as soon as possible for the purpose of liaising with the trade and issuing exemption certificates”*.
- 2.4 We therefore recognise that many LAs have already implemented some of these provisions, including publishing lists of wheelchair accessible vehicles and exempting drivers. Therefore, there are likely to be a range of approaches being used in practice by LAs across England, Wales and Scotland.

### Transitionary arrangements

- 2.5 We want to ensure that the commencement of sections 165 and 167 of the Act has a positive impact for passengers in wheelchairs, ensures they are better informed about the accessibility of designated taxis and PHVs in their area, and confident of receiving the assistance they need to travel safely.
- 2.6 But we recognise that LAs will need time to put in place the necessary procedures to exempt drivers with certain medical conditions from providing assistance where there is good reason to do so, and to make drivers aware of these new requirements. In addition, LAs will need to ensure that their new procedures comply with this guidance, and that exemption notices are issued in accordance with Government regulations. This will ensure that we get a consistent approach and the best outcomes for passengers in wheelchairs.
- 2.7 As such, we would encourage LAs to put in place sensible and manageable transition procedures to ensure smooth and effective implementation of this new law. LAs should only publish lists of wheelchair accessible vehicles for the purposes of

section 165 of the Act when they are confident that those procedures have been put in place, drivers and owners notified of the new requirements and given time to apply for exemptions where appropriate. We would expect these arrangements to take no more than a maximum of six months to put in place, following the commencement of these provisions, but this will of course be dependent on individual circumstances.

- 2.8 A flowchart setting out the sorts of processes that a LA could follow is set out below. This is an indicative illustration, and it will be down to each LA to determine the actions they need to take to ensure this new law is implemented effectively in their area.



# 3. Vehicles

## Overview

- 3.1 Section 167 of the Act permits, but does not require, LAs to maintain a designated list of wheelchair accessible taxis and PHVs.
- 3.2 Whilst LAs are under no specific legal obligation to maintain a list under section 167, the Government recommends strongly that they do so. Without such a list the requirements of section 165 of the Act do not apply, and drivers may continue to refuse the carriage of wheelchair users, fail to provide them with assistance, or to charge them extra.

## Vehicles that can be designated

- 3.3 We want to ensure that passengers in wheelchairs are better informed about the accessibility of the taxi and PHV fleet in their area, confident of receiving the assistance they need to travel safely, and not charged more than a non-wheelchair user for the same journey.
- 3.4 The Act states that a vehicle can be included on a licensing authority's list of designated vehicles if it conforms to such accessibility requirements as the licensing authority thinks fit. However, it also goes on to explain that vehicles placed on the designated list should be able to carry passengers in their wheelchairs should they prefer.
- 3.5 This means that to be placed on a licensing authority's list a vehicle must be capable of carrying some – but not necessarily all – types of occupied wheelchairs. The Government therefore recommends that a vehicle should only be included in the authority's list if it would be possible for the user of a “reference wheelchair”<sup>1</sup> to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.
- 3.6 Taking this approach allows the provisions of section 165 of the Act apply to a wider range of vehicles and more drivers than if LAs only included on the list vehicles capable of taking a larger type of wheelchair.
- 3.7 The Government recognises that this approach will mean that some types of wheelchair, particularly some powered wheelchairs, may be unable to access some of the vehicles included in the LA's list. The Act recognises this possibility, and section 165(9) provides a defence for the driver if it would not have been possible for the wheelchair to be carried safely in the vehicle. Paragraph 3.10 of this guidance below aims to ensure that users of larger wheelchairs have sufficient information about the vehicles that will be available to them to make informed choices about their journeys.

<sup>1</sup> As defined in Schedule 1 of the [Public Service Vehicle Accessibility Regulations 2000](#)

## Preparing and publishing lists of designated vehicles

- 3.8 We want to ensure that passengers in wheelchairs have the information they need to make informed travel choices, and also that drivers and vehicle owners are clear about the duties and responsibilities placed on them.
- 3.9 Before drivers can be subject to the duties under section 165 of the Act, the LA must first publish their list of designated vehicles, and clearly mark it as ‘designated for the purposes of section 165 of the Act’.
- 3.10 LAs should ensure that their designated lists are made easily available to passengers, and that vehicle owners and drivers are made aware. Lists should set out the details of the make and model of the vehicle, together with specifying whether the vehicle is a taxi or private hire vehicle, and stating the name of operator. Where possible it would also be helpful to include information about the size and weight of wheelchair that can be accommodated, and whether wheelchairs that are larger than a “reference wheelchair” can be accommodated.
- 3.11 However, we recognise that some passengers in wheelchairs may prefer to transfer from their wheelchair into the vehicle and stow their wheelchair in the boot. Although the legal requirement for drivers to provide assistance does not extend to the drivers of vehicles that cannot accommodate a passenger seated in their wheelchair, we want to ensure that these passengers are provided with as much information as possible about the accessibility of the taxi and PHV fleet in their area.
- 3.12 We would therefore recommend that LAs also publish a list of vehicles that are accessible to passengers in wheelchairs who are able to transfer from their wheelchair into a seat within the vehicle. It should be made clear however that this list of vehicles has not been published for the purposes of section 165 of the Act and drivers of those vehicles are therefore not subject to the legal duties to provide assistance. Authorities may however wish to use existing licensing powers to require such drivers to provide assistance, and impose licensing sanctions where this does not occur.

## Appeals

- 3.13 Section 172 of the Act enables vehicle owners to appeal against the decision of a LA to include their vehicles on the designated list. That appeal should be made to the Magistrate’s Court, or in Scotland the sheriff, and must be made within 28 days of the vehicle in question being included on the LA’s published list.

# 4. Drivers

## Driver responsibilities

- 4.1 Section 165 of the Act sets out the duties placed on drivers of designated wheelchair accessible taxis and PHVs.
- 4.2 The duties are:
  - to carry the passenger while in the wheelchair;
  - not to make any additional charge for doing so;
  - if the passenger chooses to sit in a passenger seat to carry the wheelchair;
  - to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
  - to give the passenger such mobility assistance as is reasonably required.
- 4.3 The Act then goes on to define mobility assistance as assistance:
  - To enable the passenger to get into or out of the vehicle;
  - If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
  - To load the passenger's luggage into or out of the vehicle;
  - If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.
- 4.4 Once the duties are commenced, it will be an offence for the driver (unless exempt) of a taxi or PHV which is on the licensing authority's designated list to fail to comply with them. We encourage LAs to provide drivers of taxis and PHVs who are not exempt from the duties with clear guidance on their duties with respect to the carriage of passengers in wheelchairs, either as part of existing driver-facing guidance, or as supplementary communication. The Disabled Persons Transport Advisory Committee's Disability Equality and Awareness Training Framework for Transport Staff<sup>2</sup> may provide a useful resource.
- 4.5 Although each situation will be different, we take the view that reasonable mobility assistance will be subject to other applicable law, including health and safety legislation. However, we would always expect drivers to provide assistance such as folding manual wheelchairs and placing them in the luggage compartment, installing the boarding ramp, or securing a wheelchair within the passenger compartment.
- 4.6 Depending on the weight of the wheelchair and the capability of the driver, reasonable mobility assistance could also include pushing a manual wheelchair or

<sup>2</sup>

<http://webarchive.nationalarchives.gov.uk/20080804135759/http://www.dptac.gov.uk/education/stafftraining/pdf/trainingframework-nontabular.pdf>

light electric wheelchair up a ramp, or stowing a light electric wheelchair in the luggage compartment.

- 4.7 It is our view that the requirement not to charge a wheelchair user extra means that, in practice, a meter should not be left running whilst the driver performs duties required by the Act, or the passenger enters, leaves or secures their wheelchair within the passenger compartment. We recommend that licensing authority rules for drivers are updated to make clear when a meter can and cannot be left running.

## Applying for and issuing exemptions

- 4.8 Some drivers may have a medical condition or a disability or physical condition which makes it impossible or unreasonably difficult for them to provide the sort of physical assistance which these duties require. That is why the Act allows LAs to grant exemptions from the duties to individual drivers. These provisions are contained in section 166, and were commenced on 1<sup>st</sup> October 2010.
- 4.9 Section 166 allows LAs to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical or physical grounds. The exemption can be valid for as short or long a time period as the LA thinks appropriate, bearing in mind the nature of the medical issue. If exempt, the driver will not be required to perform any of the duties. Since October 2010, taxi and PHV drivers who drive wheelchair accessible taxis or PHVs have therefore been able to apply for exemptions. If they do not do so already, LAs should put in place a system for assessing drivers and a system for granting exemption certificates for those drivers who they consider should be exempt.
- 4.10 We suggest that authorities produce application forms which can be submitted by applicants along with evidence supporting their claim. We understand that some licensing authorities have already put in place procedures for assessing and exempting drivers, and as an absolute minimum, we think that the evidence provided should be in the form of a letter or report from a general practitioner.
- 4.11 However, the Government's view is that decisions on exemptions will be fairer and more objective if medical assessments are undertaken by professionals who have been specifically trained and who are independent of the applicant. We would recommend that independent medical assessors are used where a long-term exemption is to be issued, and that LAs use assessors who hold appropriate professional qualifications and who are not open to bias because of a personal or commercial connection to the applicant. LAs may already have arrangements with such assessors, for example in relation to the Blue Badge Scheme.
- 4.12 If the exemption application is successful then the LA should issue an exemption certificate and provide an exemption notice for the driver to display in their vehicle. As section 166 has been in force since 2010, many LAs will already have processes in place for issuing exemption certificates, and as such we do not intend to prescribe the form that those certificates should take. We are however keen to ensure that passengers in wheelchairs are able to clearly discern whether or not a driver has been exempted from the duties to provide assistance, and as such will prescribe the form of and manner of exhibiting a notice of exemption.
- 4.13 If the exemption application is unsuccessful we recommend that the applicant is informed in writing within a reasonable timescale and with a clear explanation of the reasons for the decision.

## Demonstrating exemptions

- 4.14 In addition to the exemption certificate, exempt drivers need to be issued with a notice of exemption for display in their vehicle.
- 4.15 The Department will soon make regulations which will prescribe the form of and manner of exhibiting a notice of exemption. Where a driver has been exempted from the duties under section 165 of the Act, they must display an exemption notice in the vehicle they are driving in the form and manner prescribed by the regulations. If the notice is not displayed then the driver could be prosecuted if they do not comply with the duties under section 165 of the Act.
- 4.16 The Department aims to distribute copies of the notice of exemption to LAs, but they are of course free to produce their own in accordance with the regulations.
- 4.17 Only one exemption notice should be displayed in a vehicle at any one time.

## Appeals

- 4.18 Section 172 of the Act enables drivers to appeal against the decision of a LA not to issue an exemption certificate. That appeal should be made to the Magistrate's Court, or a sheriff in Scotland, and must be made within 28 days beginning with the date of the refusal.
- 4.19 LAs may choose to establish their own appeal process in addition to the statutory process but this would need to be undertaken rapidly in order to allow any formal appeal to the Magistrate's Court to be made within the 28 day period.

# 5. Enforcement

## Licensing measures and prosecution

- 5.1 It is important to note that a driver will be subject to the duties set out in section 165 of the Equality Act 2010 if the vehicle they are driving appears on the designated list of the LA that licensed them, and the LA has not provided them with an exemption certificate, regardless of where the journey starts or ends.
- 5.2 The Government expects LAs to take tough action where drivers breach their duties under section 165 of the Act.
- 5.3 LAs have wide-ranging powers to determine the rules by which taxis and private hire vehicles within their respective areas may operate. We recommend that they use these powers to ensure that drivers who discriminate against disabled passengers are held accountable.
- 5.4 If a driver receives a conviction for breaching their duties under section 165 of the Act, it would be appropriate for the authority to review whether or not they remained a fit and proper person to hold a taxi or PHV drivers' licence. The Government's presumption is that a driver who wilfully failed to comply with section 165 would be unlikely to remain a "fit and proper person".
- 5.5 Authorities might also apply conditions which enable them to investigate cases of alleged discrimination and take appropriate action, even where prosecution did not proceed.

**REPORT TO:** LICENSING COMMITTEE  
**DATE:** 21 MARCH 2017  
**TITLE:** LICENSED VEHICLE STANDARDS  
**LEAD OFFICER:** MICHAEL PITT, ENVIRONMENT AND  
LICENSING MANAGER (01279) 446114  
**CONTRIBUTING OFFICER:** DAVID TAYLOR, PRINCIPAL EHO  
(LICENSING) (01279) 446164

**RECOMMENDED that:**

- A the Licensing Committee consider the responses to the consultation and recommend to Full Council the changes to Private Hire and Hackney Carriage licensed vehicle conditions as set out in Appendix 3 to the report.

**BACKGROUND**

- 1 Harlow Council licenses private hire vehicles and Hackney Carriages through a licensing system established by statute. Sections 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976 provide for vehicle licensing conditions designed to ensure that Hackney Carriage and private hire vehicles are presentable, safe and maintained to an acceptable standard.
- 2 Licensing Committee, at its meeting of 22 November 2016, approved consultation of stakeholders on potential changes to the Council's current Licensed Vehicle Licensing conditions. A seven week on-line public consultation on the proposals closed on 5 March 2017. There were 56 individual responses. Of these eight people had completed the survey twice and two had completed the survey three times. The consultation results may be found at Appendix 1 and 2. Further detailed responses received by email may be found at Appendix 4, 5 and 6.
- 3 Appendices 4 and 5 show responses received from elected officials of the Harlow Private Hire Association. These responses do not purport to represent the collective views of all members of the Association.
- 4 The Licensing Team is grateful to the trade and public for taking the time to consider carefully, all the issues which affect the trade and safety of the travelling public. The three issues that have attracted the most comment in the consultation are: tinted windows; higher emission control standards; and the existing condition which requires new Hackney Carriage vehicle licence applicants to purchase a new vehicle.
- 5 The Licensing Team has reviewed the representations received, commented on the issues raised, and made recommendations for future licensing policy in Appendix 3.

## **PROPOSALS**

6. The Licensing Committee consider the representations made by the trade and the comments made by the Licensing Team and adopt the amendments to vehicle licensing conditions proposed in Appendix 3.

## **IMPLICATIONS**

### **Place (includes Sustainability)**

As set out in the report.

Author: **Graeme Bloomer, Head of Place**

### **Finance (Includes ICT)**

None specific.

Author: **Simon Freeman, Head of Finance**

### **Housing**

None specific.

Author: **Andrew Murray, Head of Housing**

### **Community Wellbeing (includes Equalities and Social Inclusion)**

None specific.

Author: **Jane Greer, Head of Community Wellbeing**

### **Governance (includes HR)**

Prior to adopting any amendment to vehicle licencing conditions, the council must have due regard to all the representations received in order to minimise the risk of legal challenge to the Council.

Author: **Dimple Roopchand, Assistant Solicitor, on behalf of Brian Keane, Head of Governance**

### **Background Papers:**

Department of Transport Taxi and Private Hire Licensing: Best Practice Guide March 2010 <https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>

Taxis: Quantity Restrictions: Standards Note SN 2772

<http://researchbriefings.files.parliament.uk/documents/SN02772/SN02772.pdf>



## Harlow Council

# Public Consultation on Licensing Standards for Private Hire and Hackney Carriage Vehicles Results (Summary)

## Background

There are approximately 240 private hire drivers and 68 hackney carriage drivers operating in Harlow serving a population of over 85,000 residents.

The Licensing Team has consulted the public and taxi/private hire trades on proposals to modify and replace conditions attached to vehicle licences.

The survey was available online hosted on SurveyMonkey® between 16<sup>th</sup> January 2017 and 5<sup>th</sup> March 2017. The Council has also accepted representations made by email and letters.

## Summary

Results relates to BOTH Hackney Carriages and Private Hire Vehicles

- Just under half of respondents (42%) agree that the council should make it a condition that licensed vehicles should meet a European Standard to improve air quality.
- Of those respondents that agreed with vehicles meeting a European Standard, 45% support the adoption of Euro 4.
- Almost 40% of respondents oppose a move over the longer term to hybrid or zero emission vehicles.
- Over 80% of respondents oppose a condition to limit the use of dark factory fitted rear tinted windows. Respondents that agreed with limiting tinted glass were overwhelmingly in favour of &0% tint.
- Just over half of respondents oppose a condition to prohibit Category C insurance write-off vehicles from being licensed.
- A majority of respondents support the adoption of the legal tyre tread standard.
- Over a half of respondents (53% per cent) consider the proposed standards for dents, scratches and other defects are to be about right.

## Private Hire Vehicles

- A majority of respondents 77% oppose the licensing of one passenger vehicles.
- 43% of respondents support the proposed vehicle inspection frequency

- A majority of respondents (72%) oppose permanently fixed door identification panels.
- A majority of respondents (51%) support an exemption to display council identification plates on executive/chauffeur vehicles.

### **Results relates Hackney Carriages**

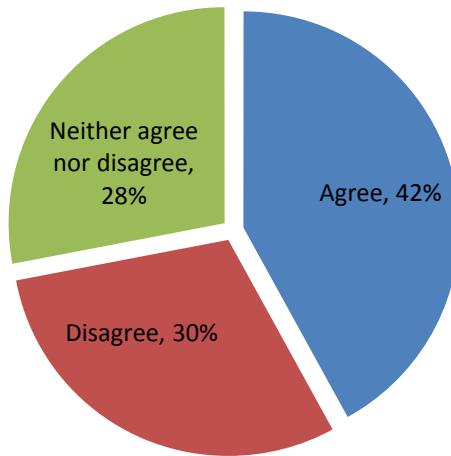
- More than half of respondents (57%) support a condition that new entrants should be required to purchase a new vehicle.
- A majority of respondents support a limit on the number of Hackney Carriage licenses.
- Most respondents support the testing of hackney carriages at more frequent intervals than currently undertaken.

### **Response Rate**

	Response (%)	Response Count
Hackney carriage driver	16%	9
Private hire driver	66%	37
Private hire operator	5%	3
Person associated with taxi or private hire trade	9%	5
Member of the public and not associated with the trade	13%	7
Representative of a community group	7%	4

Results relates to BOTH Hackney Carriages and Private Hire Vehicles

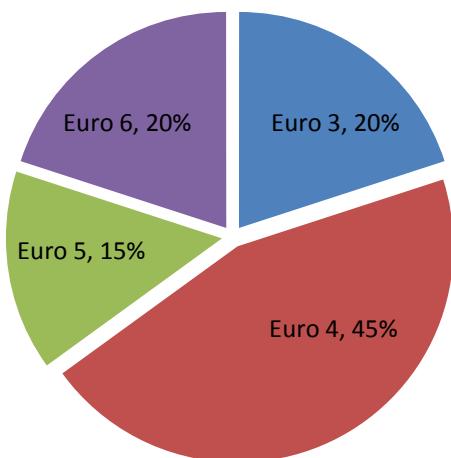
**Do you agree or disagree that the Council should make it a condition that licensed vehicles meet a specified European Standard to improve air quality?**



	Response (%)	Response Count
Agree	42%	22
Disagree	30%	16
Neither agree nor disagree	28%	15

**If you agree that the Council should require licensed vehicles to meet a designed European Standard, what do you think that the Council should adopt?**

Those agreed to the Council should make it a condition that licensed vehicles meet specified European Standard to improve air quality, almost half of the respondents stated Euro 4 standard.

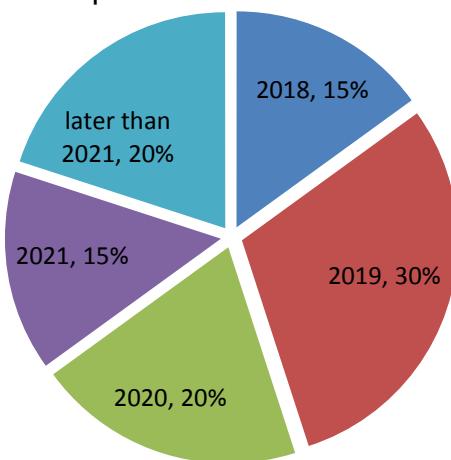


	Response (%)	Response Count
Euro 3	20%	4
Euro 4	45%	9
Euro 5	15%	3
Euro 6	20%	4

Results relates to BOTH Hackney Carriages and Private Hire Vehicles

**When should the new revised standard be introduced?**

Those who elected an European Standard, the most popular choice for it to be put in place is in the 2019 with 30 per cent of respondents.



	Response (%)	Response Count
2018	15%	3
2019	30%	6
2020	20%	4
2021	15%	3
later than 2021	20%	4

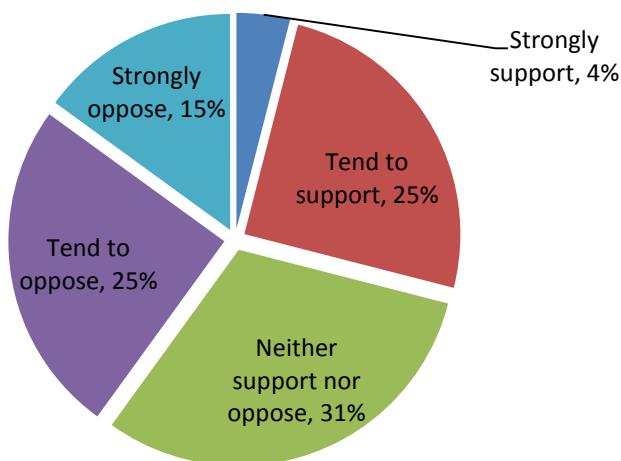
From those respondents who elected Euro 3, half of the respondents preferred it to be introduced in 2021. This standard currently exists (Euro 3).

Respondents who elected Euro 4, forty-four per cent stated to be introduced in 2020.

Respondents who elected Euro 5 or 6, show that more than half stated it should be adopted in 2019 with 67 per cent and 50 per cent respectively.

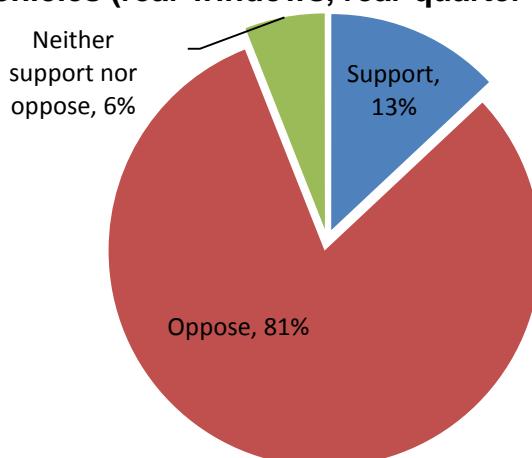
Results relates to BOTH Hackney Carriages and Private Hire Vehicles

**Over the longer term, would you support or oppose measures to encourage vehicle owners to move from diesel vehicles to hybrid and zero emission vehicles?**



	Response (%)	Response Count
Strongly support	4%	2
Tend to support	25%	12
Neither support nor oppose	31%	15
Tend to oppose	25%	12
Strongly oppose	15%	7

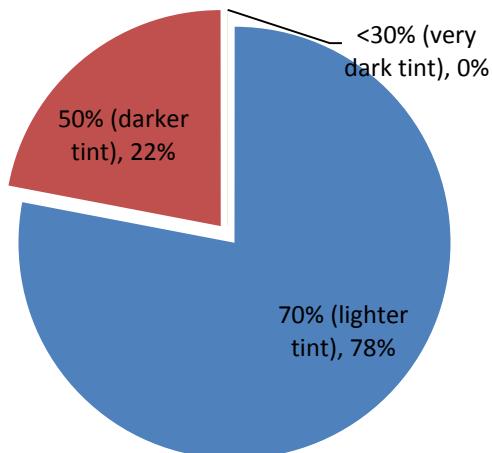
**Do you support or oppose a condition which limits the use of dark tinted windows in the rear of licensed vehicles (rear windows, rear quarter lights and rear tailgate)?**



	Response (%)	Response Count
Support	13%	6
Oppose	81%	39
Neither support nor oppose	6%	3

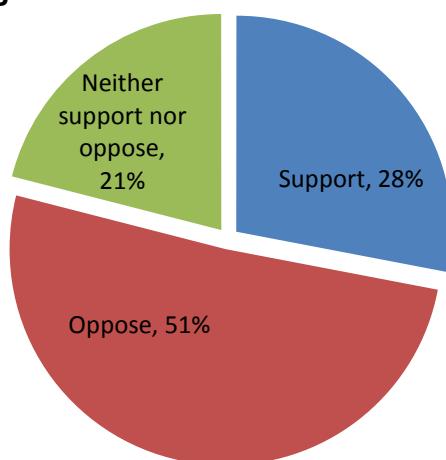
Results relates to BOTH Hackney Carriages and Private Hire Vehicles

**What percentage light transmission (tint) should the Council allow to be fitted to the rear windows?**



	Response (%)	Response Count
70% (lighter tint)	78%	7
50% (darker tint)	22%	2
<30% (very dark tint)	0%	0

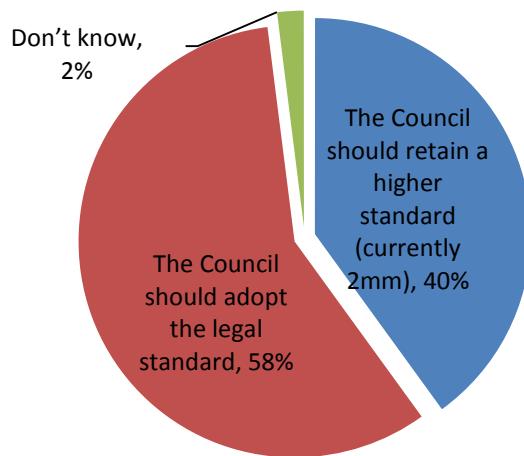
**Do you support or oppose a new condition which prohibits Category C insurance write-off vehicles from being licensed?**



	Response (%)	Response Count
Support	28%	12
Oppose	51%	22
Neither support nor oppose	21%	9

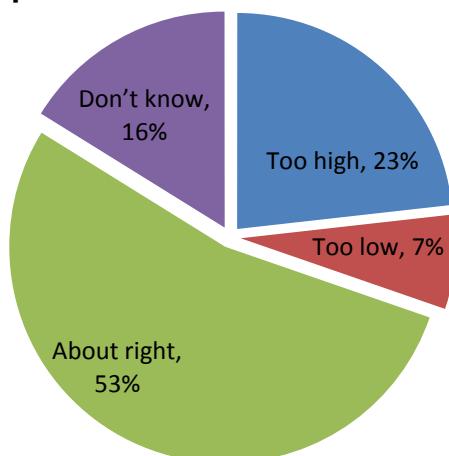
Results relates to BOTH Hackney Carriages and Private Hire Vehicles

**Should the Council have a higher standard for vehicle tyre tread or rely on the legal minimum tread?**



	Response (%)	Response Count
The Council should retain a higher standard (currently 2mm)	40%	17
The Council should adopt the legal standard	58%	25
Don't know	2%	1

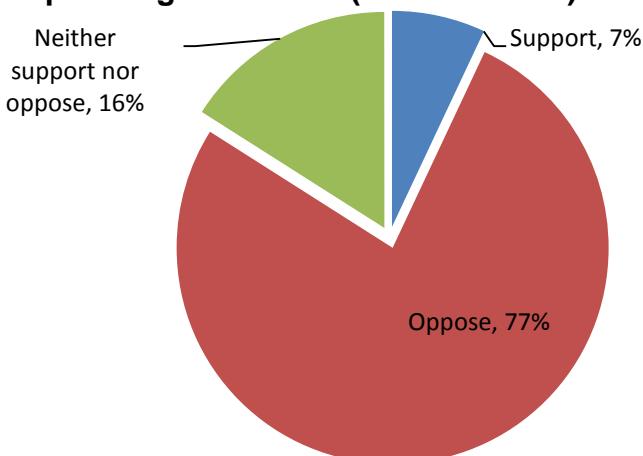
**Do you consider that the proposed standards are:**



	Response (%)	Response Count
Too high	23%	10
Too low	7%	3
About right	53%	23
Don't know	16%	7

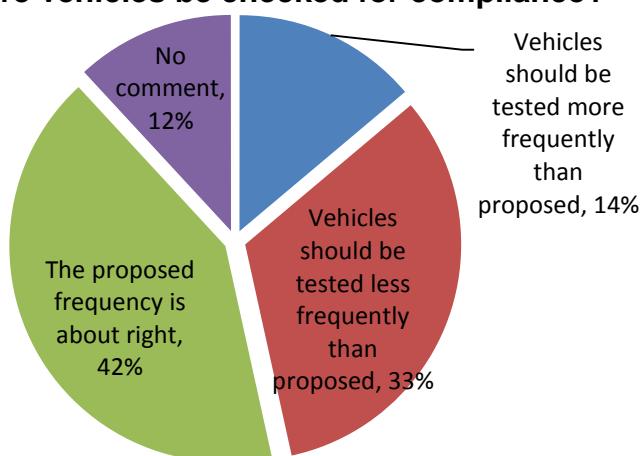
Results relates to Private Hire Vehicles

**Do you support or oppose the introduction of new conditions which would allow the Council to license 1 passenger vehicles (i.e. Smart Car)?**



	Response (%)	Response Count
Support	7%	3
Oppose	77%	33
Neither support nor oppose	16%	7

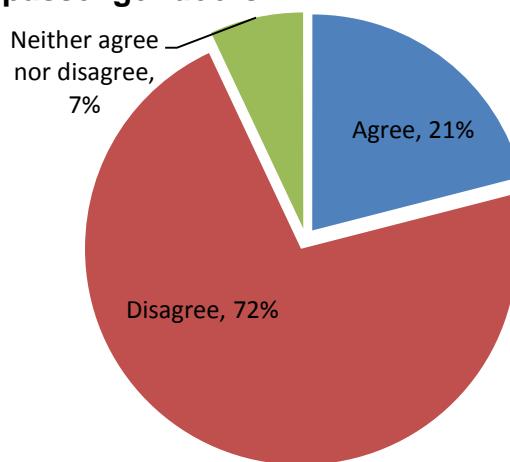
**How often should private hire vehicles be checked for compliance?**



	Response (%)	Response Count
Vehicles should be tested more frequently than proposed	14%	6
Vehicles should be tested less frequently than proposed	33%	14
The proposed frequency is about right	42%	18
No comment	12%	5

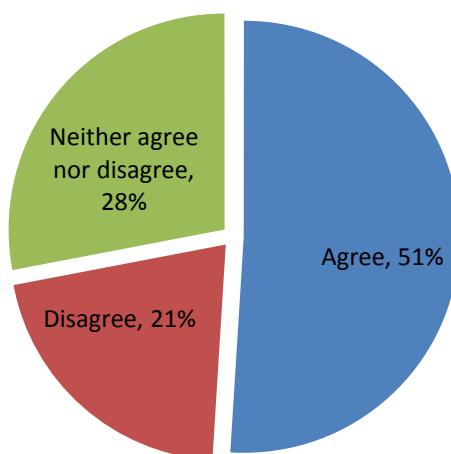
Results relates to Private Hire Vehicles

**Do you agree or disagree that the Council should continue making Private Hire Vehicles permanently display Council identification panels with their licence number on the front driver and passenger doors?**



	Response (%)	Response Count
Agree	21%	9
Disagree	72%	31
Neither agree nor disagree	7%	3

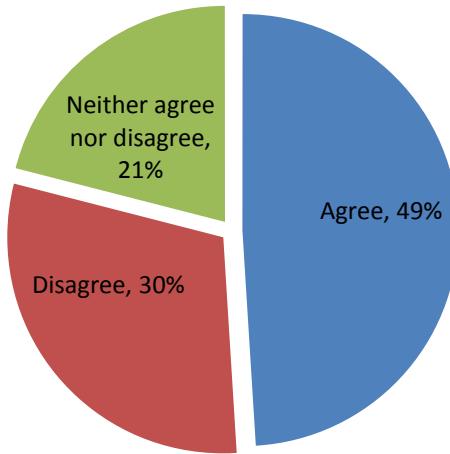
**Do you agree or disagree that genuine executive/chauffeur vehicles should be exempt from an obligation to display a Council rear identification plate and front door panels?**



	Response (%)	Response Count
Agree	51%	22
Disagree	21%	9
Neither agree nor disagree	28%	12

Results relates to Private Hire Vehicles

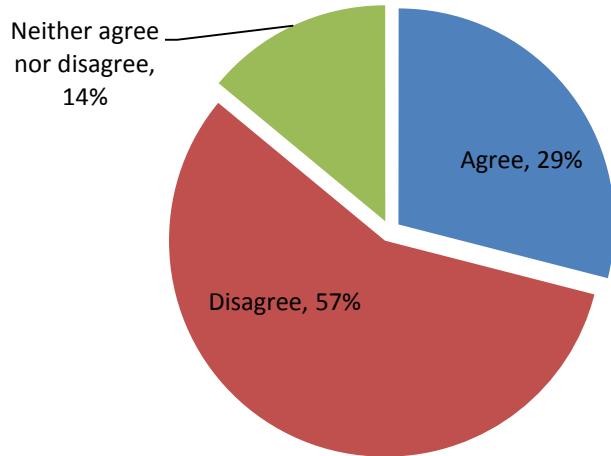
**Do you agree or disagree the Council should check and approve taximeters when fitted to private hire vehicles?**



	Response (%)	Response Count
Agree	49%	21
Disagree	30%	13
Neither agree nor disagree	21%	9

Results relates to Hackney Carriages

**Do you agree or disagree the Council should require the applicant for new vehicle licence to buy a brand new vehicle?**



	Response (%)	Response Count
Agree	29%	12
Disagree	57%	24
Neither agree nor disagree	14%	6

**If you agree, please state your reasons**

This condition prevents an influx of cheap hackney carriages which would drive down the standards

Should be on the condition of the vehicle not its age

The system works as it is

Raise Standards

Keeps them clean tidy and smart.

As Black Taxi's tend to sit at ranks, in the winter most tend to have the engines running, polluting the air. Newer taxi-lower Pollution.

Please refer to Views Given at the end

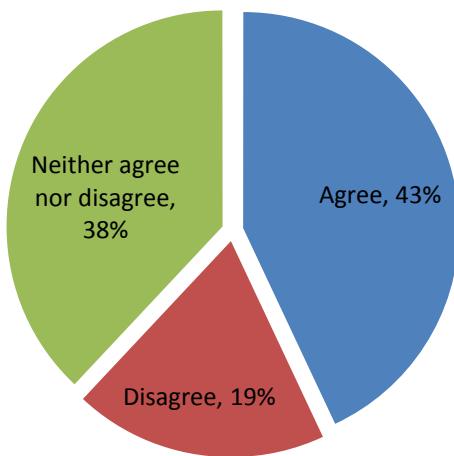
I am unable to answer this as the question only allows 160 characters but there are many valid reasons.

Is not enough work in Harlow and the ranks are not big enough as it is now

There are already too many taxis and not enough work so why even allow more licences to be available?

## Results relates to Hackney Carriages

**Do you agree or disagree the Council should limit the number of Hackney Carriage vehicle licenses it will issue?**



	Response (%)	Response Count
Agree	43%	18
Disagree	19%	8
Neither agree nor disagree	38%	16

### **If you agree, please state your reasons**

The council should make all private hire change over to Hackney carriage so they can stop the influx of drivers from other areas .

Flooding the market

Too many licensed vehicles already and not enough demand.

Council should also limit the amount of private hire licenses issued.

I have ticked Agree as I believe it is more important to limit the number of ABC & METRO CABS (private hire!) as there are far to many now.

To many sitting at the play house and station blocking the road and on Double Yellow Lines

The Most Important Cap Should Be To Private Hire Cars

Too many already

Please refer to Views Given at the end

I am unable to answer this as the question only allows 160 characters but there are many valid reasons.

As I stated in the last question

There is no unmet demand and not enough work to go round, so limiting the numbers will protect the meagre livelihoods of existing drivers.

Because DT says so and he is never wrong

Mandatory Orders unless the council pay for an unmet demand survey

Results relates to Hackney Carriages

**At what interval should Hackney Carriages be compliance tested?**

	Response (%)	Response Count
Once a year only	21%	9
Twice each year when the vehicle age exceeds 5 years	36%	15
Twice each year when the vehicle age exceeds 6 years	5%	2
Twice each year when the vehicle age exceeds 7 years	7%	3
Twice each year when the vehicle age exceeds 8 years	0%	0
Twice each year when the vehicle age exceeds 9 years	0%	0
Twice each year when the vehicle age exceeds 10 years	14%	6
Twice each year when the vehicle age exceeds 11 years	0%	0
Twice each year when the vehicle age exceeds 12 years	10%	4
Twice each year when the vehicle age exceeds 13 years	0%	0
Twice each year when the vehicle age exceeds 14 years	2%	1
Twice each year when the vehicle age exceeds 15 years	5%	2

**To help the Council to understand your comments, please state;**

- a. the matter or condition to which you refer
- b. how the condition may be improved or altered and
- c. the reasons why you consider that condition is not acceptable or ought to be changed.

Q3. Of course I agree that the Council should meet a specified standard to improve air quality, but to propose that 350 vehicles complying to an increased specified standard would make a difference to air quality sounds highly unlikely. I might be persuaded to agree if the council could quantify the difference moving up a standard, and quantify the expense of doing so for the PH and HC trade. I quote from your own proposal " there are currently no identified breaches of health-based national air quality

standards in Harlow ". The question is phrased in such a way as to be impossible to answer yay or nay

Q4. Once again I agree with this proposal on the basis that this would indeed improve the air pollution problems inherent in using diesel or petrol fuelled vehicles. However I don't understand why the council haven't been consistent in the way they allow the question to be answered. Why "strongly agree/disagree"? Is that just a way of emphasising the councils' view in the councils' favour? Also cost implications should be outlined before agreement to this proposal sought.

Q5. I quote from the site [www.gov.uk](http://www.gov.uk):

"The front windscreen must let at least 75% of light through and the front side windows must let at least 70% of light through."

"There are no rules for tinting the rear windscreen or rear passenger windows."

"Tinted windows are not part of the MOT test."

I would ask the Council why they are seeking to impose a condition that is not the law of the land, which would cost drivers thousands of pounds to comply with. I refer you to others in comments from the PH trade for other considerations in this matter.

Q6. Why again are the Council wasting precious resources by trying to impose a condition that goes against current legislation. If the government with all their resources judge that Cat C vehicles are ok to re-use as long as they conform to the legislation of the day, what expert knowledge can the Council introduce to legitimise this proposal.

Q7. This is one of the few proposals I agree with, as I think it is justifiable based on the very high mileage incurred by PH drivers.

Q8. I can't really work out what question is being asked here. I quote from your own proposal:

" The Council currently has a range of conditions regarding scratches, dents and rust. These conditions are designed to ensure that the vehicle appears presentable for use as a private hire vehicle or taxi " So if you wish to amend them to " improve them", your current condition must have been seriously flawed in the first place.

Q9. PH trade have not raised prices for at least six years. We are all struggling to make a living. The Council justifies this proposal for 1 passenger cars in terms of passenger service and cheaper prices. I cant see that stuffing my 6' 2", 15 stone frame, together with a suitcase, into a smart car, is a better experience than sitting in a 5 seater car on my own on the way to the station or airport. I dont believe the business model of having one passenger a journey at a lower price is sustainable in the long run. Yet in a previous question you emphasis wanting to improve the quality of PH vehicles.

Q11. and Q12. I dont disagree with having door signs, but I do disagree with having them permanently fixed, so once again I cant provide an answer that reflects my views, because of the way it has been phrased. As for chauffeured cars the Council cant have it both ways. You quote that they also come under PH legislation, so they should be subject to the same conditions as all PH vehicles under the councils control. How would the public know they are genuinely licensed vehicles at first glance?

Q13. The Council would be wasting resources and time following this particular proposal. Meters are largely an irrelevance. Please chase the over-chargers, instead, as the operators dont.

Q14. and Q15. Unfair to HC trade in both cases.

Question 16 requires an answer but I am not in a position to comment on this. There was no "I do not have a view on this" option, which is what I would have selected, so please ignore my answer to this question.

why bring in stronger regulation, for Harlow drivers when other councils are different, the whole thing needs to be universal throughout the country, an English speaking test should be brought into the requirements of being either a private hire or hackney carriage driver, stricter knowledge test as well.

I don't understand why tinting on rear windows is being considered. if the tints pass the MOT then that should be sufficient.

Paint chips should also be included as per scratches. (at Martony's I was told my vehicle would be failed as I had a small chip approx. 8mm square in my top coat of paint, even though this is not mentioned in the conditions.)

I don't believe that the age or mileage should be a consideration, but the condition of the vehicle. My vehicle may be considered older but it is kept in good condition. As it is my lively hood.

Q3. Emissions. PH and HC vehicles represent such a small proportion of traffic in the town that the difference would be unmeasurable. Our vehicles are already reasonably environmentally friendly unlike the geriatric busses in town. Could the council confirm that that HTS vehicles will also be required to meet any changes introduced.

Q4. Hybrid Vehicles. The question asks if I support measures to discourage a move to these vehicles without explaining what this would involve making it impossible to answer.

Q5 Tinted Windows. I have outlined my opposition in a separate email which I would like incorporated into my response please

Q6 Cat C Write Offs. With the high costs of body repairs and parts a Cat C write off could be privately repaired using pre owned body parts to an equal standard for a fraction of the cost without any detriment to quality.

Q8. Vehicle Standards. I believe that we already have high standards for vehicle appearance

Q9. Single Passenger Vehicles. To licence these vehicles would simply lower the standards that the public enjoy. It is also only the expensive Brabus (Sport version) of the Smart Car that meets the councils BHP requirements

Q11. Door Panels. Although I agree to the use of panels I disagree that they should be permanently fixed. PH drivers often use their vehicles for other things than work

Q13. Meters. Although I have no objections to taxi meters being tested it is irrelevant as a driver can simply move to a GPS based meter which are available as apps on phones and used by Metro Cars and ABC and are out of the control of the council.

The council have never bothered to inspect meters in my 20 years of PH driving until a certain operator complained because he is against drivers using their own equipment

Q14 Hackney Carriage Testing. I believe that HC vehicles should be subject to the same mileage testing conditions as PH vehicles but this isn't in the drop down menu

I WOULD ALSO LIKE YOU TO NOTE THAT I FIND THE WORDING OF THE SURVEY VERY WEIGHTED TO GET THE ANSWERS THAT THE LICENSING DEPARTMENT REQUIRE.

I feel the emissions proposal is singling out the taxi trade as being a much larger issue than it is, we have buses in this town emitting huge amounts of visible emissions, during busy periods we have vehicles queuing to enter and exit car parks, yet the proposal will only affect vehicles which drop off and pick up spending minimal time in the area idling,

I think the current rules on tyres and compliance testing are adequate , the tinted windows issue is very limiting on our choice of vehicle,

**PLEASE READ & TAKE NOTE**

A.

Tinted Glass

B&C.

We use chauffeur cars or Minibuses a lot and if the private glass was removed then we would have to book with another council so we continue to receive our privacy. This would hit the pockets of those Drivers Licenced By Harlow Council and in time the Council as those Chauffeurs will licence elsewhere.

**Chauffeur Vehicles & Private Hire Minibus's MUST BE EXEMPTED**

I use CAB's every day and it is ridiculous that drivers should have to change their class if tinted when it is standard from manufacture. I see no safety reason as stated by the council and have never heard of an accident caused by tinted glass.

When I have finished a day's work I order a cab with blacked out windows so I can relax on my way home knowing it is private

My Biggest complaint is the amount of licences you are handing out (private Hire), There needs to be a cap and very fast.

The council is flooding the town with cabs. It will kill the trade in the end.

The cost to remove tinted windows doesn't affect picking up dropping off customers.

If a vehicle has a minor defect that doesn't affect health and safety should be given 24 hours to sort it.

Tread on tyres should be lowered to national standard as this is legal limit .

My only concern with the proposed changes is with the TINTED GLASS. I do not understand or agree that changing the tint would make it any safer for customers or drivers.

I have done some research into reported crimes or incidents and through the freedom of information act I was unable to find A SINGLE reported incident/crime from all police forces contributed by vehicles having tinted glass. Just to help you understand the amount of crimes reported, the metropolitan police force alone have over 1 million reports every year.

I have not found any evidence of this affecting safety, if anything, the opposite - from some reports - it's believed to have lowered car crime, such as car brake-in's. I also found it to have other benefits such as protecting children and Adults by reducing Sunburn through the tinted glass as it offers up to 99% UV protection and reduces the heat entering the car by up to 46%. This puts less strain on the Air Conditioning unit and therefore fuel Cost & pollution. As PHV can be sitting around between jobs the tint enables the vehicle to cool rapidly, even when the outside temperature is high.

Blocking up to 99% UV ray will not just protect against skin burning, it protects against SKIN CANCER and skin aging.

From manufacturers research I found that tinting glass was not just for privacy, additionally the combination of UV and Solar heat can cause the interior upholstery to fade and plastics (interior door panels etc) to deteriorate and crack. This will affect the car life line, value and its condition.

As you can see, I have spent a lot of time and effort researching this matter, trying and understand the safety aspects but it is clear to me the vehicles safety has already been researched and implemented for a reason by the manufacturers.

I would only agree that the tinted windows should be allowed, when it standard for the glass to be tinted by the manufacturer and at time of compliance the glass tint level is the same as the day it drove off the production line.

I would also recommend that the Tinted glass on minibuses and people carriers remain tinted for The above reasons (UV/Sun burn) as they tend to carry passengers on longer trips

### Replacement Glass

With regards to Replacing glass, out of interest I contacted Ford and I was surprised to find out that they do not make clear glass for the Tourneo Minibus - Glass is Tinted as Standard.

In this case what do you expect the drivers to do?

### Timing

I also find the change over date (November 2018) to be unrealistic for some drivers.

Some Drivers have only recently purchased their vehicles and have 3 or 5 year finance agreements, unaware of the councils pending changes and in these cases they should not be affected, until the finance is clear.

I would like to come and talk at the council board meeting to discuss my finding.

I look forward to speaking to you soon.

Kind Regards

Dear Sir/Madam

Please allow me to introduce myself. I am the proprietor of Harlow Taxi Hire Ltd. I supply London style Licensed Hackney carriage Vehicles to drivers who wish to rent them to operate within the district of Harlow.

I've enjoyed thus far a good working relationship with The Licensing officer, Mr David Taylor & his Team. However some of their current proposed changes to modify and replace conditions to the licencing of Hackney Carriage vehicles and private hire vehicles, are potentially a cause for concern in their current form, not only for myself personally & my business, but also to the drivers who rent their vehicles from myself.

With regard to the up and coming proposals, some of the suggested changes are certainly reasonable and are in need of updating or improving. However, others seem unfair to proprietors and have the power to put drivers out of work and also to close my business.

Below are list of my concerns and views on how the proposed changes will affect my business and drivers who rent Taxis from me.

Introduction of Euro 4 Standard For taxi & Private Hire vehicles.

During Meetings with the Licensing team, I have already acknowledged that in principle, that this proposal is something myself & indeed the rest of the Taxi trade, understand the reasoning for & accept the concept. The issue that gives concern to all of us is the time frame they are proposing is unrealistic for the Hackney Carriage trade to comply.

There are currently very few Euro 4 compliant Hackney Carriage Vehicles for sale at an affordable cost. You may be aware London has a 15 year old age limit, that in turn means that there are very few compliant to the proposed Euro 4 requirement, that leave London until they are 16 years old and the ones that do change owners command a very high price.

On average, the cost to replace a vehicle in this time frame will be in the region of £10,000 each.

Michael Pitt, the Environment & Licensing manager confirmed this, to councillors present at the last committee meeting.

Currently I own and licence 16 Hackney Carriage vehicles in Harlow. For me to change my entire fleet of vehicles to euro 4 with the costs outlined earlier. It is apparent that I will be looking at a cost of in excess of £150,000. This is an unrealistic amount that I simply cannot afford, in the timescale suggested.

I have included a letter from my accountant (MG White & Co Chartered Accountants.) to show my business turnover and how much of an impact the proposed changes will have my business and drivers who rent Taxis from me.

Currently I charge £145.00 per week to rent a Hackney Carriage vehicle. In London to hire a similar standard vehicle, drivers would be expected to pay in excess of £280.00 per week. Proprietors can ask this in an affluent city, because the level or work there with tourism etc. is far greater than in Harlow. I feel I've always charged a fair & reasonable rent on my vehicles. & obviously would wish this to continue. Which makes any of the three scenarios outlined below horrific, to myself & potentially drivers that rely on me for their livelihood.

To meet the proposed Euro 4 changes, these are my 3 options;

1st To do nothing and let my business close, therefore possibly putting 15 drivers and myself out of work.

2nd increase my drivers rents by 50% (which of course, some of them will not pay, or be unable to, and as a result they would leave) in the hope that I will be able to cover the remaining cost and try and buy the suggested vehicles in the timescale.

3rd to increase my drivers' rents by an even more unfair 79%. This will completely cover the cost of the replacement euro 4 compliant taxi. but I fear, with the economic crisis that is currently happening within the trade. I cannot envisage any of the drivers will pay this amount and I think that it would grossly unfair for me to have to ask this amount.

If the committee would consider allowing the transition to Euro 4 in 6/7 years' time, therefore by 2023/2024, all vehicles will be Euro 4 compliant. Replacing the vehicles in this suggested time frame is something we can afford without imposing excessive costs to my business and drivers who rent Taxis from me. (whom I'm sure would seriously consider as a consequence, were this proposal to go ahead unchanged, asking the council for a fare increase to recover these costs which therefore will in turn increase the cost to their customers which would also be regrettable.

A New Condition Which May Not Allow Insurance Written Off Category "C" vehicles to be licensed.

The RAC describe a "Cat C" write off as;

"Vehicles written off after an accident, a flood, or fire damage are often classified as Cat C. In its simplest form, it means that although the car is repairable, the cost of the parts, labour and potentially an expensive hire car would significantly exceed the value of the vehicle. From a business point of view, if your car insurance company deems the damage to be beyond economic repair, it may be classified as a Cat C write-off."

<http://www.rac.co.uk/drive/advice/know-how/what-does-cat-c-car-insurance-mean/>

Although I do not currently own or hire any "Cat C" write offs. This does not change my view. From the RACS definition above it would appear that the vehicles can be repaired and when this is completed, it will be as safe as any other vehicle. The problem arises because it's simply not cost effective for insurance companies to pay for the labour/parts etc involved in the repair.

For someone like myself, or any other individual in my line of work that has the knowledge

to repair a vehicle back to its original condition, but only has to pay for parts and not labour charges, the subsequent repair costs would be significantly lower.

e.g. if a repair garage produced an estimate with parts and labour that were to be excessively high this would very likely create a “Cat C” write off. However, with myself only having the costs of parts, I am therefore in a position to repair the vehicle at a much reduced cost.

Furthermore I have had in the past, many issues with insurance companies over the cost of damaged/off road licenced vehicles. They do not take the additional costs e.g. licence fee or test into consideration, or the changes we make to vehicles to make them safer or more efficient Taxis. This can have a big impact on how much they consider the vehicle is worth, or in the cost of a replacement.

Therefore, what is considered by the insurance company to be a “Cat C” write off value, is generally much lower than would be considered reasonable. Insurance companies, mine included are aware of this. Moreover I have argued this point with them and won. The insurance company had wanted to write my licenced vehicle off & after explaining everything I have mentioned above to them, they have then agreed to repair the vehicle, & thus reverse their initial decision.

Some of these vehicles are currently in service today and have passed every MOT and Compliance with no issues. Therefore, in light of this, I feel it is unjust & unnecessary to assume that if a vehicle was once a “Cat C” Write off, then it is no longer fit to be a taxi.

To close, In consideration of my letter I’m hopeful this committee will understand how much impact the proposed changes will have on all drivers’ livelihoods, and I hope the trade and licencing team can continue to work together on a solution that is an acceptable compromise to everyone.

my views on;

\* 17. Do you agree or disagree the Council should require the applicant for new vehicle licence to buy a brand new vehicle?

18. Do you agree or disagree the Council should limit the number of Hackney Carriage vehicle licenses it will issue?

I am in no way against new proprietors entering the trade and there are many ways in which they can do so.

I believe that if this proposal is agreed it will have devastating impact on the current Hackney Carriage drivers that work in Harlow Town. When the original 55 limit was raised to 75 in 2003 there was a lot more custom for the Hackney Carriage trade. Since then I believe that the level of trade has significantly declined and therefore a number of Hackney Carriage drivers have left the trade both old and new plates have been returned to the council. The number of vehicles remaining is at a workable level.

Currently I have 4 Hackney Carriage vehicles without drivers, I also know of a number of Hackney Carriage proprietors that are willing to sell their business for a lot less money than the cost of buying a new Hackney Carriage vehicle. I do not think that if someone wants to enter the trade that it is hard or expensive to do so. I believe that the reason that less people enter the Hackney Carriage trade in Harlow is due to the lack of work. Over the last

2 years I have had 6 new licenced Hackney Carriage drivers hire vehicles from me. Since then 1 has bought his own Hackney Carriage vehicle from another driver, the other 5 were originally private hire drivers and have since returned to work as private hire drivers due to lack of work. In the last 3 months 2 of these drivers have returned to Hackney Carriage as they both "need to earn less money now" which demonstrates the current struggle to earn a living as a Hackney Carriage driver. This also demonstrates that drivers can enter and exit the trade at will.

The real issue is not going to be now but if the new proposed condition to eliminate the new taxi new plate rule is replaced by any Euro 4 complaint Hackney Carriage vehicle the real problem will arise in 6 or 7 years.

At the moment as I stated above Euro 4 complaint Hackney Carriage vehicles are expensive but in time they will not be. The trade will not cope with a vast number of new vehicles trying to work the few ranks we have and in addition over ranking at the Playhouse the main rank and at the train station is real problem for everyone especially at the train station. Making it far easier to bring more Hackney Carriage vehicles on to the town is only going to make this worse and make it even harder for drivers to maintain minimum wage.

I agree that the cost of new Hackney Carriage vehicles is a lot but for a driver that is prepared to do so and shows commitment to the trade. It shows that they have an invested interest in the trade to help it grow and continue to nurture the custom that the other drivers have built.

As above I agree that a brand new Hackney Carriage vehicle is expensive, however due to depreciation they will not be expensive forever and I believe a more thoughtful compromise is that rather than new proprietors buying a brand new Hackney Carriage vehicle to obtain a plate this be lowered to a 3 year old or newer Hackney Carriage vehicle. This would allow new proprietors to enter the trade whilst maintaining a constant not a varied cost that would be lower over time. This would also mean that new vehicles would meet euro 5 euro 6 and higher.

Yours truly

11.providing it meets current standards

15.there is a legal position in place

14. This is a leading question and from the way the question is phrased the council obviously wants to do away with this restriction. The current system obviously works as the Town has an excellent Hackney Carriage service. The only people qualified to answer this are the Hackney Carriage Drivers who inform me there are no availability issues with Hackney Carriage licences in Harlow.

Euro 4 standard - Let's wait until we have exited EU, then make a decision on our standard of emissions.

Tinted window - Don't understand the term objective standard. Keep the current conditions. Don't agree with comments that tinted window are a concern to the Public. There is not one reported crime incident that supports the necessity to impose standards on tinted windows. Harlow Council have not justified the necessity to review the current rules relating to tinted windows. That is because there is not even 1 percent of public concerned. This is an example of unreasonable conditions of license.

Removal of 2mm tyre tread - Once again, MOT standard is fine. When a License vehicle

has had MOT, it is the responsibility of the vehicle owner to make sure their tyres are legal. The police will issue a penalty to motorist with tyres below minimum tread.

Changes to dents etc - Lets use the term "SIGNIFICANT" to attract passenger concerned.

Review of type and size of PH vehicles - vehicles should be large enough to carry 4 passengers and luggage. Petrol, diesel, gas and hybrid vehicles should be allowed to be used as private hire vehicles.

New condition relating to chauffeured vehicle - I agree with this review. Many HC licences are owned by one person that plates old rickety vehicles and rents them out to licenced drivers. The plates should not be bought as part of the sale of that vehicle. Licence plate should not be able to be transferred to another licenced driver but surrendered to Harlow Council.

Compliance testing intervals- In my opinion only one test is necessary each year. Both HC and PH vehicles should have the same conditions applied.

17. On the face of it this requirement may seem unfair but it is a sensible measure and ensures any prospective licence applicant is truly serious and carries out due diligence before making such a heavy financial commitment. The truth is that anyone doing proper research would soon realise that taxis are very expensive to maintain, the trade is under extreme pressure and it is not a viable option as existing drivers are having to work extremely long hours to make ends meet, or even at times to achieve minimum wage.

This is not a closed door trade as there are existing 'old' licences available to transfer now that do not require the purchase of a new vehicle, but these are not being taken up.

18. Limiting the numbers is a good and reasonable measure for the reasons given above at 17.

With regards to being seen as anti-competitive surely this only applies when competition improves the experience for the consumer. There is no unmet demand and the travelling public is adequately catered for at all times. Also competition would not drive down the cost to passengers as the local authority decides what is charged, so what would be the benefit.

As previously mentioned there are already ways for prospective drivers to enter the trade within the current limitations, so why increase the numbers?

HDC should require that a significant proportion of Private Hire Vehicles are readily wheelchair accessible.



## Harlow Council

# Public Consultation on Licensing Standards for Private Hire and Hackney Carriage Vehicles Results (Comparison)

## Background

There are approximately 240 private hire drivers and 68 hackney carriage drivers operating in Harlow serving a population of over 85,000 residents.

The Licensing Team has consulted the public and taxi/private hire trades on proposals to modify and replace conditions attached to vehicle licences.

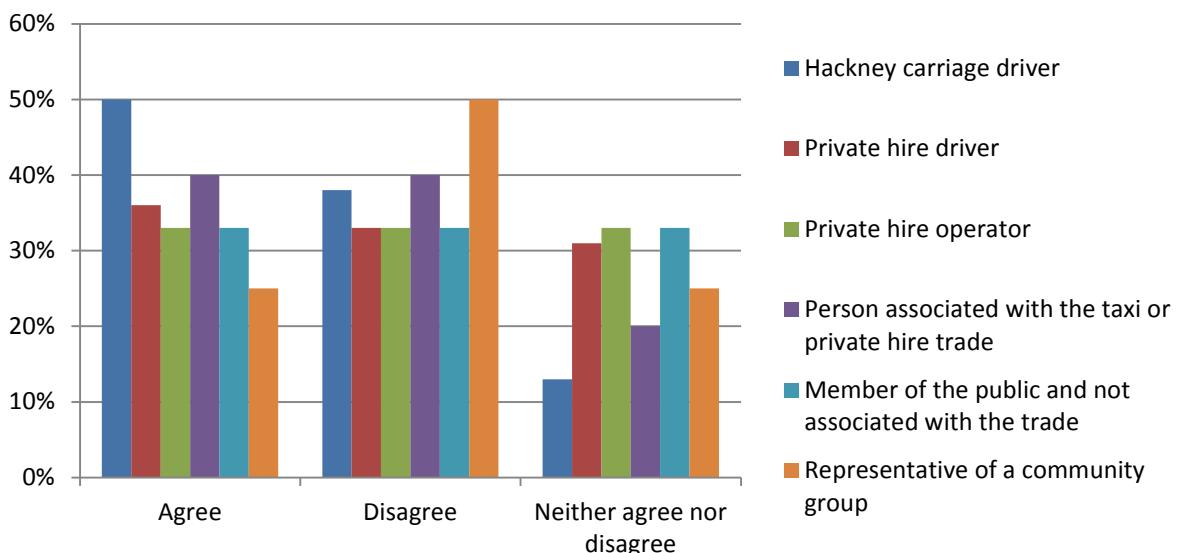
The survey was available online hosted on SurveyMonkey® between 16<sup>th</sup> January 2017 and 5<sup>th</sup> March 2017. The Council has also accepted representations made by email and letters.

## Response Rate

	Response (%)	Response Count
Hackney carriage driver	16%	9
Private hire driver	66%	37
Private hire operator	5%	3
Person associated with taxi or private hire trade	9%	5
Member of the public and not associated with the trade	13%	7
Representative of a community group	7%	4

Results relates to BOTH Hackney Carriages and Private Hire Vehicles

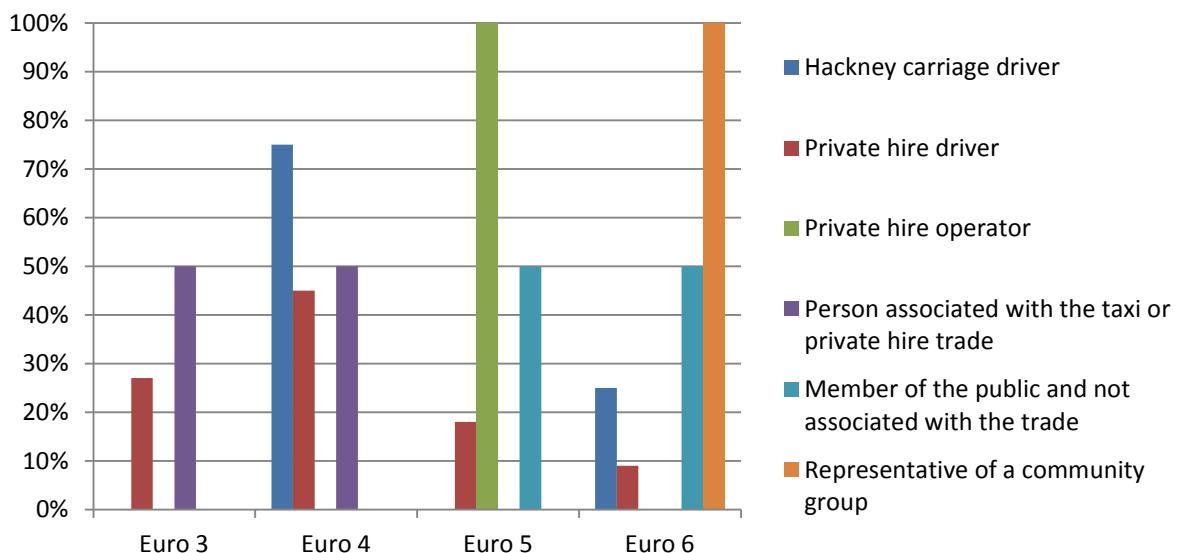
**Do you agree or disagree that the Council should make it a condition that licensed vehicles meet a specified European Standard to improve air quality?**



	Agree	Disagree	Neither agree nor disagree
Hackney carriage driver	50% (4)	38% (3)	13% (1)
Private hire driver	36% (13)	33% (12)	31% (11)
Private hire operator	33% (1)	33% (1)	33% (1)
Person associated with the taxi or private hire trade	40% (2)	40% (2)	20% (1)
Member of the public and not associated with the trade	33% (2)	33% (2)	33% (2)
Representative of a community group	25% (1)	50% (2)	25% (1)

Results relates to BOTH Hackney Carriages and Private Hire Vehicles

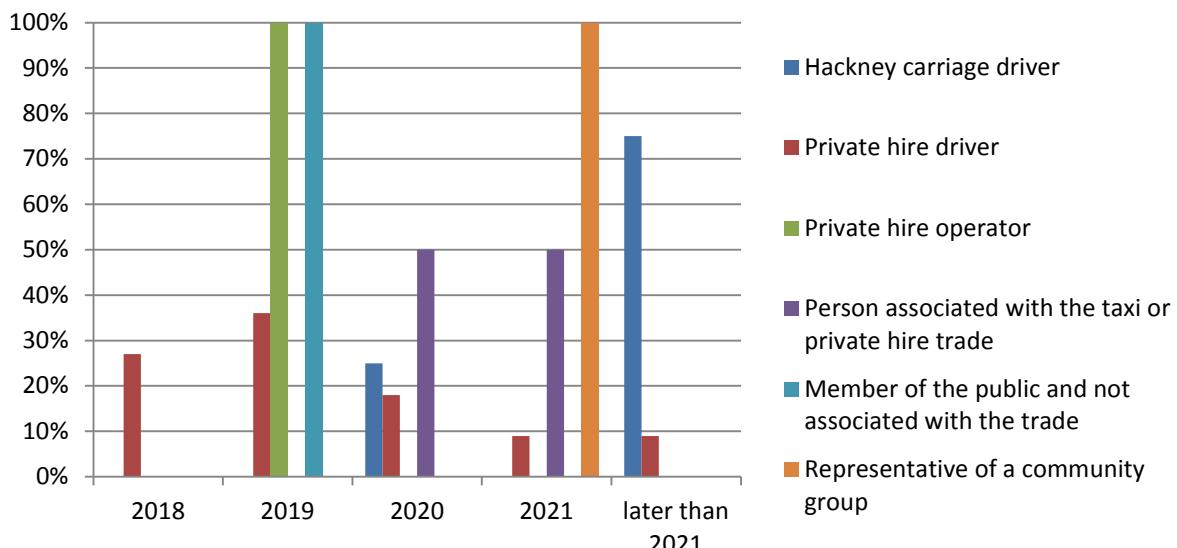
**If you agree that the Council should require licensed vehicles to meet a designated European Standard, what do you think that the Council should adopt?**



	Euro 3	Euro 4	Euro 5	Euro 6
Hackney carriage driver	-	75% (3)	-	25% (1)
Private hire driver	27% (3)	45% (5)	18% (2)	9% (1)
Private hire operator	-	-	100% (1)	-
Person associated with the taxi or private hire trade	50% (1)	50% (1)	-	-
Member of the public and not associated with the trade	-	-	50% (1)	50% (1)
Representative of a community group	-	-	-	100% (1)

Results relates to BOTH Hackney Carriages and Private Hire Vehicles

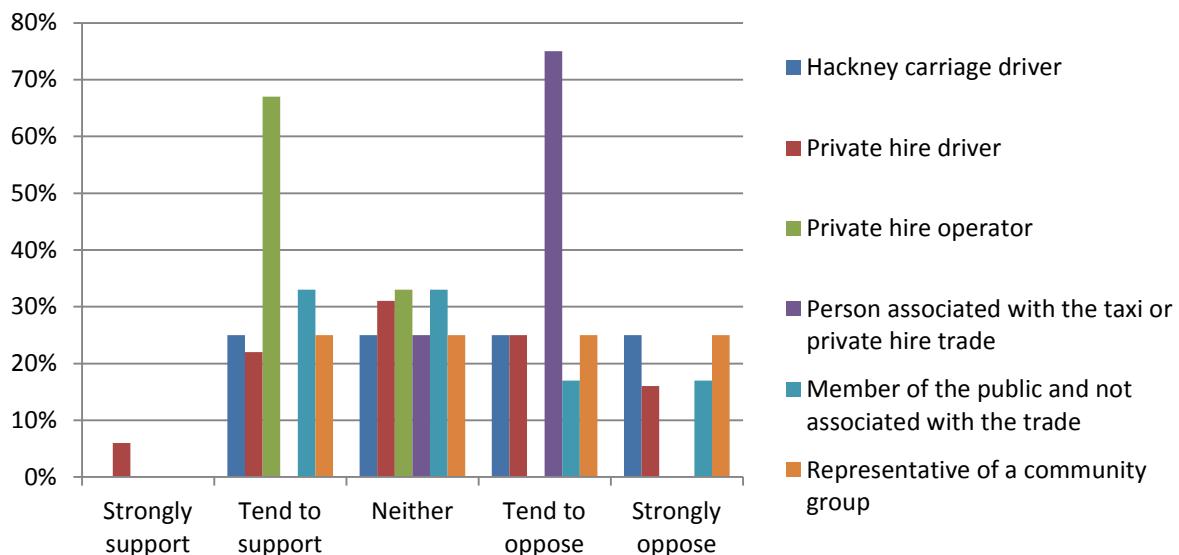
**When should the new revised standard be introduced?**



	2018	2019	2020	2021	later than 2021
Hackney carriage driver	-	-	25% (1)	-	75% (3)
Private hire driver	27% (3)	36% (4)	18% (2)	9% (1)	9% (1)
Private hire operator	0% (0)	100% (1)	-	-	-
Person associated with the taxi or private hire trade	-	-	50% (1)	50% (1)	-
Member of the public and not associated with the trade	-	100% (2)	-	-	-
Representative of a community group	-	-	-	100% (1)	-

Results relates to BOTH Hackney Carriages and Private Hire Vehicles

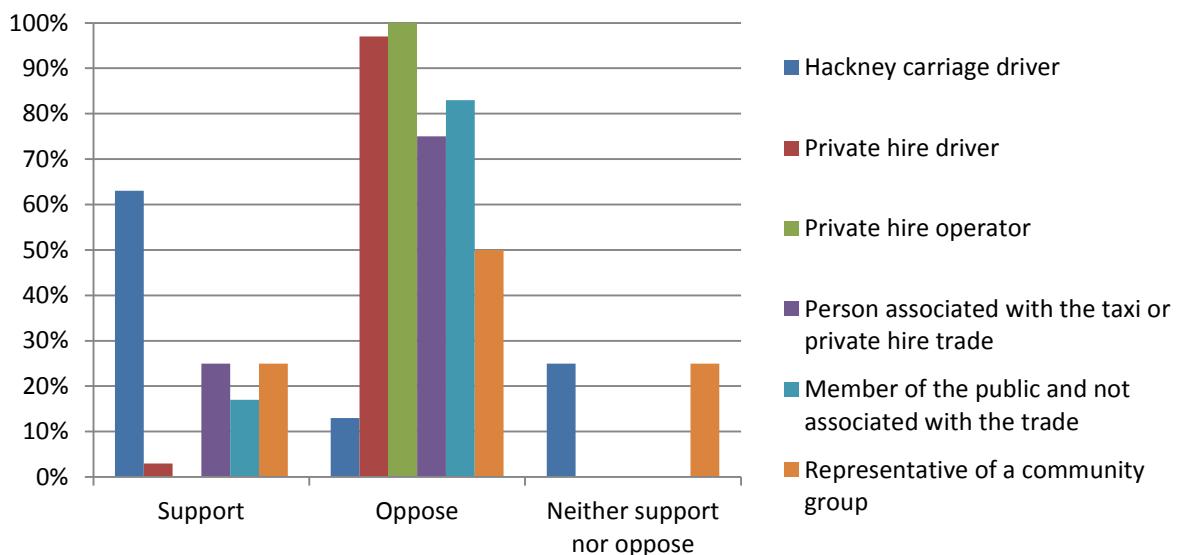
**Over the longer term, would you support or oppose measures to encourage vehicle owners to move from diesel vehicles to hybrid and zero emission vehicles?**



	Strongly support	Tend to support	Neither	Tend to oppose	Strongly oppose
Hackney carriage driver	-	25% (2)	25% (2)	25% (2)	25% (2)
Private hire driver	6% (2)	22% (7)	31% (10)	25% (8)	16% (5)
Private hire operator	-	67% (2)	33% (1)	-	-
Person associated with the taxi or private hire trade	-	-	25% (1)	75% (3)	-
Member of the public and not associated with the trade	-	33% (2)	33% (2)	17% (1)	17% (1)
Representative of a community group	-	25% (1)	25% (1)	25% (1)	25% (1)

Results relates to BOTH Hackney Carriages and Private Hire Vehicles

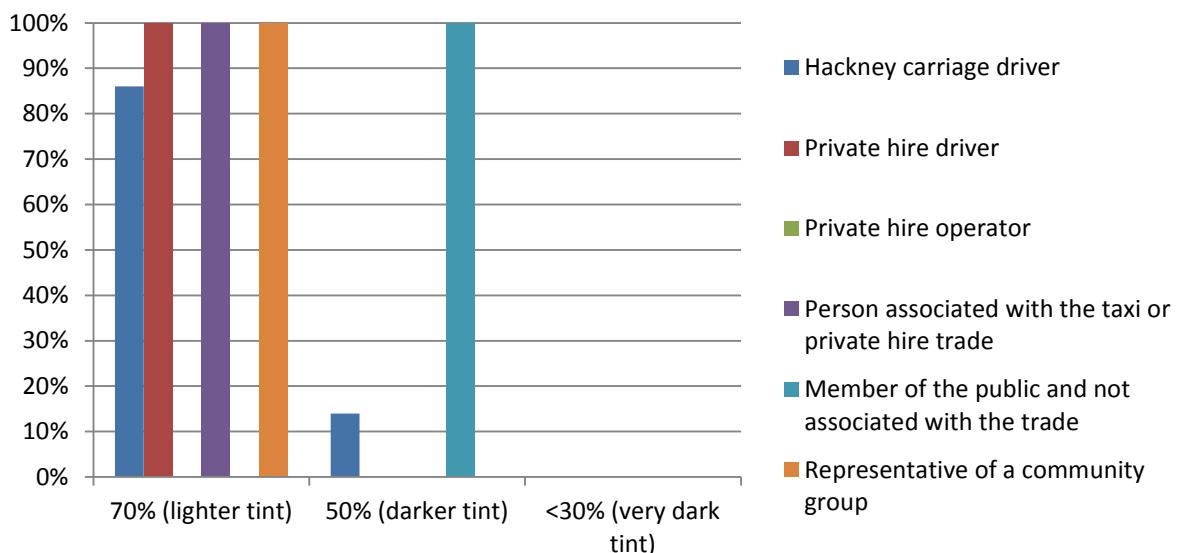
**Do you support or oppose a condition which limits the use of dark tinted windows in the rear of licensed vehicles (rear windows, rear quarter lights and rear tailgate)?**



	Support	Oppose	Neither support nor oppose
Hackney carriage driver	63% (5)	13% (1)	25% (2)
Private hire driver	3% (1)	97% (31)	-
Private hire operator	-	100% (3)	-
Person associated with the taxi or private hire trade	25% (1)	75% (3)	-
Member of the public and not associated with the trade	17% (1)	83% (5)	-
Representative of a community group	25% (1)	50% (2)	25% (1)

Results relates to BOTH Hackney Carriages and Private Hire Vehicles

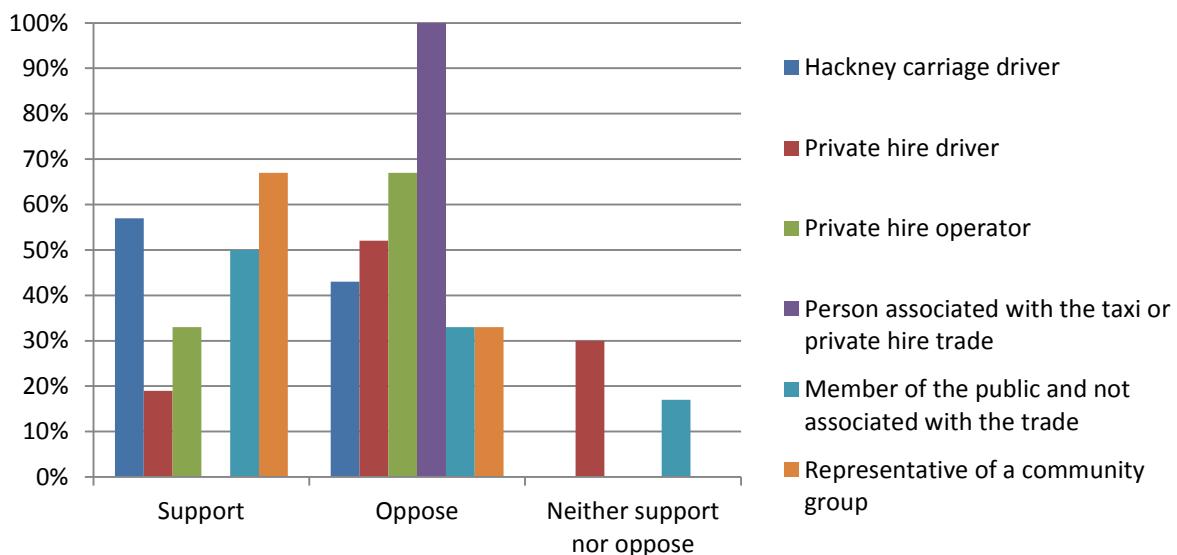
**What percentage light transmission (tint) should the Council allow to be fitted to the rear windows?**



	70% (lighter tint)	50% (darker tint)	<30% (very dark tint)
Hackney carriage driver	86% (6)	14% (1)	-
Private hire driver	100% (1)	-	-
Private hire operator	-	-	-
Person associated with the taxi or private hire trade	100% (1)	-	-
Member of the public and not associated with the trade	-	100% (1)	-
Representative of a community group	100% (2)	-	-

Results relates to BOTH Hackney Carriages and Private Hire Vehicles

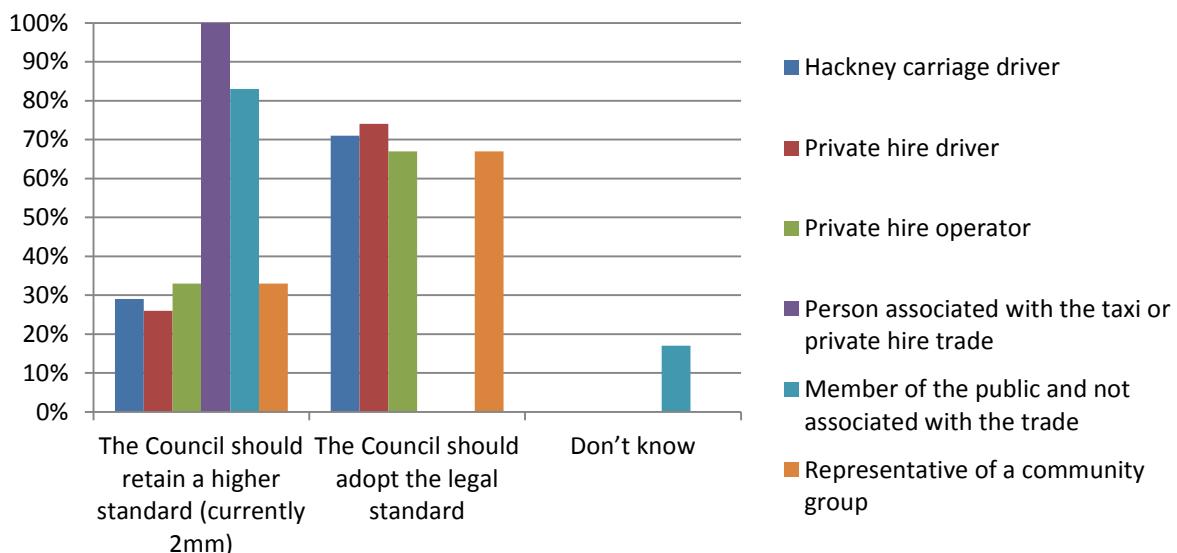
**Do you support or oppose a new condition which prohibits Category C insurance write-off vehicles from being licensed?**



	Support	Oppose	Neither support nor oppose
Hackney carriage driver	57% (4)	43% (3)	-
Private hire driver	19% (5)	52% (14)	30% (8)
Private hire operator	33% (1)	67% (2)	-
Person associated with the taxi or private hire trade	-	100% (3)	-
Member of the public and not associated with the trade	50% (3)	33% (2)	17% (1)
Representative of a community group	67% (2)	33% (1)	-

Results relates to BOTH Hackney Carriages and Private Hire Vehicles

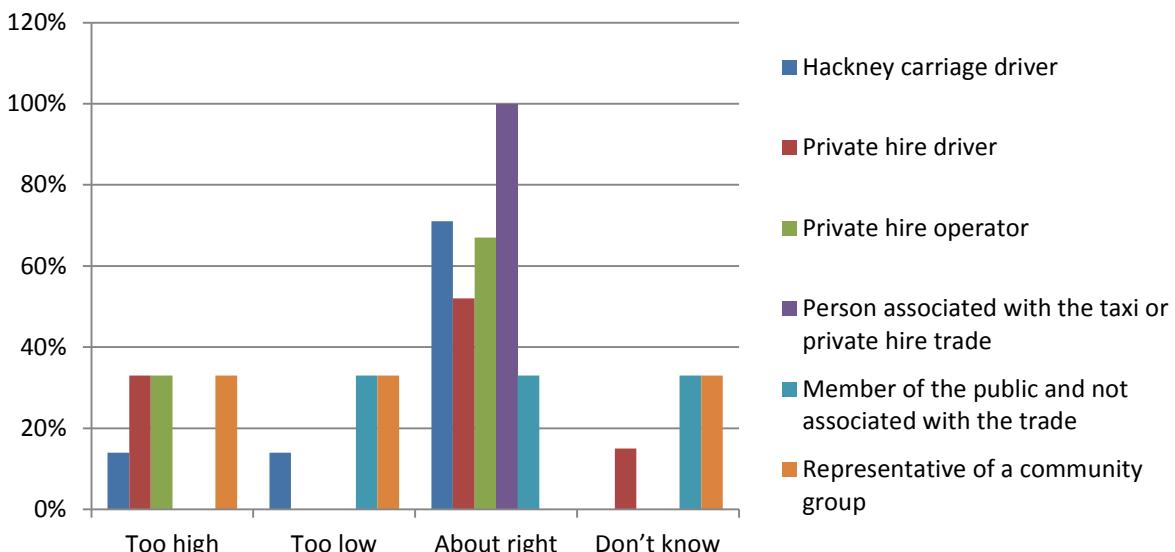
**Should the Council have a higher standard for vehicle tyre tread or rely on the legal minimum tread?**



	<b>The Council should retain a higher standard (currently 2mm)</b>	<b>The Council should adopt the legal standard</b>	<b>Don't know</b>
Hackney carriage driver	29% (2)	71% (5)	-
Private hire driver	26% (7)	74% (20)	-
Private hire operator	33% (1)	67% (2)	-
Person associated with the taxi or private hire trade	100% (3)	-	-
Member of the public and not associated with the trade	83% (5)	-	17% (1)
Representative of a community group	33% (1)	67% (2)	-

Results relates to BOTH Hackney Carriages and Private Hire Vehicles

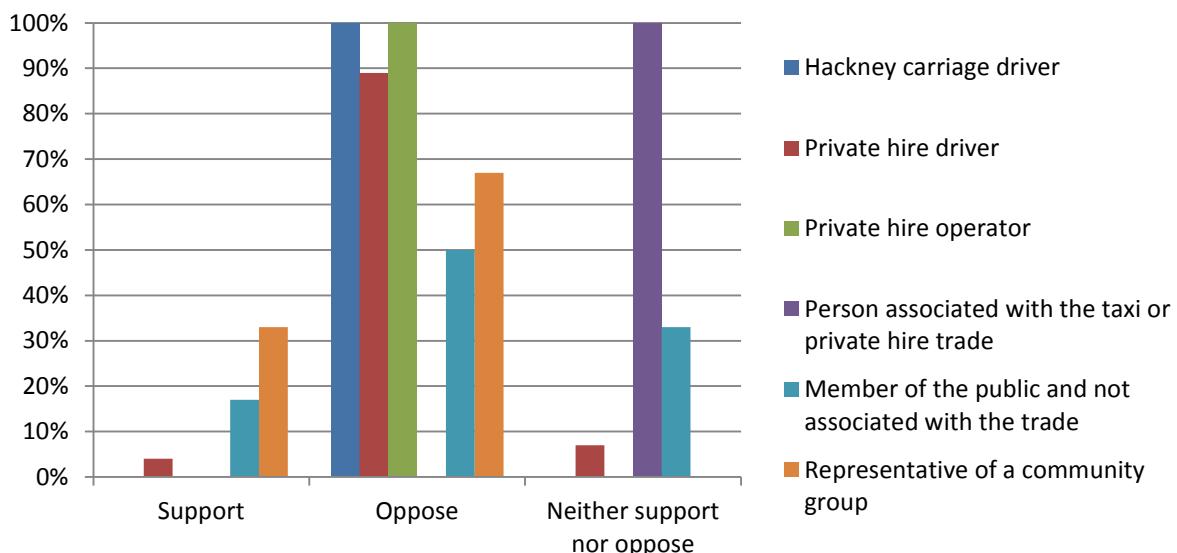
**Do you consider that the proposed standards are:**



	Too high	Too low	About right	Don't know
Hackney carriage driver	14% (1)	14% (1)	71% (5)	-
Private hire driver	33% (9)	-	52% (14)	15% (4)
Private hire operator	33% (1)	-	67% (2)	-
Person associated with the taxi or private hire trade	-	-	100% (3)	-
Member of the public and not associated with the trade	-	33% (2)	33% (2)	33% (2)
Representative of a community group	33% (1)	33% (1)	-	33% (1)

Results relates to Private Hire Vehicles

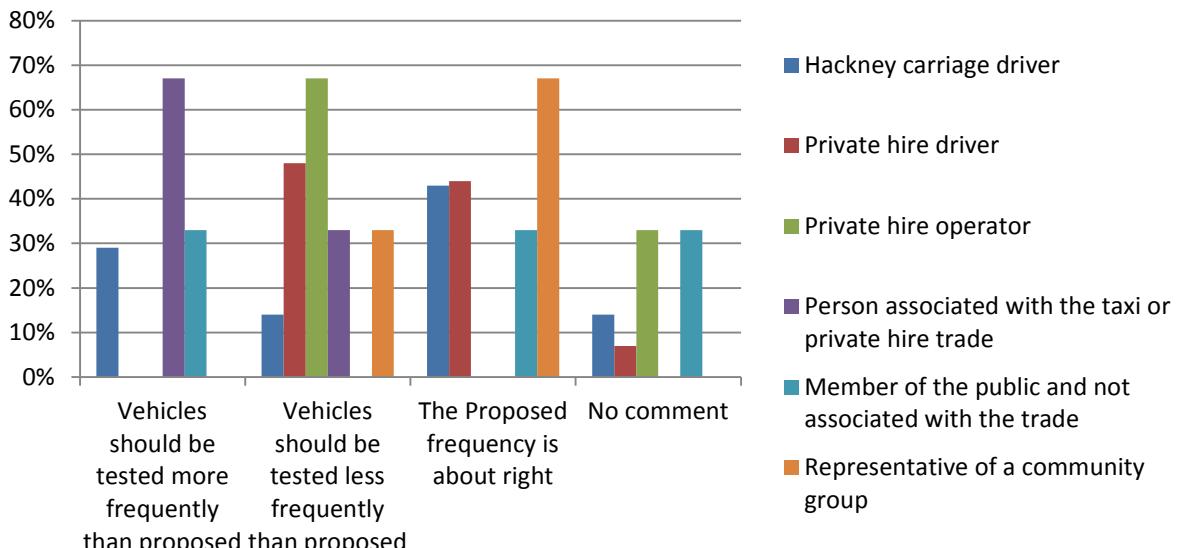
**Do you support or oppose the introduction of the new conditions which would allow the Council to license 1 passenger vehicles (i.e. Smart Car)?**



	Support	Oppose	Neither support nor oppose
Hackney carriage driver	-	100% (7)	-
Private hire driver	4% (1)	89% (24)	7% (2)
Private hire operator	0% (0)	100% (3)	-
Person associated with the taxi or private hire trade	-	-	100% (3)
Member of the public and not associated with the trade	17% (1)	50% (3)	33% (2)
Representative of a community group	33% (1)	67% (2)	-

## Results relates to Private Hire Vehicles

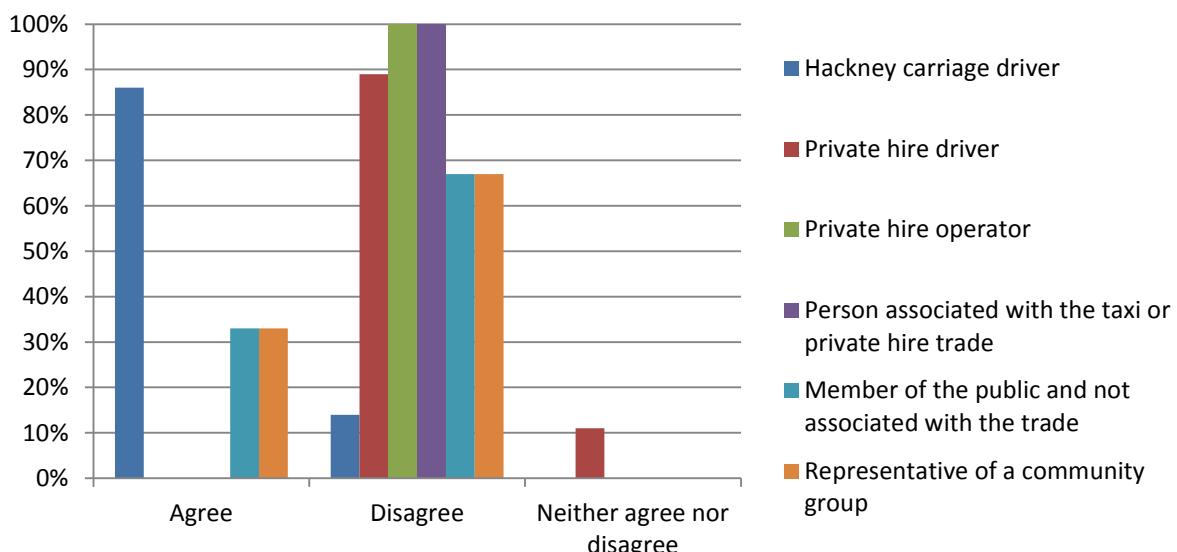
### How often should private hire vehicles be checked for compliance?



	Vehicles should be tested more frequently than proposed	Vehicles should be tested less frequently than proposed	The Proposed frequency is about right	No comment
Hackney carriage driver	29% (2)	14% (1)	43% (3)	14% (1)
Private hire driver	-	48% (13)	44% (12)	7% (2)
Private hire operator	-	67% (2)	-	33% (1)
Person associated with the taxi or private hire trade	67% (2)	33% (1)	-	-
Member of the public and not associated with the trade	33% (2)	-	33% (2)	33% (2)
Representative of a community group	-	33% (1)	67% (2)	-

Results relates to Private Hire Vehicles

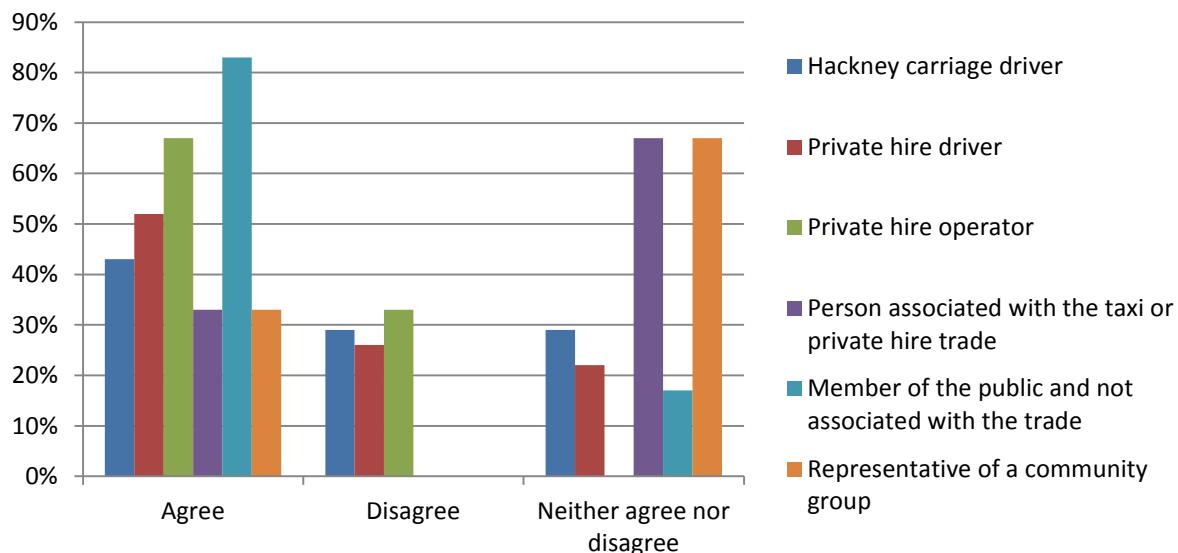
**Do you agree or disagree that the Council should continue making Private Hire Vehicles permanently display council identification panels with their licence number on the front driver and passenger doors?**



	Agree	Disagree	Neither agree nor disagree
Hackney carriage driver	86% (6)	14% (1)	-
Private hire driver	-	89% (24)	11% (3)
Private hire operator	-	100% (3)	-
Person associated with the taxi or private hire trade	-	100% (3)	-
Member of the public and not associated with the trade	33% (2)	67% (4)	-
Representative of a community group	33% (1)	67% (2)	-

Results relates to Private Hire Vehicles

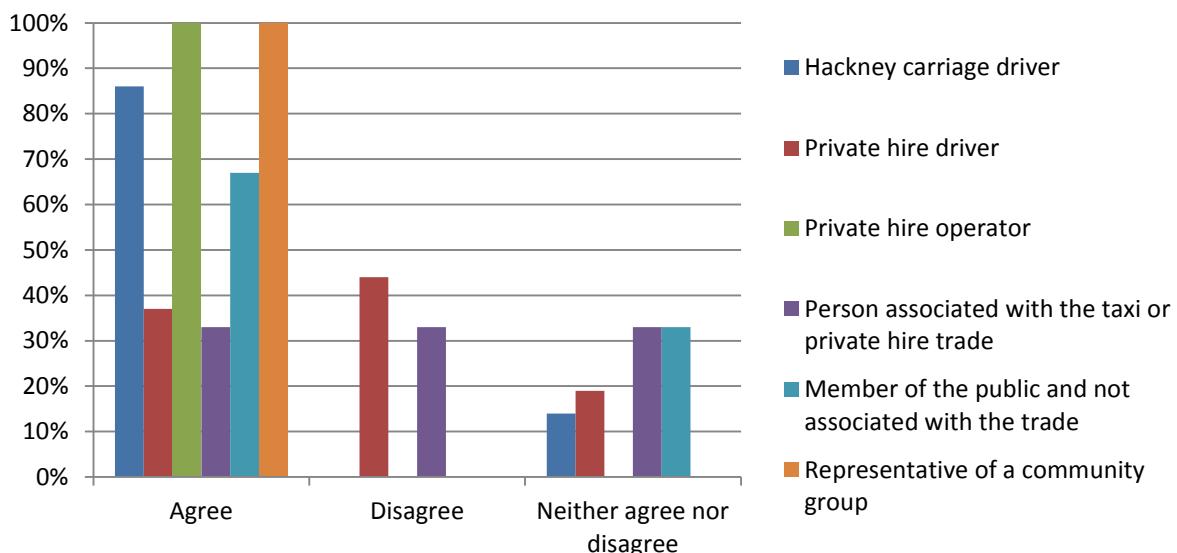
**Do you agree or disagree that genuine executive/chauffeur vehicles should be exempt from an obligation to display a Council rear identification plate and front door panels?**



	Agree	Disagree	Neither agree nor disagree
Hackney carriage driver	43% (3)	29% (2)	29% (2)
Private hire driver	52% (14)	26% (7)	22% (6)
Private hire operator	67% (2)	33% (1)	-
Person associated with the taxi or private hire trade	33% (1)	-	67% (2)
Member of the public and not associated with the trade	83% (5)	-	17% (1)
Representative of a community group	33% (1)	-	67% (2)

## Results relates to Private Hire Vehicles

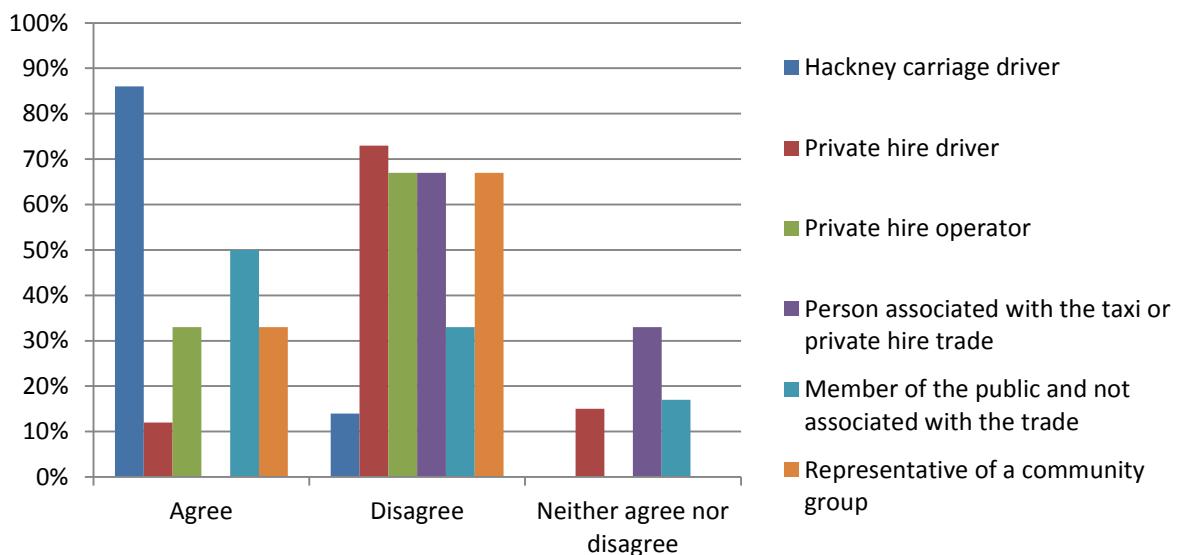
### **Do you agree or disagree the Council should check and approve taximeters when fitted to private hire vehicles?**



	Agree	Disagree	Neither agree nor disagree
Hackney carriage driver	86% (6)	-	14% (1)
Private hire driver	37% (10)	44% (12)	19% (5)
Private hire operator	100% (3)	0% (0)	-
Person associated with the taxi or private hire trade	33% (1)	33% (1)	33% (1)
Member of the public and not associated with the trade	67% (4)	-	33% (2)
Representative of a community group	100% (3)	-	-

Results relates to Hackney Carriages

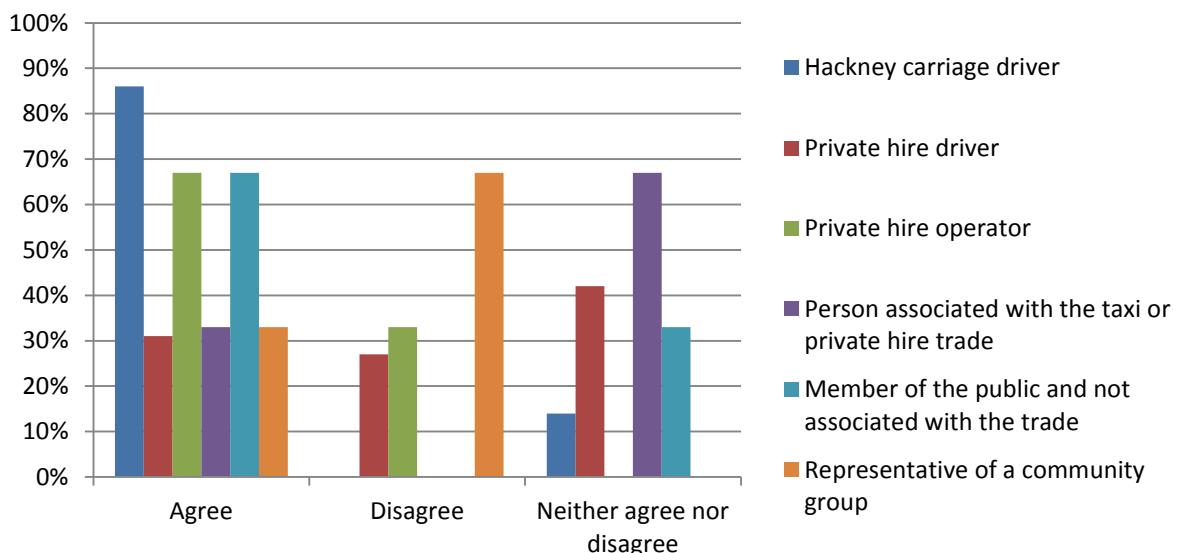
**Do you agree or disagree the Council should require the applicant for new vehicle licence to buy a brand new vehicle?**



	Agree	Disagree	Neither agree nor disagree
Hackney carriage driver	86% (6)	14% (1)	-
Private hire driver	12% (3)	73% (19)	15% (4)
Private hire operator	33% (1)	67% (2)	-
Person associated with the taxi or private hire trade	-	67% (2)	33% (1)
Member of the public and not associated with the trade	50% (3)	33% (2)	17% (1)
Representative of a community group	33% (1)	67% (2)	-

## Results relates to Hackney Carriages

### **Do you agree or disagree the Council should limit the number of Hackney Carriage vehicle licenses it will issue?**



	Agree	Disagree	Neither agree nor disagree
Hackney carriage driver	86% (6)	-	14% (1)
Private hire driver	31% (8)	27% (7)	42% (11)
Private hire operator	67% (2)	33% (1)	-
Person associated with the taxi or private hire trade	33% (1)	-	67% (2)
Member of the public and not associated with the trade	67% (4)	-	33% (2)
Representative of a community group	33% (1)	67% (2)	-

Results relates to Hackney Carriages

**At what interval should Hackney Carriages be compliance tested?**

	Hackney carriage driver	Private hire driver	Private hire operator	Person associated with the taxi or private hire trade	Member of the public and not associated with the trade	Representative of a community group
Once a year only	14% (1)	31% (8)	33% (1)	-	17% (1)	33% (1)
Twice each year when the vehicle age exceeds 5 years	29% (2)	19% (5)	-	100% (3)	67% (4)	33% (1)
Twice each year when the vehicle age exceeds 6 years	-	8% (2)	-	-	-	33% (1)
Twice each year when the vehicle age exceeds 7 years	-	12% (3)	33% (1)	-	-	-
Twice each year when the vehicle age exceeds 8 years	-	-	-	-	-	-
Twice each year when the vehicle age exceeds 9 years	-	-	-	-	-	-
Twice each year when the vehicle age exceeds 10 years	14% (1)	19% (5)	-	-	-	-
Twice each year when the vehicle age exceeds 11 years	-	-	-	-	-	-
Twice each year when the vehicle age exceeds 12 years	43% (3)	-	-	-	17% (1)	-
Twice each year when the vehicle age exceeds 13 years	-	-	-	-	-	-
Twice each year when the vehicle age exceeds 14 years	-	4% (1)	33% (1)	-	-	-
Twice each year when the vehicle age exceeds 15 years	-	8% (2)	-	-	-	-

## Proposed Conditions and Recommendations

Proposed revised vehicle licence conditions were placed before the Licensing Committee on 23 November 2016 and were subject to a 7 week consultation which closed on 5 March 2017. The results of the consultation may be found in the appendices 1 and 2. The original proposals are reproduced below with comments in blue from the Licensing Team.

The public consultation identified a number of issues which are of concern to members of the hackney carriage and private hire trades. Chief amongst these concerns are:

**Use of Smart Cars as private hire vehicles:** there is very little support from the hackney carriage and private hire trades for the introduction of single passenger vehicles. There is some support from members of the public albeit the number of responses is very low. The Licensing team recommends that the Council does not pursue this option further at this time.

**Emission standards:** Results from the consultation are mixed. The licensing team has made revised recommendations below.

**Requirement new entrants to purchase a new hackney carriage vehicle:** This condition was originally designed to encourage higher vehicle standards but may have acted as a deterrent to new drivers/proprietors entering the trade and may be construed as anti-competitive. A limited number of new entrants have purchased new vehicles since the policy was first introduced in 2004 at considerable expense. The Licensing Team has reviewed representations made by the Hackney Carriage trade and has made recommendations overleaf to replace the existing arrangement with a new system based on emission standards. A gradual move over time to better emission standards will enable new and existing licensing conditions to be progressively harmonised.

**Hackney carriage quantity restrictions:** The Council has the power to restrict the number of hackney carriage licenses issued. In 2003 the Council resolved to issue no more than 75 Hackney Carriage Licences. However numbers of licence applications have not since been sufficient to reach this number.

The Licensing Team has carefully considered government advice and **recommends that should the number of licences issued approach 75, a survey be undertaken in accordance with S16 of the Transport Act 1985 to establish whether any unmet demand existed. The costs associated would be met by the Council in the first instance, but would be recoverable through increased licensing fees. The results of the survey would inform a review of the Council policy on quantity restriction.**

**Tyre standards:** a majority of respondents have indicated a preference for vehicle conditions to require that tyres meet the legal standard that applies to all vehicles rather than a higher standard of 2mm. **The Licensing Team recommends that the conditions require only that the tyres meet the legal requirements.**

**Limiting the numbers of private hire vehicles:** Members of the trade have commented that the Council should limit the number of private hire vehicles. The Council is prohibited from limiting the number of private hire vehicles by S48 of The Local Government (Miscellaneous Provisions) Act 1976.

**Transport for persons with disabilities:** the consultation has highlighted the very limited number of suitably adapted accessible private hire vehicles for persons with disabilities. All Hackney Carriages meet basic adaptation standards and Hackney Carriages may operate in the same way as private hire vehicles. It would not be practicable to require all private hire vehicles to be adapted. The Licensing Committee may wish to consider whether Operators should be required to offer adapted vehicles amongst their fleets when Operator conditions are reviewed in due course.

**Carriage of assistance dogs:** no mention has been made in these conditions regarding the legal duties of drivers to transport assistance dogs. The duty is placed on the driver and cannot be placed on the vehicle.

# 3

## PRIVATE HIRE VEHICLE LICENSING AND TESTING

Private Hire Vehicles are licensed under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976. The Act allows a Local Authority to impose conditions that it considers 'reasonably necessary' in respect of private hire vehicles.

### Standard Conditions applicable to a Private Hire Vehicle licence

- 1. Licensing Period.** A Private Hire Vehicle shall be licensed for a period of not more than 1 calendar year. *Comment: The requirement to renew a licence annually is prescribed by the 76 Act and therefore this condition duplicates that provision. However, this condition provides clarity for private hire drivers and other persons associated with the trade who may not be aware of their legal obligations. The Licensing Team recommend that this condition be retained.*
- 2. Use of the Vehicle.** A private hire vehicle once licensed is always a private hire vehicle and may only be driven by a private hire driver who holds a licence under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976. *Comment: This requirement is prescribed by the 76 Act and subsequent judicial precedent. This proposed condition provides clarity to private hire drivers and other persons associated with the trade about who can and who cannot drive a private hire vehicle. The Licensing Team recommend that this condition be retained.*
- 3. Persons permitted to drive a Licensed Vehicle.** A vehicle licensed by Harlow Council may only be driven by a person licensed by Harlow Council. *Comment: The Council does not issue driver licenses to drive vehicles licensed by another authority. The Licensing Team recommend that this condition be retained.*
- 4. Insurance.** A valid insurance policy in respect of the vehicle covering the carriage of passengers for hire and reward shall be in force throughout the period of the licence. *Comment: This is a requirement of the Road Traffic Act 1988. The Council requires that all licensed vehicles be suitably insured on the date on which they are licensed and to cover hire and reward. A requirement to carry a paper copy of the insurance certificate is of little value because some drivers pay monthly and paper records are easily forged. This condition provides clarity to drivers that they require insurance to cover hire and reward. Officers may require a driver to produce evidence of insurance in accordance with S50 (4) of the Act. The Licensing Team recommend that this condition be retained.*
- 5. Cleanliness.** The licensed vehicle shall be maintained in a clean, comfortable, presentable and roadworthy condition. *The Licensing Team recommend that this condition be retained.*

6. **Vehicle Modification.** No material alteration or change in the specification, design or appearance of the vehicle shall be made without the approval of the Licensing Team. ***The Licensing Team recommend that this condition be retained.***
7. **Signs.** Private Hire Vehicles shall not display signs using the words TAXI, CAB, or 'FOR HIRE' or any form of wording which may indicate that the vehicle is presently available for hire. *Comment: Use of the above words on a roof sign is proscribed by S64 of the Transport Act 1980. The inclusion of this condition provides clarity to private hire drivers, proprietors and other persons associated with the trade regarding their legal obligations concerning the use of these words on private hire vehicles. This condition does not proscribe the use of roof signs that do not bear these words.* ***The Licensing Team recommend that this condition be retained.***
8. **Vehicle Inspection Arrangements.** The licensed vehicle shall be presented for MOT and compliance test to the garage nominated by the Council. Proprietors are required to book their MOT/compliance tests with the nominated garage at intervals specified by Council vehicle licence conditions. ***The Licensing Team recommend that this condition be retained.***
9. **Inspection intervals.** Licensed vehicles shall be presented for MOT annually and immediately prior to first being licensed. Thereafter, a licensed vehicle shall be presented for Compliance testing at the following intervals;

  - a) Immediately prior to the issue of first licence (on the date of the MOT)
  - b) Annually for all vehicles with <100,000 recorded miles (on the date of MOT)
  - c) Every 6 months for all vehicles with >100,000 recorded miles
  - e) At the request of the Council for enforcement purposes.

Proprietors are required to book their MOT and Compliance tests with the nominated garage at the specified intervals. *Comment: The testing of vehicles every 15,000 miles where vehicles cover in excess of 1,000 miles per week (52,000 mile per annum) would require more than 3 tests per annum and would be in direct contravention of S50 of the 76 Act. The presentation of vehicles for examination rests with the vehicle proprietor. Time intervals specifying when the vehicle should be inspected will be published in the conditions and set out by the licensing team when the vehicle is licensed.* ***The Licensing Team recommend that this condition be retained.***
10. **Trailers.** A private hire vehicle may tow a trailer provided that the trailer is fully compliant with all road traffic regulations. The vehicle proprietor shall notify the Council that he/she intends to use a trailer prior to first use. A trailer used for private hire shall be presented for inspection to the Council's nominated garage prior to being used for the first time and annually thereafter. *Comment: This condition provides clarity about whether a vehicle may tow a trailer and ensures that the trailer receives periodic inspection.* ***The Licensing Team recommend that this condition be retained.***
11. **Display of Plate.** A 'private hire plate' issued by the Council shall be fixed to the outside rear of the vehicle in a prominent position which does not obscure lights or

number plate. The plate shall be displayed at all times. No other plate from any other authority shall be displayed. *Comment: The 76 Act allows the Council to prescribe by conditions the manner in which the plate shall be displayed. To help guard against the loss of plates, the Licensing Team recommends that this condition be amended as follows:* A 'private hire plate' issued by the Council shall be fixed to the outside rear of the vehicle using permanent fixing brackets supplied by the Council in a prominent position which does not obscure lights or number plate. The plate shall be displayed at all times. No other plate from any other authority shall be displayed. The plate shall not be attached to the vehicle with magnets or tape.

12. **Vehicle Badge.** A vehicle badge issued by the Council shall be displayed on the windscreen at all times in a position where it can be clearly seen by passengers. No other badge from another authority shall be displayed. *Comment: The Licensing Team has taken note of consultee comments and recommends that this condition be amended as follows:* A vehicle badge issued by the Council shall be displayed on the windscreen at all times in a position where it can be clearly seen by passengers. The badge shall not obscure the driver's vision. No other badge from another authority shall be displayed
13. **Door Panels.** A private hire vehicle shall display offside and nearside front door vehicle identification panels. The panels shall be issued by the Council and be permanently fitted to the private hire vehicle for the entire period that the vehicle remains licensed. In the event of panels being lost, damaged or defaced, the vehicle proprietor or driver shall, as soon as practicable, notify the licensing team and obtain replacement panels. *Comment: Door identification panels provide visual reassurance to customers that the vehicle has been licensed by the Council. Members of the private hire trade appear opposed to the use of permanent door identification panels and would prefer either not to display the panels or to attach the panels using magnets. The use of magnets would allow thieves to steal the panels and make these available for use on unlicensed vehicles. The Licensing Team recommend that this condition be retained.*
14. **Chauffeur Vehicles.** Chauffeur vehicles are required to be licensed as private hire vehicles and be operated through a Licensed Operator in accordance with the 76 Act. However, regulation 75 (3) of the 76 Act allows the licensing authority to alter requirements for the display of plates. Harlow Council will not require that the vehicle display a rear plate under clause 11 above or door panels under clause 13 where the vehicle meets the following requirements;
  - The vehicle is an executive or prestigious vehicle,
  - The vehicle is only operated in a manner which could reasonably be construed as chauffeuring where persons hire the vehicle and driver and, a higher standard of service is provided,
  - The vehicle is not operated at any time for short trips, school runs, airport work and similar journeys which may be considered normal 'private hire work'.The Council shall issue a certificate of exemption for vehicles that are not required to display plates which must be carried in the vehicle. *Comment: This matter relates to solely to proprietors of private hire vehicles. The Council may exercise discretion to not require a plate to be displayed. The Licensing Team recommend that this condition be retained.*

- 15. Emissions.** All licensed vehicles shall be Euro 4 compliant or higher. Vehicles continuously licensed on 22<sup>nd</sup> November 2016 or before which are not certified by the manufacturer as Euro 4 compliant shall not be relicensed after 22<sup>nd</sup> November 2018. *Comment: The use of Euro 4 compliant private hire vehicles (from the existing Euro 3 standard) will help to protect air quality in Harlow by removing older more polluting vehicles from service. At March 2017 the Council had 46 private hire vehicles (19% of the fleet) registered prior to 2006 and 192 (81% of the fleet) registered after 2006 onwards when Euro 4 was first introduced. Under this proposal, vehicles registered after 2006 would be over 12 years old by November 2018. It seems improbable that many pre-2006 vehicles will be subject to 3 or 5 year finance lease arrangements. The impact of this condition on private hire vehicle proprietors would therefore be minimal. However, proprietors have raised concerns about the progression of this condition and may wish to receive assurance as to likely future changes to emission conditions and therefore the Council may wish to signal when it will move to Euro 5 and Euro 6 standards and set out a time table accordingly. The Licensing Team recommends that this condition be amended as follows:* All newly licensed private hire vehicles shall be Euro 4 compliant or higher. Vehicles continuously licensed on 22<sup>nd</sup> November 2016 or before which are not certified by the manufacturer as a minimum Euro 4 compliant shall not be relicensed after 22<sup>nd</sup> November 2018. Private hire Vehicles licensed after 1<sup>st</sup> January 2021 shall be certified by the manufacturer as Euro 5 compliant.
- 16. Fire Extinguisher.** A fire extinguisher manufactured to BSEN 3 1996 shall be readily available for use and fixed in position using a bracket and not carried loose in the vehicle or boot. *Comment: Informal discussions held with members of the trade indicate little support for this condition; drivers are not trained to fight fire and their first concern would be for their safety and that of their passengers. This is accepted, however the cost is modest and having a fire extinguisher to hand may where it is safe to use it limit the spread of fire and reduce risk. The Licensing Team recommends that this condition be retained.*
- 17. Meters.** A private hire vehicle shall not be required to use a private hire meter but where fitted the meter must be compliant with The Measuring Instruments (Taximeter) Regulations 2006 and be sealed by the Council or persons working on behalf of the Council. For the purposes of this condition, a PDA shall not be considered to be a meter. *Comment: Nothing in the 1976 Act requires a taximeter to be fitted in a private hire vehicle but some drivers/proprietors have chosen to lawfully use taximeters in their private hire vehicles to determine the fare. In these cases, the licensing authority should test and approve such meters in accordance with S71 of the 1976 Act. This condition provides clarity to drivers and proprietors about their legal obligations should they choose to install a taximeter and does not release them from their obligations under the 1976 Act. The Licensing Team recommend that this condition be retained.*
- 18. Reporting Damage and Accidents.** The proprietor of a PHV shall report to the Council as soon as reasonably practicable, but in any event, within 72 hours after the occurrence of the accident, details of any accident which the vehicle is involved irrespective of the extent to which the vehicle is physically damaged. In circumstances where the vehicle was not driven by a licensed driver, the requirement shall extend to the vehicle proprietor to report the accident to the Council. Any damage to a PHV which materially affects the safety, performance or appearance of

the vehicle shall not be used until such damage is repaired to the satisfaction of the Council. *Comment: revised conditions recommended by the Licensing Committee meeting of 22<sup>nd</sup> November 2016 relate to driver convictions, cautions, arrests and fixed penalty notices and not to vehicle accidents. This condition informs the vehicle proprietor of his or her obligations under S50 of the 76 Act which states; Without prejudice to the provisions of section 170 of the Road Traffic Act 1988, the proprietor of a hackney carriage or of a private hire vehicle licensed by a district council shall report to them as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence thereof, any accident to such hackney carriage or private hire vehicle causing damage materially affecting the safety, performance or appearance of the hackney carriage or private hire vehicle or the comfort or convenience of persons carried therein.* ***The Licensing Team recommend that this condition be revised to read:*** The proprietor of a private hire vehicle licensed by a district council shall report to the council as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence of, any accident to such private hire vehicle causing damage materially affecting the safety, performance or appearance of the private hire vehicle or the comfort or convenience of persons carried therein.

19. **LPG.** Private Hire Vehicles converted to run on LPG by a third party vehicle converter shall meet the legislative requirements set out in the Road Vehicle (Construction and Use) Regulations 1986 (as amended). [Regulations 40 & 94 and schedules 4 & 5 lay down safety requirements for the LPG system]. There is a voluntary code of practice published by UKLPG regarding LPG conversion standards. The Council reserves the right to require that the vehicle be approved under the UKLPG accreditation scheme. Documentary evidence shall be provided to the Licensing Team to confirm that the conversion meets with legislative requirements. Private hire vehicles converted to run on LPG shall display a roundel sticker at the front and rear of the vehicle stating that the vehicle has been fitted with an LPG tank. The vehicle proprietor shall notify the Licensing Team, DVLA and their insurance company that the vehicle has been converted to run on LPG. ***The Licensing Team recommend that this condition be retained.***
20. **BHP.** Petrol or diesel powered private hire vehicles shall be a minimum of 90bhp. ***The Licensing team recommend that this condition be retained.***
21. **Hybrid and Electrically Propelled Vehicles.** Harlow Council shall licence hybrid or electrically propelled vehicles where they meet these conditions. ***The Licensing team recommend that this condition be retained.***
22. **Insurance Write offs.** Any vehicle that had previously been ‘written off’ as a category C insurance claim shall not be licenced by the Council for the first time on or after 1<sup>st</sup> March 2017. Any vehicle that had been previously written off as a category C and which was currently licensed by the Council on 1<sup>st</sup> December 2016 shall not be re-licensed by the Council after 1<sup>st</sup> January 2018. *Comment: Representatives of the trade have stated with some reason that “Category C” vehicles may be repaired to an acceptable standard by an accredited repair facility. However, when a vehicle is sold the history of that repair may be lost and on occasions, a new owner may be unaware that the vehicle had previously been written off. The Licensing Committee will wish to decide whether the use of category C vehicles provides the Council and travelling public with assurance that the vehicle is safe to be used for hire and reward.*

**23. Maintenance Standards.** The licensed vehicle shall meet the minimum standards set out in the MOT and Compliance standards below. A licensed vehicle which fails the MOT **standard** shall not be used as a Private Hire Vehicle and the proprietor shall as soon as practicable inform the Council's licensing team of any such failure. A licensed vehicle shall not be used as a private hire vehicle where it fails a compliance test other than at the discretion of the Environment and Licensing Manager. Any such failure shall as soon as practicable be notified to the Licensing Team. *Comment: For ease of reference this proposed new policy combines the vehicle licensing requirements with previously published compliance standards and MOT requirements. However, by itemising all the MOT requirements, (which are subject to regular revisions) the document appears unnecessarily large and has repeated legal requirements found elsewhere. The Licensing Team therefore recommends that details of the list of MOT requirements (crossed through below) be removed and condition 23 to read:*

**Compliance and MOT Standards.** The licensed vehicle shall meet the minimum standards set out in the MOT and in the Compliance standards below. A licensed vehicle which fails the MOT **standard** shall not be used as a Private Hire Vehicle and the proprietor shall as soon as practicable inform the Council's licensing team of any such failure. A licensed vehicle shall not be used as a private hire vehicle where it fails a compliance test other than at the discretion of the Environment and Licensing Manager. Any such failure shall as soon as practicable be notified to the Licensing Team. The Licensed Vehicle shall meet the following standards when tested annually and at 6 month intervals with the exception of vehicle emission testing which shall be carried out annually.

**MOT:** the vehicle shall meet the MOT standard when undergoing a compliance test.

**~~The Licensed Vehicle shall meet the following standards~~**

<b>ITEM</b>	<b>STANDARD REQUIRED</b>
<b>INTERIOR</b>	
STEERING CONTROLS	MOT REGULATIONS (C & U)
FOOT BRAKE PEDAL	MOT REGULATIONS (C & U)
CLUTCH PEDAL	MOT REGULATIONS (C & U)
HAND BRAKE LEVER	MOT REGULATIONS (C & U)
WINDSCREEN WIPERS	MOT REGULATIONS (C & U)
WINDSCREEN WASHERS	MOT REGULATIONS (C & U)
HORN	MOT REGULATIONS (C & U)
SPEEDOMETER	MOT REGULATIONS (C & U)
CONDITION OF WINDSCREEN	MOT REGULATIONS (C & U)
PANEL LIGHT AND GAUGES	MOT REGULATIONS (C & U)
INDICATORS & WARNING LAMP	MOT REGULATIONS (C & U)
DRIVERS SEAT	MOT REGULATIONS (C & U)
DRIVING MIRRORS	MOT REGULATIONS (C & U)
SEAT BELTS	MOT REGULATIONS (C & U)
FIRE EXTINGUISHER	SEE NOTES BELOW
DRIVER AND PASSENGER FOOTWELLS	SEE NOTES BELOW
<b>EXTERIOR</b>	

DOOR GLASS, LOCKS & HINGES	INTACT NO	EXCESSIVE	WEAR
WORKING			
CHECK STRAPS AND TRIMS	INTACT NO	EXCESSIVE	WEAR
WORKING			
LEG ROOM, HEAD HEIGHT AND SEATING DIMENSIONS	SEE NOTES BELOW		
HEATING	INTACT WORKING		
PASSENGER LIGHTING	INTACT WORKING		
FRONT LAMPS	MOT REGULATIONS (C & U)		
HEAD LAMPS	MOT REGULATIONS (C & U)		
HEAD LAMP ALIGNMENT	MOT REGULATIONS (C & U)		
STOP LAMPS	MOT REGULATIONS (C & U)		
REAR LAMPS	MOT REGULATIONS (C & U)		
REVERSING/FOG LAMPS	MOT REGULATIONS (C & U)		
REAR REFLECTORS	MOT REGULATIONS (C & U)		
NUMBER PLATE LAMPS	MOT REGULATIONS (C & U)		
INDICATORS	MOT REGULATIONS (C & U)		
SPARE WHEEL & TYRE	MOT REGULATIONS (C & U)		
LUGGAGE ARRANGEMENTS	SEE NOTES BELOW		
EXTERIOR MIRRORS	MOT REGULATIONS (C & U)		
OPERATION OF SHOCK ABSORBERS	MOT REGULATIONS (C & U)		
CONDITION OF NUMBER PLATES	MOT REGULATIONS (C & U)		

### **UNDER THE BONNET**

BATTERY SECURITY	MOT REGULATIONS (C & U)
WIRING SECURITY	MOT REGULATIONS (C & U)
BRAKE PIPES AND HOSES	MOT REGULATIONS (C & U)
OIL AND FUEL LEAKS	MOT REGULATIONS (C & U)
EMISSION OF SMOKE	MOT REGULATIONS (C & U)
BONNET OPERATION	SEE NOTES BELOW
EXHAUST MANIFOLD	MOT REGULATIONS (C & U)

### **UNDER THE VEHICLE**

STEERING MECHANISM	MOT REGULATIONS (C & U)
POWER STEERING	MOT REGULATIONS (C & U)
TRANSMISSION SHAFTS	MOT REGULATIONS (C & U)
STUB AXLE ASSEMBLIES	MOT REGULATIONS (C & U)
WHEEL BEARING	MOT REGULATIONS (C & U)
SUSPENSION	MOT REGULATIONS (C & U)
SHOCK ABSORBERS	MOT REGULATIONS (C & U)
SERVICE BRAKE CONDITION	MOT REGULATIONS (C & U)
PARKING BRAKE CONDITION	MOT REGULATIONS (C & U)
EXHAUST SYSTEM	MOT REGULATIONS (C & U)
TRANSMISSION MOUNTINGS	MOT REGULATIONS (C & U)
ENGINE MOUNTINGS	MOT REGULATIONS (C & U)

### **UNDER BODY**

CHASSIS	MOT REGULATIONS (C & U)
WHEELS AND TYRES	MOT REGULATIONS (C & U)
TYRE TREAD	MOT REGULATIONS (C & U)
TYRE TYPE	MOT REGULATIONS (C & U)
TYRE CONDITION	MOT REGULATIONS (C & U)
ROAD WHEELS	MOT REGULATIONS (C & U)
UNDER CHASSIS CLEANLINESS	SEE NOTES BELOW

<b>BRAKES TEST</b>	
SERVICE BRAKE EFFICIENCY	MOT REGULATIONS (C & U)
PARKING BRAKE EFFICIENCY	MOT REGULATIONS (C & U)
SERVICE BRAKE BALANCE	MOT REGULATIONS (C & U)

**Fire extinguishers:** shall be fixed with a bracket in the car or boot and be readily available for use. *Comment: The Licensing Team recommends that this condition be retained.*

**Driver and passenger foot-wells:** Driver and passenger foot-wells shall be kept free of obstructions.

**Leg room, seat dimensions and internal arrangements:** Private hire vehicles shall meet the following minimum standards:

- Vehicles with 4 seats or more shall have a minimum of 4 passenger doors.  
*Comment: The Licensing Team recommends that this condition be amended to read;* Vehicles shall have 5 seats to accommodate a minimum of 4 passengers and have a minimum of 4 doors.
- Larger vehicles may be licensed for not more than 8 passengers.
- The aggregate internal width of seats shall not be less than 1,290mm when measured across the seats at shoulder height. The dimensions of all rear seats shall not be less than 430mm.
- Provide not less than 152mm leg-room between the front seat and cushion of the rear seat measured horizontally.
- The licensing team shall exercise reasonable discretion on the suitability of vehicles to be licensed as private hire vehicles.
- Seats shall be secure and backrests shall be capable of being secured in the upright position.

**Bonnet.** The bonnet must open and close properly and be fitted with a working safety catch in accordance with the manufacturer's specifications.

**Vehicle Cleanliness** The vehicle shall be submitted for inspection in a clean condition to enable the vehicle inspector to carry out a full and proper inspection and examine all necessary components. Reasonable steps should be taken to keep the licensed vehicle clean throughout the licensed period.

**Floor coverings** Floor covering shall be complete and free from cuts, tears, or serious staining.

**Interior (General)** All interior trim, including headlining, door panels and speakers shall be clean, complete, properly fitted and free from serious cuts, tears or major soiling. Door handles and windows shall be operational. All fittings shall be secured in a manner that prevents sharp edges or other hazards protruding into the passenger carrying areas.

**Rust** The vehicle shall be free from significant areas of visible rusting. Although minor blemishes will not normally constitute a failure, the following general criteria should be

followed. Any vehicle with three or more visible rust patches larger than 5sq cms each shall be failed. The vehicle examiner shall be allowed reasonable discretion when assessing rust.

**Dents:** Any vehicle with minor dents on three or more panels where such dents detract from the appearance of the vehicle shall be failed. The vehicle examiner shall be allowed reasonable discretion when assessing dents.

**Scratches:** Any vehicle with unrepainted scratches down to bare metal on three or more panels of 50mm in length or where the cumulative appearance of scratches detracts from the appearance of the vehicle shall be failed. The vehicle examiner shall be allowed reasonable discretion when assessing vehicle condition.

**Paintwork:** Any vehicle with panels painted in non-matching colours, or in primer, shall be failed.

**Accident damage:** Vehicles with significant unrepainted bodywork damage shall be failed.

**TRAILERS.** Trailers shall,

1. Be maintained in roadworthy condition.
2. Be fitted with lights in accordance with The Road Vehicles Lighting Regulations 1989.
3. Display a number plate of the towing vehicle.
4. Not obscure the 'Local Authority Plate'.

**Access Equipment and fittings for passengers with disabilities (where fitted):** Access ramps and hoists shall properly installed and maintained in working order. Wheelchair clamps and harnesses shall be correctly fitted, be available for use and, maintained in good working order. Fittings and fitments shall be capable of being used by persons using a wheelchair.

**MISCELLANEOUS MATTERS**

A Private Hire Vehicle must be clearly distinguishable from Hackney Carriages.

**Door panels size and design.** Door identification panels shall be permanently fixed and displayed on the front passenger and driver doors. The panels may not be fixed using magnets or other non-permanent means. Panels shall measure 400mm x 127mm and clearly display the vehicle private hire plate number. The panels will be supplied by Harlow Council.

**Tinted windows.** All rear nearside, offside, tailgate and boot windows fitted to Licensed Vehicles first licensed by Harlow Council after 1<sup>st</sup> December 2016 shall have a minimum 70% light transmittance. (This value is the same legal minimum value for front nearside and offside windows.) Private Hire Vehicles continuously licensed by Harlow Council prior to 30<sup>th</sup> November 2016 and fitted with factory made tinted windows shall not be re-licensed after 30<sup>th</sup> November 2018. Licensed vehicles fitted with aftermarket tinted windows <70% transmittance shall not be licensed. *Comment: The Council has routinely required aftermarket tinted windows to be removed from rear windows of private hire vehicles but in recent years it has become apparent that an increasing number of vehicles have 'factory-fitted' tinted windows. The amount tint currently found in licensed private hire vehicles (light transmission through the glass) varies between 70% and 10%. Persons travelling in vehicles fitted with very dark windows cannot be seen from outside of the vehicle.*

*Thirty one private hire drivers (13% of licensed PH drivers) answered the consultation question about tinted windows. The consultation results have revealed strong opposition among private hire drivers with 31 (97% of respondents) opposed to its introduction.*

*Members of the trade have forwarded various pieces of research which would indicate that*

*there is no link between crime and tinted windows. The trade has also drawn attention to the cost of replacement glass and of the limited availability of suitable replacement vehicles in the second hand market without tinted windows.*

*Eight hackney carriage drivers (12% of licensed HC drivers) answered the consultation question about tinted windows. The consultation revealed support among hackney carriage drivers with 5 (63% of respondents) in favour of the proposed new condition with 1 person opposed. The full results of the survey are attached to the committee report.*

*Essex Police has offered the following advice: I am not aware of any link between ‘tinted’ windows and crime. I would however suggest that if you are able to impose conditions the lighter the window the better, put simply this allows the Police or any other person clear vision into a vehicle for evidential purposes. Windows that are not tinted would provide ‘safeguarding’ for passengers as they can be seen.*

***The licensing team recommends that the Council limit the use of tinted glass in licensed vehicles*** by assigning a value below which the vehicle would not be licensed and, that selected value (%) be balanced against the cost of replacement glass and availability of suitable replacement used vehicles. A value of between 40% and 60% would in most circumstances allow passengers to be seen in the rear of the vehicle during daylight.

# 5

## HACKNEY CARRIAGE VEHICLE LICENSING AND TESTING

### **Standard conditions applicable to Hackney Carriage Vehicle licences.**

Hackney Carriage Vehicles (Proprietors) are licensed under Section 37 of the Town Police Clauses Act 1847.

Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 allows a Local Authority to impose conditions that it 'considers reasonably necessary' in respect of Hackney Carriage Vehicles.

**Mandatory Orders.** Harlow Council operates a system referred to as 'Mandatory Orders'. This means that Hackney Carriage vehicle licenses are only issued to vehicles, which meet the London Public Carriage Office specification i.e. 'London-style cabs'.

1. **Use of Vehicle.** A Hackney Carriage Vehicle once licensed is always a Hackney Carriage Vehicle and as such can only be driven by a Hackney Carriage Driver who holds a licence under Section 46 of the Local Government (Miscellaneous Provisions) Act 1976. *Comment; The licensing team recommends that this condition be amended to read:* A Hackney Carriage Vehicle once licensed is always a Hackney Carriage Vehicle and as such may only be driven by a Hackney Carriage Driver who holds a licence under Section 46 of the Town Police Clauses Act 1847 and Section 53 of the Local Government (Miscellaneous Provisions) Act 1976 except where the vehicle or driver is being tested in accordance with the provisions specified in Schedule 7 of the Transport Act 1985.
2. **Persons permitted to drive a licensed vehicle.** A Hackney Carriage licensed by Harlow Council may only be driven by a person licensed by Harlow Council to drive a Hackney Carriage. *Comment; The licensing team recommend this condition be amended to read:* A Hackney Carriage licensed by Harlow Council may only be driven by a person licensed by Harlow Council to drive a Hackney Carriage except where the vehicle or driver is being tested in accordance with the provisions specified in Schedule 7 of the Transport Act 1985.
3. **Additional Conditions.** Where necessary, the Environment and Licensing Manager shall apply specific conditions to the grant or renewal of the vehicle licence.
4. **Inspection of the Vehicle** All MOT and Compliance tests shall be carried out by the Council's nominated garage. The Council shall not license a Hackney Carriage unless the vehicle has successfully passed an MOT and Compliance test.
5. **Inspection intervals.** Licensed vehicles shall be presented for MOT annually and immediately prior to first being licensed. Thereafter, a licensed vehicle shall be presented for Compliance testing at the following intervals;
  - Immediately prior to the issue of first licence (on the date of the MOT)
  - Annually for vehicles up to 12 years of age at first registration,
  - Twice a year for vehicles older than 12 years of age
  - At the request of the Council for enforcement purposes.
  - Proprietors are required to book their MOT and Compliance tests with the nominated garage at the specified intervals.

*Comment: The consultation has revealed strong support for hackney carriages to be inspected at more frequently than proposed above. Although 'black cabs' are specially designed vehicles and well suited for their intended purpose, a 12 year old vehicle may have covered several hundred thousand miles before the requirement for bi-annual testing begins at 12 years old. The Licensing Team recommends that Hackney Carriages be required to be inspected twice per year when they reach 6 years of age.*

6. **Written off Vehicles** Any vehicle that had previously been 'written off' as a category C insurance claim shall not be licenced by the Council for the first time on or after 1<sup>st</sup> March 2017. Any vehicle that had been previously written off as a category C and which was currently licensed by the Council on 1<sup>st</sup> December 2016 shall not be re-licensed by the Council after 1<sup>st</sup> January 2018. *Comment: The trade has advanced some convincing arguments that Category C vehicles may be repaired to an acceptable standard where the vehicle has been repaired by an accredited repair facility. However, when a vehicle is sold the history of that repair may be lost and on occasions, the new owner will be unaware that the vehicle had previously been written off. The current position errs on the side of caution. The Licensing team recommends that the existing condition be retained.*
7. **Trailers.** Prior to being used for the first time a trailer shall be inspected by the Council's nominated garage. Trailers used by Hackney Carriage vehicles will be subject to testing at the same time as the vehicle.
8. **Plates and Badges.** The Hackney Carriage plate shall be permanently fixed to the outside rear of the vehicle and shall be displayed at all times. The vehicle badge shall be displayed on the partition window where it may clearly be seen by passengers.
9. **Fitness of the Vehicle.** The vehicle shall be maintained in a clean, comfortable, presentable and roadworthy condition at all times.
10. **Signs and advertising.** Signs on vehicles shall be clear, not misleading and must not be offensive. Signs must not impede the safe operation of the vehicle.
11. **Accidents Causing Damage to the Vehicle.** The proprietor of a Hackney Carriage shall report to the Council as soon as reasonably practicable, but in any event, within 72 hours after the occurrence of an accident, details of any accident which the vehicle is involved irrespective of the extent to which the vehicle is physically damaged. In circumstances where the vehicle was not driven by a licensed driver, the requirement shall extend to the vehicle proprietor to report the accident to the Council. *Comment: revised conditions taken before the 22<sup>nd</sup> November 2016 relate to driver convictions, cautions, arrests and fixed penalty notices and not to vehicle accidents. This condition informs the vehicle proprietor of his or her obligations under S50 of the 76 Act which states; Without prejudice to the provisions of section 170 of the Road Traffic Act 1988, the proprietor of a hackney carriage or of a private hire vehicle licensed by a district council shall report to them as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence thereof, any accident to such hackney carriage or private hire vehicle causing damage materially affecting the safety, performance or appearance of the hackney carriage or private hire vehicle or the comfort or convenience of persons carried therein. The Licensing Team recommend that this condition be revised to read: The proprietor of a hackney carriage vehicle licensed by a district council shall report to the council as soon as reasonably*

practicable, and in any case within seventy-two hours of the occurrence of, any accident to such hackney carriage vehicle causing damage materially affecting the safety, performance or appearance of the hackney carriage vehicle or the comfort or convenience of persons carried therein.

- 12. Insurance.** A valid insurance policy in respect of the vehicle covering the carriage of passengers for hire and reward shall be in force throughout the period of the licence. *Comment: This is a requirement of the Road Traffic Act 1988. The Council requires that all licensed vehicles be suitably insured on the date on which they are licensed and to cover hire and reward. A requirement to carry a paper copy of the insurance certificate is of little value because some drivers pay monthly and paper records are easily forged. This condition provides clarity to drivers that they require insurance to cover hire and reward. Officers may require a driver to produce evidence of insurance in accordance with S50 (4) of the Act. The Licensing Team recommend that this condition be retained.*
- 13. Fire Extinguisher** A fire extinguisher manufactured to BSEN3 1996 shall be readily available for use. It shall be fixed in position using a bracket and not carried loose in the vehicle or boot. *Comment: Informal discussions held with members of the trade indicate little support for this condition; drivers are not trained to fight fire and their first concern would be for their safety and that of their passengers. This is accepted, however the cost is modest and having a fire extinguisher to hand may where it is safe to use it limit the spread of fire and reduce risk. The Licensing Team recommends that this condition be retained.*
- 14. Plying for Hire/Hackney Carriage Ranks.** Hackney carriage vehicles may ply for hire on an approved Hackney Carriage rank and may be hailed while travelling along any public highway within the District of Harlow. A Hackney Carriage vehicle may be dispatched to undertake a pre booked journey.
- 15. Hackney Carriage Meters.** Hackney carriages shall be fitted with a meter compliant with The Measuring Instruments (Taximeters) Regulations 2006 and shall be periodically tested and sealed by the Council or by persons working on behalf of the Council.
- 16. Alteration of the Vehicle.** No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time the licence is in force.
- 17. Wheelchair Accessibility** All Hackney Carriage Vehicles shall be wheelchair accessible and fitted with access ramps and fastening equipment. Hackney carriage vehicles are required to carry wheelchair passengers unless the driver has a medical exemption certificate issued by the Council on medical advice.
- 18. Vehicle Emissions.** All licensed vehicles shall be Euro 4 compliant or higher. Vehicles continuously licensed on 22<sup>nd</sup> November 2016 or before which are not certified by the manufacturer as Euro 4 compliant shall not be relicensed after 22<sup>nd</sup> November 2018. *Comment: It is noted from the consultation that hackney carriage drivers/proprietors support the proposed move to lower polluting vehicles. However, hackney carriages are specialist vehicles which retain their value over a longer period of time and new or later vehicles represent a significant investment. A new hackney carriage costs in the region of £45k. The use of Euro 4 compliant*

*hackney carriages vehicles (from the existing Euro 3 standard) will help to protect air quality in Harlow by removing older more polluting vehicles from service. At March 2017 the Council had 51 hackney carriages (81% of the fleet) registered prior to 2006 and 11 (19% of the fleet) registered after 2006 when Euro 4 was first introduced. The effect of this condition on hackney carriage proprietors would therefore have a much greater impact to the hackney carriage trade when compared with the effects on the private hire trade. The trade has also pointed to the changes proposed by the Mayor of London which will see the introduction of new technology and a gradual phasing out of diesel hackney carriages in London. The trade has indicated that they would like to take advantage of the opportunity of purchasing later vehicles that can no longer work in London but would nonetheless meet Euro 4, 5 or 6 standards as these vehicles become available. The trade consider it to be unlikely that these vehicles will become available in sufficient numbers until 2020 or later. Proprietors have also raised concerns about the progression of this condition particularly in view of the high cost of these vehicles and may wish to receive assurance as to likely future changes to emission conditions. The Council may wish to signal when it will move to Euro 5 and Euro 6 standards and set out a timetable accordingly. The Council will also wish to take account of the potential significant costs associated with these changes and differentiate between hackney carriages and private hire vehicles by providing the hackney carriage trade with an additional year to achieve compliance.* **The Licensing Team recommends that this condition be amended as follows:** All licensed vehicles licensed for the first time shall be Euro 6 compliant. Vehicles continuously licensed on 22<sup>nd</sup> November 2016 which are not certified by the manufacturer as minimum Euro 4 compliant shall not be relicensed after 1<sup>st</sup> January 2020. Hackney Carriage vehicles licensed after 1<sup>st</sup> January 2023 shall be certified by the manufacturer as minimum Euro 5 compliant.

- 19. Maintenance Standards.** The licensed vehicle shall meet the minimum standards set out in the MOT and Compliance standards below. A licensed vehicle which fails the MOT **standard** shall not be used as a Hackney Carriage and the proprietor shall as soon as practicable inform the Council's licensing team of any such failure. A licensed vehicle shall not be used as a Hackney Carriage where it fails a compliance test other than at the discretion of the Environment and Licensing Manager. Any such failure shall as soon as practicable be notified to the Licensing Team. *Comment: For ease of reference this proposed new policy combines the vehicle licensing requirements with previously published compliance standards and MOT requirements. However, by itemising all the MOT requirements, (which are subject to regular revisions) the document appears unnecessarily large and has repeated legal requirements found elsewhere.* **The Licensing Team therefore recommends that details of the list of MOT requirements (crossed through below) be removed and condition 23 to read:**

**Compliance and MOT Standards.** The licensed vehicle shall meet the minimum standards set out in the MOT and in the Compliance standards below. A licensed vehicle which fails the MOT **standard** shall not be used as a Hackney Carriage and the proprietor shall as soon as practicable inform the Council's licensing team of any such failure. A licensed vehicle shall not be used as a hackney carriage where it fails a compliance test other than at the discretion of the Environment and Licensing Manager. Any such failure shall as soon as practicable be notified to the Licensing Team. The Licensed Vehicle shall meet the following standards when tested annually and at 6 month intervals with the exception of vehicle emission testing which shall be carried out annually.

**MOT:** the vehicle shall meet the MOT standard when undergoing a compliance test.

## ~~HACKNEY CARRIAGE LICENSING AND TESTING~~

### ~~MOT and Compliance Standard~~

<del>ITEM</del>	<del>STANDARD REQUIRED</del>
<b>CAB ITEMS</b>	
STEERING CONTROLS	MOT REGULATIONS (C & U)
FOOT BRAKE PEDAL	MOT REGULATIONS (C & U)
CLUTCH PEDAL	MOT REGULATIONS (C & U)
HAND BRAKE LEVER	MOT REGULATIONS (C & U)
WINDSCREEN WIPERS	MOT REGULATIONS (C & U)
WINDSCREEN WASHERS	MOT REGULATIONS (C & U)
HORN	MOT REGULATIONS (C & U)
SPEEDOMETER	MOT REGULATIONS (C & U)
CONDITION OF WINDSCREEN	MOT REGULATIONS (C & U)
PANEL LIGHT AND GAUGES	MOT REGULATIONS (C & U)
INTERIOR LIGHTS	MOT REGULATIONS (C & U)
INDICATORS & WARNING LAMP	MOT REGULATIONS (C & U)
DRIVERS SEAT	MOT REGULATIONS (C & U)
DRIVING MIRRORS	MOT REGULATIONS (C & U)
SEAT BELTS	MOT REGULATIONS (C & U)
FIRE EXTINGUISHER	SEE BELOW
<b>GROUND LEVEL ITEMS</b>	
DOOR GLASS, LOCKS & HINGES	NO EXCESSIVE WEAR & WORKING
CHECK STRAPS AND TRIMS	NO EXCESSIVE WEAR & WORKING
COMMUNICATION WINDOW	INTACT & WORKING
PASSENGER DOOR WARNING SYSTEM	SEE BELOW
SEATING DIMENSIONS	MIN 400MM WIDE PER PASSENGER
HEATING	INTACT & WORKING
PASSENGER LIGHTING	INTACT & WORKING
FRONT LAMPS	MOT REGULATIONS (C & U)
HEAD LAMPS	MOT REGULATIONS (C & U)
HEAD LAMP ALIGNMENT	MOT REGULATIONS (C & U)
STOP LAMPS	MOT REGULATIONS (C & U)
REAR LAMPS	MOT REGULATIONS (C & U)
REVERSING/FOG LAMPS	MOT REGULATIONS (C & U)
REAR REFLECTORS	MOT REGULATIONS (C & U)
NUMBER PLATE LAMPS	MOT REGULATIONS (C & U)
INDICATORS	MOT REGULATIONS (C & U)
SPARE WHEEL & TYRE	MOT REGULATIONS (C & U)
LUGGAGE ARRANGEMENTS	SEE BELOW
EXTERIOR MIRRORS	MOT REGULATIONS (C & U)
OPERATION OF SHOCK ABSORBERS	MOT REGULATIONS (C & U)
CONDITION OF NUMBER PLATES	MOT REGULATIONS (C & U)
TAXI SIGN	SEE BELOW
<b>UNDER THE BONNET</b>	
BATTERY SECURITY	MOT REGULATIONS (C & U)
WIRING SECURITY	MOT REGULATIONS (C & U)

**UNDER BONNET (Cont.)**

BRAKE PIPES AND HOSES	MOT REGULATIONS (C & U)
OIL AND FUEL LEAKS	MOT REGULATIONS (C & U)
EMISSION OF SMOKE	EURO 3 EMISSION COMPLIANT
BONNET OPERATION	SEE BELOW
EXHAUST MANIFOLD	MOT REGULATIONS (C & U)
FUEL SYSTEM	SEE BELOW

**UNDER THE VEHICLE**

STEERING MECHANISM	MOT REGULATIONS (C & U)
POWER STEERING	MOT REGULATIONS (C & U)
TRANSMISSION SHAFTS	MOT REGULATIONS (C & U)
STUB AXLE ASSEMBLIES	MOT REGULATIONS (C & U)
WHEEL BEARING	MOT REGULATIONS (C & U)
SUSPENSION	MOT REGULATIONS (C & U)
SHOCK ABSORBERS	MOT REGULATIONS (C & U)
EXHAUST SYSTEM	MOT REGULATIONS (C & U)
TRANSMISSION MOUNTINGS	MOT REGULATIONS (C & U)
ENGINE MOUNTINGS	MOT REGULATIONS (C & U)

**UNDER BODY**

CHASSIS	MOT REGULATIONS (C & U)
WHEELS AND TYRES	MOT REGULATIONS (C & U)
TYRE TYPE	MOT REGULATIONS (C & U)
TYRE CONDITION	MOT REGULATIONS (C & U)
TYRE TREAD	MOT REGULATIONS (C&U)
ROAD WHEELS	MOT REGULATIONS (C & U)
UNDER CHASSIS CLEANLINESS	SEE BELOW

**BRAKES**

SERVICE BRAKE EFFICIENCY	MOT REGULATIONS (C & U)
PARKING BRAKE EFFICIENCY	MOT REGULATIONS (C & U)
SERVICE BRAKE BALANCE	MOT REGULATIONS (C & U)

**MISCELLANEOUS**

FLOOR AND CARPET	SEE BELOW
SEATS	SEE BELOW
INTERIOR (GENERAL)	SEE BELOW
CONDITION OF BODY	SEE BELOW
TRAILERS	SEE BELOW
ACCESS ARRANGEMENTS AND FITTINGS FOR PASSENGERS WITH DISABILITIES	SEE BELOW

**COMPLIANCE TEST REQUIREMENTS - HACKNEY CARRIAGE**

1. Fire Extinguisher. A fire extinguisher manufactured to BSEN 3 1996 shall be readily available for use and fixed in position using a bracket and not carried loose in the vehicle or boot. *Comment: Informal discussions held with members of the trade indicates little support for this condition and it has been pointed out that drivers are not trained to fight fire and that their first concern would be for their safety and the safety of passengers. This is accepted, however the cost is modest and having a fire extinguisher to hand may where it is safe to use it limit the spread of fire*

*and reduce risk. The Licensing Team recommends that this condition be retained.*

**Passenger door warning system.** The drivers' control panel warning lights and passenger doors safety locking system must be fully operational. All doors shall lock when the foot brake is applied or the speed is in excess of 5 mph.

**Luggage space.** The front luggage space shall be reasonably empty, clean and be available for use.

**Taxi sign.** A "Taxi" sign shall be clearly visible both by day and night when the cab is available for hire. The sign shall be operational.

**Bonnet operation.** The bonnet shall open and close properly and be fitted with a working safety catch.

**Fuel system.** A device shall be provided whereby the supply of fuel to the engine may be immediately cut off. Its position together with the means of operation and "off" position must be clearly marked on the outside of the vehicle. In the case of an engine powered by gas or petrol, the device must be visible and readily accessible at all times from outside the vehicle.

*Comment: The Licensing Team recommends that this condition be deleted.*

**Tyre type.** Tyres must comply with the requirements of C & U regulations and be marked 'Taxi'. Re-tread tyres must comply with the British Standards Institution requirement BS.AU144E as amended.

**Under chassis cleanliness.** The vehicle shall be submitted for inspection in a clean condition to enable the vehicle inspector to carry out a full and proper inspection and examine all necessary components

**Floor coverings.** Floor coverings in the passenger compartment shall be non-slip and capable of being easily cleaned. The floor covering shall be complete and free from cuts, tears, or serious staining.

**Seats.** All seats, including the driver's seat shall be free from stains, cuts, tears and cigarette burns, except those of a very minor nature. Any repairs shall be carried out in a professional and neat manner.

**General interior condition.** All interior trim, including headlining, door panels and speakers shall be clean, complete, properly fitted and free from serious cuts, tears or major soiling. Door handles and window winders shall be secure and operational. All fittings shall be secured in a manner that prevents sharp edges or other hazards protruding into the passenger carrying area.

**Rust** The vehicle shall be free from significant areas of visible rusting. Although minor blemishes will not normally constitute a failure, the following general criteria should be followed. Any vehicle with three or more visible rust patches larger than 5sq cms each shall be failed. The vehicle examiner shall be allowed reasonable discretion when assessing rust.

**Dents** Any vehicle with minor dents on three or more panels where such dents detract from the appearance of the vehicle shall be failed. The vehicle examiner shall be allowed reasonable discretion when assessing dents.

**Scratches:** Any vehicle with unrepaired scratches down to bare metal on three or more panels of 50mm in length or where the cumulative appearance of scratches detracts from the appearance of the vehicle shall be failed. The vehicle examiner shall be allowed reasonable discretion when assessing vehicle condition.

**Paintwork:** Vehicles with panels painted in non-matching colours or in primer shall be failed.

**ACCIDENT DAMAGE** Vehicles with significant unrepaired body damage shall be failed.

**Trailers.** Trailers shall,

1. Be maintained in roadworthy condition
2. Be fitted with an appropriate towing attachment between vehicle and trailer
3. Be fitted with lights in accordance with The Road Vehicles Lighting Regulations 1989
4. Tyres shall have adequate tread.
5. Brakes (where fitted) shall be in operational.
6. Display a number plate of the towing vehicle.

**Access Equipment and fittings for passengers with disabilities:** Access ramps and hoists shall be properly installed and maintained in working order. Wheelchair clamps and harnesses shall be correctly fitted, be available for use and, maintained in good working order. Fittings and fitments shall be capable of being used by persons using a wheelchair.

**Tinted windows.** All rear nearside, offside, tailgate and boot windows fitted to Licensed Vehicles shall have a minimum 70% light transmittance. (This value is the same legal minimum value for front nearside and offside windows.)

**Responses received from Mr Tony Foley**

By email 5<sup>th</sup> February 2017 with attachments below

Please find attached my response to the councils consultation as presented to November's licensing meeting on ISSUES

My responses will be in 4 stages because of the amount of proposals officers presented to the committee

They will consist of the following

ISSUES

CONDITIONS

VEHICLE STANDARDS

TINTED WINDOWS

As this is the 3<sup>rd</sup> proposed change on vehicle conditions since committee agreed a review on ALL conditions in 2013 by the licensing officers one would hope it to be correct and final and only subject to changes at national level.

The hopes are that operator and driver conditions do not take officers 4 years to review

By email February 2017 with attachments

Please find attached the my comments on the issues as presented to November 2016 committee meeting and part of the current consultation

My response to the whole consultation will be in 4 parts because of the large number of issues involved

1 issues

2 conditions

3 vehicles standards

4 Tinted windows

As this is the 3rd review of vehicles conditions and standards since being put to committee to review ALL conditions in 2013 one would hope officers can move to review of operators and drivers conditions

By email February 2017

Good afternoon

Please find attached my response to the proposals on vehicle standards within the current consultation

Along with the proposals presented to the November Licensing Meeting

By Email February 2017 with attachments

Good morning

Please find attached my comments on the proposals put to the November licensing meeting and included in the current consultation documents

It includes a report as well as TfL position and the DVLA facts on this issue

## RESPONSE TO CONSULTATION ON ISSUES FEBRUARY 2017

## SINGLE PASSENGER PH VEHICLES

Provided that the vehicle meets Harlow compliant standards at the time of licensing these should be acceptable but the council should be aware this is a limited market and companies have struggled in operating such a type of vehicle on its own the council do have a duty of care on this issue

This is not an unmet demand within the Harlow PH trade.

There is a serious unmet demand within the PH trade for vehicles that are 100% compliant with the Disability act the council and large operator's time and energy would be better spent looking at improving this issue

HC 70 vehicles 100% compliant PH 200+ vehicles 2or3 100% compliant??

## ENVIRONMENTAL PERFORMANCE OF LICENSED VEHICLES

Harlow as an area has a large HGV and bus traffic some of which pollute the town and nothing is done to reduce these emissions

The council see fit to again set conditions on the 300 vehicles they license, are the same conditions going to be implemented on their own vehicles they control or contractors they use?

London is quoted as an example but London is introducing emission standards on ALL vehicles not just HC & PH trades

The amount of emissions by the HARLOW licensed trades does not affect the air quality in HARLOW

Since euro 4 was introduced the quality of vehicle in the PH trade has improved and the original proposal was on exhaust emissions and because officers would not enforce an issue within the HC compliance they had the condition changed to vehicle standard.

So costs are affected and should be borne in mind when this issue is discussed

What is being required?? Improvement in exhaust emissions or vehicle standard? The councils preferred garage are unable to confirm or verify the figures referred by officers in paragraph 8

HACKNEY CARRIAGE I am not in a position to pass a comment on changes to this trade

## RESPONSE TO CONSULTATION ON VEHICLE LICENSING AND TESTING

ARE CURRENT CONDITIONS NOT LISTED IN  
THESE PROPOSALS BEING DELETED

### (Appendix 1)

FEBRUARY 2017

#### GENERAL OBSERVATIONS

THERE ARE SEVERAL STANDARD CONDITIONS  
UNDER THE LOCAL GOVERNMENT  
(MISCELLANEOUS PROVISIONS) ACT 1976  
THESE ARE NATIONAL STANDARD  
CONDITIONS AND HAVE BEEN UPHELD BY  
LAW LORDS OVER THE YEARS

LOCAL CONDITIONS ARE REASONABLE  
CONDITIONS A LOCAL AUTHORITY SET FOR  
LICENSING

The proposals mix and alter the two sets this is unreasonable

"PROPRIETOR" includes a part owner and includes a vehicle which is subject to a hire purchase agreement, and means the person in possession of the vehicle under such an agreement

AT PRESENT THESE CONDITIONS ARE  
PRESENTED SEPARATELY FROM THE LOCAL  
CONDITIONS AND THEY ARE REFERENCE  
LISTED AS SUCH. WHY HAS THIS CHANGED?

When council consider the lead statement in these proposals "reasonably necessary" they should be aware this is defined by the Wednesbury principle as being in the public interest

The Best Practice Guidance "to restrictive an approach can work against the public interest and can have safety implications"

Within these proposals there are duplications and contradictory conditions.

ALL CONDITIONS SHOULD BE ENFORCED  
EQUALLY AND FAIRLY

- 1 This is a standard condition under the 76act 48 (4) c and should be written as such not an officers interpretation
- 2 This standard condition under the 76act was upheld by the House of Lords during the Deregulation 2015 bill and as such cannot be challenged it should quote the act as all standard condition should
- 3 This is a misinterpretation of the act. why as it is covered also by sec 51 just use the acts wording
- 4 Why has the standard condition that operator the driver and the vehicle MUST ALL be licensed by the same local authority been omitted
- 5 The council should be more proactive on insurance the present situation should be seen as unacceptable. Vehicles should at all times carry a copy of the insurance for that vehicle as per the 1998 traffic act part V1. Group insurance should cover that vehicle and driver as per London requirements for firms like Addison Lee. If at present a vehicle is stopped by a police check or an ANPR all that check says is the vehicle is insured it does not show the type of insurance Officers should check insurance when driver and vehicle license are issued and renewed and whenever they do random checks i.e. AT EVERY OPPUTUNITY
- 6 This is as current conditions it is a question of enforcement
- 7 This is a standard condition within the 76act so the reference should be stated
- 8 This is contrary to the way this has been operating until recent months the council have all this information the operator is restricted to the

- councils preferred test station therefore the council should notify the proprietor of his requirement i.e. enforce from the outset their job
- 9 Because these vehicles do in excess of 1000 miles a week the period should be 150000  
 The 2 previous proposals are both unfair and unreasonable the onus is for officers to enforce a local condition as this would begin when the licensing office arrange and notify of the requirement to test as they have since licence began in Harlow until officers reneged their responsibility in the past months
- 10 The checking of the trailer comes under the mot c&u . the drivers licence and insurance is an Officer's responsibility to check they are BOTH valid for towing
- 11 This is a standard condition under the 76act and should state as such
- 12 This should be displayed so as not to obstruct the drivers vision
- 13 This should include at no cost to the driver/proprietor
- 14 This is predominantly an operator or operator/dispatcher condition because persons taking on this work should require an operator's licence persons receiving this work through an operator/dispatcher are doing normal ph. work and standard/local conditions apply  
 It is not a vehicle condition
- 15 This is an ambiguous proposal do the council mean emission or vehicle standards
- 16 This contradicts the proposal in testing notes??
- 17 The subject of meters in PHV is fully covered in the 76act 71(1) why not as a standard legal condition just put the 3 parts in not just the bit that suits officers
- 18 This condition was changed at a recent committee meeting why not just word as the committee agreed
- 19 This has 100 words where 50 would be adequate
- 20 This was agreed by committee January2015
- 21 Should say meets current conditions
- 22 Provided the work required is carried out by an accredited repair facility then passes the MOT & COMPLIANCE Tests they should be licensed as they are deemed legal and fit for purpose
- 23 This is an unnecessary ambiguous condition why is it proposed

#### WHY HAS THE CARRIAGE OF ASSISTANCE DOGS BEEN REMOVED

NB> Why no mention of the change introduced by officers of having vehicles compliance tested 14 days before the licence is renewed which means as these vehicle does a 1000 miles per week when it is licensed it could be non-compliant whereby the council could and are licensing non-compliant vehicles  
 The compliance certificate are the same as an MOT certificate only valid on date of test

# 3

## PRIVATE HIRE VEHICLE LICENSING AND TESTING

Private Hire Vehicles are licensed under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976. The Act allows a Local Authority to impose conditions that it considers 'reasonably necessary' in respect of private hire vehicles.

### **Standard Conditions applicable to a Private Hire Vehicle licence**

1. **Licensing Period.** A Private Hire Vehicle shall be licensed for a period of not more than 1 calendar year.
2. **Use of the Vehicle.** A private hire vehicle once licensed is always a private hire vehicle and may only be driven by a private hire driver who holds a licence under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976.
3. **Persons permitted to drive a Licensed Vehicle.** A vehicle licensed by Harlow Council may only be driven by a person licensed by Harlow Council.
4. **Insurance.** A valid insurance policy in respect of the vehicle covering the carriage of passengers for hire and reward shall be in force throughout the period of the licence.
5. **Cleanliness.** The licensed vehicle shall be maintained in a clean, comfortable, presentable and roadworthy condition.
6. **Vehicle Modification.** No material alteration or change in the specification, design or appearance of the vehicle shall be made without the approval of the Licensing Team.
7. **Signs.** Private Hire Vehicles shall not display signs using the words TAXI, CAB, or 'FOR HIRE' or any form of wording which may indicate that the vehicle is presently available for hire.
8. **Vehicle Inspection Arrangements.** The licensed vehicle shall be presented for MOT and compliance test to the garage nominated by the Council. Proprietors are required to book their MOT/compliance tests with the nominated garage at intervals specified by Council vehicle licence conditions.
9. **Inspection intervals.** Licensed vehicles shall be presented for MOT annually and immediately prior to first being licensed. Thereafter, a licensed vehicle shall be presented for Compliance testing at the following intervals;
  - a) Immediately prior to the issue of first licence (on the date of the MOT)
  - b) Annually for all vehicles with <100,000 recorded miles (on the date of MOT)
  - c) Every 6 months for all vehicles with >100,000 recorded miles
  - e) At the request of the Council for enforcement purposes.

Proprietors are required to book their MOT and Compliance tests with the nominated garage at the specified intervals.

10. **Trailers.** A private hire vehicle may tow a trailer provided that the trailer is fully compliant with all road traffic regulations. The vehicle proprietor shall notify the Council that he/she intends to use a trailer prior to first use. A trailer used for private hire shall be presented for inspection to the Council's nominated garage prior to being used for the first time and annually thereafter.
11. **Display of Plate.** A 'private hire plate' issued by the Council shall be fixed to the outside rear of the vehicle in a prominent position which does not obscure lights or number plate. The plate shall be displayed at all times. No other plate from any other authority shall be displayed.
12. **Vehicle Badge.** A vehicle badge issued by the Council shall be displayed on the windscreen at all times in a position where it can be clearly seen by passengers. No other badge from another authority shall be displayed.
13. **Door Panels.** A private hire vehicle shall display offside and nearside front door vehicle identification panels. The panels shall be issued by the Council and be permanently fitted to the private hire vehicle for the entire period that the vehicle remains licensed. In the event of panels being lost, damaged or defaced, the vehicle proprietor or driver shall, as soon as practicable, notify the licensing team and obtain replacement panels.
14. **Chauffeur Vehicles.** Chauffeur vehicles are required to be licensed as private hire vehicles and be operated through a Licensed Operator in accordance with the 76 Act. However, regulation 75 (3) of the 76 Act allows the licensing authority to alter requirements for the display of plates. Harlow Council will not require that the vehicle display a rear plate under clause 11 above or door panels under clause 13 where the vehicle meets the following requirements;
  - The vehicle is an executive or prestigious vehicle,
  - The vehicle is only operated in a manner which could reasonably be construed as chauffeuring where persons hire the vehicle and driver and, a higher standard of service is provided,
  - The vehicle is not operated at any time for short trips, school runs, airport work and similar journeys which may be considered normal 'private hire work'.The Council shall issue a certificate of exemption for vehicles that are not required to display plates which must be carried in the vehicle.
15. **Emissions.** All licensed vehicles shall be Euro 4 compliant or higher. Vehicles continuously licensed on 22<sup>nd</sup> November 2016 or before which are not certified by the manufacturer as Euro 4 compliant shall not be relicensed after 22<sup>nd</sup> November 2018.
16. **Fire Extinguisher.** A fire extinguisher manufactured to BSEN 3 1996 shall be readily available for use and fixed in position using a bracket and not carried loose in the vehicle or boot.
17. **Meters.** A private hire vehicle shall not be required to use a private hire meter but where fitted the meter must be compliant with The Measuring Instruments (Taximeter) Regulations 2006 and be sealed by the Council or persons working on

behalf of the Council. For the purposes of this condition, a PDA shall not be considered to be a meter.

- 18. Reporting Damage and Accidents.** The proprietor of a PHV shall report to the Council as soon as reasonably practicable, but in any event, within 72 hours after the occurrence of the accident, details of any accident which the vehicle is involved irrespective of the extent to which the vehicle is physically damaged. In circumstances where the vehicle was not driven by a licensed driver, the requirement shall extend to the vehicle proprietor to report the accident to the Council.

Any damage to a PHV which materially affects the safety, performance or appearance of the vehicle shall not be used until such damage is repaired to the satisfaction of the Council.

- 19. LPG.** Private Hire Vehicles converted to run on LPG by a third party vehicle converter shall meet the legislative requirements set out in the Road Vehicle (Construction and Use) Regulations 1986 (as amended). [Regulations 40 & 94 and schedules 4 & 5 lay down safety requirements for the LPG system]. There is a voluntary code of practice published by UKLPG regarding LPG conversion standards. The Council reserves the right to require that the vehicle be approved under the UKLPG accreditation scheme. Documentary evidence shall be provided to the Licensing Team to confirm that the conversion meets with legislative requirements. Private hire vehicles converted to run on LPG shall display a roundel sticker at the front and rear of the vehicle stating that the vehicle has been fitted with an LPG tank. The vehicle proprietor shall notify the Licensing Team, DVLA and their insurance company that the vehicle has been converted to run on LPG

- 20. BHP.** Petrol or diesel powered private hire vehicles shall be a minimum of 90bhp.

- 21. Hybrid and Electrically Propelled Vehicles.** Harlow Council shall licence hybrid or electrically propelled vehicles where they meet these conditions.

- 22. Insurance Write offs.** Any vehicle that had previously been 'written off' as a category C insurance claim shall not be licenced by the Council for the first time on or after 1<sup>st</sup> March 2017. Any vehicle that had been previously written off as a category C and which was currently licensed by the Council on 1<sup>st</sup> December 2016 shall not be re-licensed by the Council after 1<sup>st</sup> January 2018.

- 23. Maintenance Standards.** The licensed vehicle shall meet the minimum standards set out in the MOT and Compliance standards below. A licensed vehicle which fails the MOT **standard** shall not be used as a Private Hire Vehicle and the proprietor shall as soon as practicable inform the Council's licensing team of any such failure. A licensed vehicle shall not be used as a private hire vehicle where it fails a compliance test other than at the discretion of the Environment and Licensing Manager. Any such failure shall as soon as practicable be notified to the Licensing Team.

## RESPONSE TO CONSULTATION ON PRIVATE HIRE VEHICLE TESTING FEBRUARY 2017

### MOT and COMPLIANCE STANDARDS

AS THE MOT STANDARDS ARE SET BY LEGISLATION AND CONTROLLED BY THE DVLSA THROUGH VOSA THESE HAVE TO BE COMPLIED WITH. SO ALL THE CONSULTATION SHOULD BE ABOUT ARE THE COUNCILS REQUIREMENTS TO LICENCE A VEHICLE

### FIRE EXTINGUISHER

Can this be carried in boot of car? As previously in these proposals it stated "not in the boot" it is make your mind up time.

### DRIVER AND PASSENGER FOOTWELLS

Common sense but the condition is also in the operators/dispatcher conditions so enforce both parties

### LEG ROOM etc.

So much for cab for one

Any lights in the vehicle must work and MUST be effective

### BONNET OPERATION

This is covered by the MOT construction and use

### VEHICLE CLEANLINESS

This appears to be worded incorrectly .The emphasise on being clean for testing but for use of purpose take reasonable steps?

### FLOOR COVERINGS

This is covered by Interior (general) it does not require an extra unnecessary condition

### INTERIOR GENERAL

Just needs floor coverings added

### NB TYRES

The previous requirement was at compliance the tyres should have a min depth 2mm

This was ensure that they were not illegal within days as they average 1000 miles per week

This is a condition that is in the public interest and with public safety a predominate factor

Any extra cost to have this condition is minuscule on the driver

Officers want to reduce to MOT requirement of 1.6mm WHY???

CAN OFFICERS SUPPLY FIGURES ON BODY WORK FAILURES TO JUSTIFY THE CHANGE IN THESE BODYWORK CONDITIONS AS BOTH THEIR PREVIOUS AND PRESENT PREFERRED TESTER HAVE NO RECORD OF THIS BEING A MAJOR PROBLEM

### RUST

Rust forms no part of the MOT test this is simply a "local condition" that has been accepted and approved since its introduction

To change and omit part of this condition with no justification is unreasonable

To introduce "Tester Discretion" is turning the clock back to previous problems by introducing a "GREY AREA"

It was agreed in 2014 by all sides that where ever possible conditions should be

transparent and not contain "Grey Areas" because they are open to personnel interpretation and abuse.

#### DENTS

As comments on rust, to change and introduce "Tester Discretion" with no justification is unreasonable.

#### SCRATCHES

Why change from cm to mm also the "GREY AREA" of "Tester Discretion" is introduced again

#### PAINTWORK

As per existing condition which has been acceptable since introduction

#### Accident Damage

Why add the word SIGNIFICANT this lessens the current condition

#### TRAILERS

This condition is as per MOT requirements so this is a duplication is it necessary

#### MISCELLANEOUS MATTERS

This should read HARLOW PHV as the council allow other AUTHORITIES HC to be operated in the town which are SALOON type vehicles

#### ROOF LIGHTS

Why has this condition been omitted from the proposals?

#### DOOR PANELS and DESIGN

Why 50+ words when the current 16 explain this condition

#### TINTED WINDOWS

As this subject is totally unacceptable because there is no logic or legal reason

and the massive cost to drivers behind it I defer comments to a separate report

The question should be asked who authorised to acquire test equipment to be purchased before this condition has been through procedure

**The Licensed Vehicle shall meet the following standards**

**MOT and Compliance standards**

<b>ITEM</b>	<b>STANDARD REQUIRED</b>		
<b>INTERIOR</b>			
STEERING CONTROLS		MOT REGULATIONS (C & U)	
FOOT BRAKE PEDAL		MOT REGULATIONS (C & U)	
CLUTCH PEDAL		MOT REGULATIONS (C & U)	
HAND BRAKE LEVER		MOT REGULATIONS (C & U)	
WINDSCREEN WIPERS		MOT REGULATIONS (C & U)	
WINDSCREEN WASHERS		MOT REGULATIONS (C & U)	
HORN		MOT REGULATIONS (C & U)	
SPEEDOMETER		MOT REGULATIONS (C & U)	
CONDITION OF WINDSCREEN		MOT REGULATIONS (C & U)	
PANEL LIGHT AND GAUGES		MOT REGULATIONS (C & U)	
INDICATORS & WARNING LAMP		MOT REGULATIONS (C & U)	
DRIVERS SEAT		MOT REGULATIONS (C & U)	
DRIVING MIRRORS		MOT REGULATIONS (C & U)	
SEAT BELTS		MOT REGULATIONS (C & U)	
FIRE EXTINGUISHER		SEE NOTES BELOW	
DRIVER AND PASSENGER FOOTWELLS		SEE NOTES BELOW	
<b>EXTERIOR</b>			
DOOR GLASS, LOCKS & HINGES	INTACT-NO	EXCESSIVE	WEAR-
WORKING			
CHECK STRAPS AND TRIMS	INTACT-NO	EXCESSIVE	WEAR-
WORKING			
LEG ROOM, HEAD HEIGHT AND SEATING DIMENSIONS		SEE NOTES BELOW	
HEATING		SEE NOTES BELOW	
PASSENGER LIGHTING		INTACT-WORKING	
FRONT LAMPS		INTACT-WORKING	
HEAD LAMPS		MOT REGULATIONS (C & U)	
HEAD LAMP ALIGNMENT		MOT REGULATIONS (C & U)	
STOP LAMPS		MOT REGULATIONS (C & U)	
REAR LAMPS		MOT REGULATIONS (C & U)	
REVERSING/FOG LAMPS		MOT REGULATIONS (C & U)	
REAR REFLECTORS		MOT REGULATIONS (C & U)	
NUMBER PLATE LAMPS		MOT REGULATIONS (C & U)	
INDICATORS		MOT REGULATIONS (C & U)	
SPARE WHEEL & TYRE		MOT REGULATIONS (C & U)	
LUGGAGE ARRANGEMENTS		SEE NOTES BELOW	
EXTERIOR MIRRORS		MOT REGULATIONS (C & U)	
OPERATION OF SHOCK ABSORBERS		MOT REGULATIONS (C & U)	
CONDITION OF NUMBER PLATES		MOT REGULATIONS (C & U)	
<b>UNDER THE BONNET</b>			
BATTERY SECURITY		MOT REGULATIONS (C & U)	
WIRING SECURITY		MOT REGULATIONS (C & U)	
BRAKE PIPES AND HOSES		MOT REGULATIONS (C & U)	
OIL AND FUEL LEAKS		MOT REGULATIONS (C & U)	
EMISSION OF SMOKE		MOT REGULATIONS (C & U)	

BONNET OPERATION  
EXHAUST MANIFOLD

SEE NOTES BELOW  
MOT REGULATIONS (C & U)

**UNDER THE VEHICLE**

STEERING MECHANISM  
POWER STEERING  
TRANSMISSION SHAFTS  
STUB AXLE ASSEMBLIES  
WHEEL BEARING  
SUSPENSION  
SHOCK ABSORBERS  
SERVICE BRAKE CONDITION  
PARKING BRAKE CONDITION  
EXHAUST SYSTEM  
TRANSMISSION MOUNTINGS  
ENGINE MOUNTINGS

MOT REGULATIONS (C & U)  
MOT REGULATIONS (C & U)

**UNDER BODY**

CHASSIS  
WHEELS AND TYRES  
TYRE TREAD  
TYRE TYPE  
TYRE CONDITION  
ROAD WHEELS  
UNDER CHASSIS CLEANLINESS

MOT REGULATIONS (C & U)  
SEE NOTES BELOW

**BRAKES TEST**

SERVICE BRAKE EFFICIENCY  
PARKING BRAKE EFFICIENCY  
SERVICE BRAKE BALANCE

MOT REGULATIONS (C & U)  
MOT REGULATIONS (C & U)  
MOT REGULATIONS (C & U)

**Fire extinguishers:** shall be fixed with a bracket in the car or boot and be readily available for use.

**Driver and passenger foot-wells:** Driver and passenger foot-wells shall be kept free of obstructions.

**Leg room, seat dimensions and internal arrangements:** Private hire vehicles shall meet the following minimum standards:

- Vehicles with 4 seats or more shall have a minimum of 4 passenger doors.
- Larger vehicles may be licensed for not more than 8 passengers.
- The aggregate internal width of seats shall not be less than 1,290mm when measured across the seats at shoulder height. The dimensions of all rear seats shall not be less than 430mm.
- Provide not less than 152mm leg-room between the front seat and cushion of the rear seat measured horizontally.
- The licensing team shall exercise reasonable discretion on the suitability of vehicles to be licensed as private hire vehicles.

- Seats shall be secure and backrests shall be capable of being secured in the upright position.

**Bonnet.** The bonnet must open and close properly and be fitted with a working safety catch in accordance with the manufacturer's specifications.

**Vehicle Cleanliness** The vehicle shall be submitted for inspection in a clean condition to enable the vehicle inspector to carry out a full and proper inspection and examine all necessary components. Reasonable steps should be taken to keep the licensed vehicle clean throughout the licensed period.

**Floor coverings** Floor covering shall be complete and free from cuts, tears, or serious staining.

**Interior (General)** All interior trim, including headlining, door panels and speakers shall be clean, complete, properly fitted and free from serious cuts, tears or major soiling. Door handles and windows shall be operational. All fittings shall be secured in a manner that prevents sharp edges or other hazards protruding into the passenger carrying areas.

**Rust** The vehicle shall be free from significant areas of visible rusting. Although minor blemishes will not normally constitute a failure, the following general criteria should be followed. Any vehicle with three or more visible rust patches larger than 5sq cms each shall be failed. The vehicle examiner shall be allowed reasonable discretion when assessing rust.

**Dents:** Any vehicle with minor dents on three or more panels where such dents detract from the appearance of the vehicle shall be failed. The vehicle examiner shall be allowed reasonable discretion when assessing dents.

**Scratches:** Any vehicle with unrepaired scratches down to bare metal on three or more panels of 50mm in length or where the cumulative appearance of scratches detracts from the appearance of the vehicle shall be failed. The vehicle examiner shall be allowed reasonable discretion when assessing vehicle condition.

**Paintwork:** Any vehicle with panels painted in non-matching colours, or in primer, shall be failed.

**Accident damage:** Vehicles with significant unrepaired bodywork damage shall be failed.

#### **TRAILERS.** Trailers shall,

1. Be maintained in roadworthy condition.
2. Be fitted with lights in accordance with The Road Vehicles Lighting Regulations 1989.
3. Display a number plate of the towing vehicle.
4. Not obscure the 'Local Authority Plate'.

**Access Equipment and fittings for passengers with disabilities (where fitted):** Access ramps and hoists shall properly installed and maintained in working order. Wheelchair clamps and harnesses shall be correctly fitted, be available for use and, maintained in good working order. Fittings and fitments shall be capable of being used by persons using a wheelchair.

#### **MISCELLANEOUS MATTERS**

A Private Hire Vehicle must be clearly distinguishable from Hackney Carriages.

**Door panels size and design.** Door identification panels shall be permanently fixed and displayed on the front passenger and driver doors. The panels may not be fixed using magnets or other non-permanent means. Panels shall measure 400mm x 127mm and clearly display the vehicle private hire plate number. The panels will be supplied by Harlow Council.

**Tinted windows.** All rear nearside, offside, tailgate and boot windows fitted to Licensed Vehicles first licensed by Harlow Council after 1<sup>st</sup> December 2016 shall have a minimum 70% light transmittance. (This value is the same legal minimum value for front nearside and offside windows.) Private Hire Vehicles continuously licensed by Harlow Council prior to 30<sup>th</sup> November 2016 and fitted with factory made tinted windows shall not be re-licensed after 30<sup>th</sup> November 2018. Licensed vehicles fitted with aftermarket tinted windows <70% transmittance shall not be licensed.

09-08-2017

## TINTED WINDOWS

### THE LAW (last updated 3rd October 2016)

The FRONT windscreen must let in at least 75% light through

The FRONT SIDE windows must let in at least 70% light through

**THERE ARE NO RESTRICTIONS ON REAR SIDE OR REAR WINDOWS**

**TINTED WINDOWS ARE NOT PART OF THE MOT**

There are penalties for having wrongly Tinted Windows

### THE FACTS

Clear glass only lets approximately 86% of light through

The law was brought in so that DRIVERS vision was not impeded

The law does not affect vehicle pre 1985

The majority of the current vehicles manufactured have rear tinted windows

Because they are not required manufacturers do not have a standard tint depth they are generally measured as Light Tint Dark Tint or Black Tint

If a vehicle has a film fitted this is a vehicle modification and the following actions should happen

The vehicles insurance company should be notified

The local authority should be notified

Harlow vehicle conditions have 2 sections appertaining to this situation

1. A valid insurance for the vehicle must be in place at all times
2. Officers have to be notified of any vehicle modifications

The cost of replacing for standard glass to rear and rear side windows is approx. £1000 also a possible increase in insurance for vehicle modification and a possible loss in on sale value for detrimental modification

Officers have stated this is a councillor led proposed condition can the council put forward their concerns so they can be discussed with stakeholders Inc. the trades

**IT SHOULD BE NOTED THAT IN RECENT YEARS THERE HAS BEEN 2 HIGH LEVEL REVIEWS OF BOTH TRADES BY LAW LORDS INVOLVING SPECIALIST LICENSING BARRISTERS SENIOR LOCAL AUTHORITY OFFICERS REPRESENTATIVES OF BOTH TRADES AND PUBLIC SAFETY ORGANISATIONS AND IN ALMOST A 1000 PAGES OF COMBINED REPORTS TINTED WINDOWS ARE NEVER MENTIONED**

### ATTACHMENTS

Report by David B Wilson, Cert HELL, MIol, MBII tp, Licensing Consultant

Standard required by London with DVSA document referred to

DVSA enforcement

**Door panels size and design.** Door identification panels shall be permanently fixed and displayed on the front passenger and driver doors. The panels may not be fixed using magnets or other non-permanent means. Panels shall measure 400mm x 127mm and clearly display the vehicle private hire plate number. The panels will be supplied by Harlow Council.

**Tinted windows.** All rear nearside, offside, tailgate and boot windows fitted to Licensed Vehicles first licensed by Harlow Council after 1<sup>st</sup> December 2016 shall have a minimum 70% light transmittance. (This value is the same legal minimum value for front nearside and offside windows.) Private Hire Vehicles continuously licensed by Harlow Council prior to 30<sup>th</sup> November 2016 and fitted with factory made tinted windows shall not be re-licensed after 30<sup>th</sup> November 2018. Licensed vehicles fitted with aftermarket tinted windows <70% transmittance shall not be licensed.

unlikely to be seen. Likewise, robberies of drivers seem more frequently to be committed in reasonably dark and quiet locations, where there are again unlikely to be witnesses.

- 1.6 Whilst across England and Wales outside of London there is inconsistency, across the whole of London there is consistency, because taxi and private hire licensing is undertaken by Transport for London for the whole of Greater London.
- 1.7 The most up-to-date taxi legislation in the whole of the country is that which applies to private hire licensing in London. The combined effect of the Private Hire Vehicles (London) Act 1998 and The Private Hire Vehicles (London PHV Licences) Regulations 2004 is to permit a vehicle to be licensed as a private hire vehicle as long as it complies with the Road Vehicles (Construction and Use) Regulations 1986 (as amended). The construction and use regulations only specify the minimum levels of light that must pass through the windscreen and windows to either side of the driver. There is no prohibition on the use of glass with any degree of tint for windows rear of the driver.
- 1.8 In view of the prevalence of licensed private hire vehicles with tinted or privacy glass in London and the inconsistent licensing of similar vehicles across the rest of England and Wales, a survey was undertaken of the 43 police forces and constabularies that serve England and Wales in an attempt to establish whether tinted glass contributed to the commission of offences in taxis and private hire vehicles.

## 2.0 The survey

- 2.1 In July 2010, an identical request was made of all 43 police forces and constabularies for them to advise:

"Whether the police force / constabulary holds any data or information that indicates that the presence of anti-glare / tinted glass in any taxi (hackney carriage or private hire vehicle) contributed to the commission of a criminal offence."
- 2.2 If such information was held, the request then went on to ask for supplemental information, namely:

"If the answer to the above is 'yes', please provide a summary of each incident in which anti-glare / tinted glass contributed to the commission of an offence, including such matters as to whether the suspect / offender was the driver or passenger, the nature of the offence(s) allegedly / actually committed, and state why the presence of anti-glare / tinted glass was considered to be a contributory factor."

- 2.3 Subsequent discussions with police forces and constabularies resulted in the request being modified and / or a new supplemental request being made of those forces / constabularies that had information to provide, to specify the period of time covered by the search, and to also provide details of the total number of crimes recorded in such period of time.
- 3.0 Survey responses**
- 3.1 36 (86.05%) of the 43 police forces and constabularies respond to the request for information under the Freedom of Information Act 2000.
- 3.2 Of the 36 responses that were received, 17 (47.22%) were unable to or failed to provide the requested information. 16 of them advised that the force / constabulary did not hold (or hold in a searchable format) the requested information and one provided incomplete and unusable information.
- 3.3 19 (52.78%) of the 36 forces and constabularies that responded to the request for information provided complete responses.
- 3.4 No police force or constabulary identified a single recorded crime in which anti-glare / tinted glass was considered to have been a contributory factor in the commission of any offence or alleged offence in a taxi (hackney carriage or private hire vehicle).
- 3.5 Not all police forces and constabularies provided the requested information relating to the total number of recorded crimes for their force /constabulary area, because they were not necessarily obliged to do so, if the requested data was contained in the British Crime Survey that is collated and published annually by the Home Office.
- 3.6 Appendix A consists of a table summarising all the responses received to the initial request for information relating to anti-glare / tinted glass and supplemented by information provided in response to the further request for information relating to levels of recorded crime or by data extracted from the British Crime Surveys, unless analytical assumptions have been made.
- 3.7 For the purposes of clarity, the following appears at the foot of the table as a 'note':
- "Unless indicated by "Est.", the figures quoted are for the total number of crimes recorded in the period specified, either as advised by the police force as part of its response to a request under the Freedom of Information Act or as published in the British Crime Survey or Surveys for the year or years in question. The data was extracted from the British Crime Surveys for the years from 2001/02 to 2009/10 from the Home Office website at: <http://rds.homeoffice.gov.uk/rds/bcs-publications.html> on 24 August 2010. "Est." indicates that the total recorded crimes has been

estimated, having regard to the British Crime Surveys. For years prior to 2001/02, the level of recorded crime has been presumed to have been the same as recorded in 2001/02, despite the fact that nationally recorded crime has generally fallen year-on-year from its peak in 1992. For incomplete periods, such as that for Durham Constabulary from 1 December 2005 to 31 March 2006, a pro rata figure, based on the number of months, has been used in conjunction with the total number of crimes recorded in 2005/06. For periods since 1 April 2010, a pro rata figure, based on the number of months, has been used in conjunction with the total number of recorded crimes for the previous year, namely 2009/10. As Hertfordshire Constabulary has neither provided the dates for the period they searched nor the total number of recorded crimes, a "?" indicates the details are unknown as at the date of compilation of the above table."

#### 4.0 Conclusion

- 4.1 With the provision of useable information from almost half (44.19%) of the police forces and constabularies (including the Metropolitan Police) covering England and Wales for periods going back to 1 April 1993 (in the case of Surrey Constabulary), there is no identifiable information held by any police force or constabulary anywhere in England and Wales to suggest that anti-glare / tinted glass has ever contributed to the commission of an offence or an alleged offence by anyone in a taxi (hackney carriage or private hire vehicle).

#### 5.0 Observations

- 5.1 It is acknowledged that in the Department for Transport "Taxi and Private Hire Licensing: Best Practice Guidance", published in March 2010, the Department for Transport encouraged councils not to prohibit tinted glass, because of the costs to the trade of replacing such glass.
- 5.2 However, councils are never going to place the costs to the trade of replacing perfectly good anti-glare / tinted glass above, what has long been perceived by them to be, a "public safety" issue.
- 5.3 A council will only ever be likely to be persuaded to relax its policy on glass when confronted with clear and overwhelming evidence that its long held belief of a potential risk to public safety is not, as a matter of fact, a risk. The current survey shows that, out of more than 17.5 million recorded crimes, there was no offence or alleged offence committed that was believed to have been contributed to by the presence of anti-glare / tinted glass in a taxi (hackney carriage or private hire vehicle).
- 5.4 Whilst statistical information is not available about the number of private hire vehicles licensed by Transport for London that are fitted with anti-glare / tinted

glass, anecdotally it does appear that a significant proportion of the "roughly 49,000 licensed private hire vehicles" (Transport for London website on 3 January 2011: <http://www.tfl.gov.uk/corporate/modesoftransport/1632.aspx>) are vehicles fitted with such glass. Despite London having the largest private hire fleet of private hire vehicles with anti-glare / tinted glass in England and Wales, in the five years between 1 April 2005 and 31 March 2010 during which the Metropolitan Police recorded over 4.4 million crimes, none were considered to have been contributed to by the presence of anti-glare / tinted glass in a taxi (hackney carriage or private hire vehicle).

- 5.5 For the sake of completeness, it should be stated that vehicle manufacturers are more frequently installing anti-glare / tinted glass as standard to their standard production models for a variety of reasons: environmental, driver and passenger (and animal) comfort, and for added security.

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## Appendix A

A summary of all the responses received to a request for information relating to anti-glare / tinted glass.

Please also refer to the 'note' at the foot of the table for further analytical information.

Police Force / Constabulary	From	To	Recorded Crimes	Glass an Issue
Avon and Somerset Constabulary	01.04.2007	30.06.2010	441,902	0
Bedfordshire Police	01.07.2008	30.06.2010	86,924	0
Cambridgeshire Constabulary	No information available			
Cheshire Constabulary	No response received by date of collation			
City of London Police	No information available			
Cleveland Constabulary	01.09.2005	27.07.2010	294,432	0
Cumbria Police	01.01.2000	30.06.2010	366,789	0
Derbyshire Constabulary	01.01.2007	30.06.2010	Est. circa 263,059	0
Devon and Cornwall Constabulary	01.01.2005	31.07.2010	Est. circa 617,838	0
Dorset Police	No information available			
Durham Constabulary	01.12.2005	31.07.2010	Est. circa 217,690	0
Dyfed-Powys Police	01.01.2006	30.06.2010	114,819	0
Essex Police	No information available			
Gloucestershire Constabulary	01.04.2001	30.06.2010	Est. circa 460,780	0
Greater Manchester Police	01.01.2006	30.06.2010	Est. circa 1,279,976	0
Gwent Police	1997	2010	700,000 to 800,000	0

Section 3 Interior Compartment		3.3 Passenger Windows/Doors	Reason for Refusal	Advisory Notice
Information	Method of Inspection	Inspection		
Refer to DVSA Tinted Windows Document - DVSA/ENF/1769/June 08		Inspection conducted with the vehicle standing on a level surface		
		Examination		
		Check that:-		
		1. all tinted windows comply with the relevant RTA and/or C&U regulations	T/P/M 1	a. Tinted windows do not comply with the relevant RTA and/or C&U regulations
		2. the devices designed for opening any passenger windows are in place and operate correctly	T/P 2	a. Passenger windows fail to operate correctly
		3. all passenger doors can be opened from inside and outside the vehicle	T/P/M 3	a. Passenger door or doors cannot be opened from inside or outside the vehicle
		4. all passenger doors close securely	T/P/M 4	a. Passenger door or doors cannot be closed securely
		5. the child locks can be engaged and disengaged	P 5	a. The child locks do not operate correctly
		6. passenger courtesy lights operate correctly	T/P 6	a. The passenger courtesy lights are inoperative
Cont'd	Cont'd	Cont'd	Cont'd	Cont'd

## What is excessively tinted glass?

Road Vehicles (Construction & Use) Regulations 1986 as amended specify the minimum levels of light that must pass through the windscreens and front side windows. The limits are:

### *Motor Vehicles first used before 1 April 1985:*

The windscreens and front side windows must allow at least 70% of light to be transmitted through them.

### *Motor Vehicles first used on or after 1 April 1985:*

The light transmitted through the windscreens must be at least 75%. The front side windows must allow at least 70% of light to be transmitted through them.

If the glass is tinted to a point whereby it lets through less light, then the vehicle does not meet legal requirements.

## Which windows in the vehicle does this apply to?

The windscreens and the front side windows to either side of the drivers' head.

## How does excessively tinted glass affect road safety?

It restricts the driver's vision, especially in dark conditions. This may prevent drivers from seeing other road users or pedestrians.

It also prevents other road users and pedestrians from confirming through eye contact that they have been seen.

## What is the purpose of the law?

The purpose of the law is to ensure the drivers' ability to see the road is not excessively restricted by glass tint.

## Legally where do I stand?

If you are the driver -

- You must not drive a vehicle on the road with the windscreens

or front side windows excessively tinted. You may also invalidate your insurance with this modification, particularly as the vehicle is likely to be illegal.

If you are a tinting company -

- You must not modify, or offer to supply, a part that when fitted to a vehicle means that it does not comply with Construction & Use Regulations.

If you're selling a vehicle with extra tinting applied to the windscreen or front side windows -

- The vehicle may now have glass that is darker than permitted by Construction & Use Regulations, in which case the vehicle should not be sold.

#### Why are tinted windows not included in the MOT test?

Excessively tinted glass is seen as a serious issue but one which currently affects only a small number of the 24 million vehicles tested annually. To include this item in the MOT test would require all 18,000 garages to incur expenditure on special test equipment and the time taken to carry out an MOT would increase. The MOT fee would have to be raised to cover the extra time and investment. This extra cost would affect all motorists - all for a small number of vehicles. With the current levels of offending, roadside enforcement is a better route as it targets the offenders while minimising the cost and inconvenience to compliant road users.

#### Is this a nationwide campaign?

Yes. VOSA staff throughout the country have been issued with testing equipment. If the equipment is not available, a subjective assessment will be carried out. If the vehicle is considered dangerous to drive then an immediate prohibition may be issued.

Representations made by Neil Betteridge

Received by email. Mr Betteridge has advised that Council that the views expressed in this appendix are his own.

Dear Sir/Madam

I write to you in my capacity as Chair of The Harlow Private Hire Drivers Association to register my objections against the council's proposed plans to ban tinted rear windows in Private Hire vehicles.

**CURRENT REPORTS, RESEARCH AND GUIDES**

When Mr Taylor first told the association of this proposal he said that it was in the interest of public safety.

I have found a report that was commissioned by Slough Council in October 2016 into this matter that makes very interesting reading. The report was presented to a Licensing Committee meeting of Slough Council on the 20th October 2016 and the committee quashed their 4 year long tinted window rule at the very same meeting. I have copied a link to the report at the bottom of this section for you to read.

The main conclusions of the report is that there has not been a single recorded crime in the UK that has been contributed to by the presence of tinted windows. This includes 4.4 million crimes recorded over 5 years by the Metropolitan Police.

The report also shows that there is no connection between attacks on the public by drivers and vice versa with window tinting as a factor and suggests that both of these kinds of attacks occur when the vehicle has been driven to a remote area where there are no public.

It is also important to note that in there have in recent years been 3 high level reports regarding public safety in Private Hire vehicles.

1. The Law Commission Report on Taxi's and Private Hire which involved high court judges, barristers, local authority licensing offices and many police forces.
2. The 2015 Deregulation Act which was debated in both houses of parliament and
3. The Jay Report which was conducted by a very experienced QC.

NONE of the above reports found any concern for public safety due to tinted windows in PH vehicles.

The Department of Transport's, Taxi and Private Hire Licensing Best Practice Guide (2010), Section 30 reads.....

*"The minimum light transmission for glass in front of and to the side of the driver is 70%. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in estate and people carrier style vehicles. When licensing vehicles, authorities should be mindful of this as well as the large costs and inconvenience associated with changing glass that conforms to both Type Approval and Construction and Use Regulations."*

The report commissioned by Slough Council can be found by copying the link below. I have also attached this as a PDF file

<http://www.slough.gov.uk/moderngov/documents/s44149/Licensing%20Cttee%202020.10.16%20Revised%20Policy%20for%20tinted%20windows-%20App%20G%20tinted%20glass%20-%20its%20clear%20-survey.pdf>

## **OUR TEST RESULTS**

On the 16th November 2016 I met David Taylor at Mr Uniques to test the light levels of vehicle glass on random PH vehicles. Mr Taylor said that the council's intended acceptable level is 70% light allowance for all glass that is to the rear of the driver (This is the same level that is minimum legal requirement for windscreens and drivers window glass)

We brought 7 of the most popular PH vehicle models and found the following...

3 Ford Galaxy's were tested and had readings of 10%, 25% and 35%. A Ford Mondeo (75%).  
A Skoda (50%). A Toyota (30%) and a Ford Focus (35%)

So the Ford Mondeo was the only vehicle that would pass a compliance test if this proposal is implemented out of the 7 vehicles tested. If these results reflect the PH vehicles in Harlow then approximately 85% of the PH fleet would have to have their rear glass changed. This equates to around 180 vehicles.

## **COSTS AND AVAILABLE VEHICLE RESTRICTIONS**

I contacted an auto glass re-placer for a quote on my own vehicle to get an idea of the personal costs to drivers involved and was quoted approximately £800 to replace my glass. The company estimate this could rise to around £1,400 for a people carrier and they explained to me that compliant glass may not even be available for all vehicles simply because there is no demand for it. It is reasonable to estimate that these figures will be around 25% higher if a vehicle is restricted to using a main dealer because of availability problems.

People Carriers (MPV's) and estate cars seem to be exclusively made with tinted rear glass.

I have had it suggested that this condition if approved would be phased in over 2 or 3 years to minimise the need for replacement but it simply doesn't work like this.

Firstly I can deliver real examples of drivers who have financed vehicles over 5 years who would have to replace glass at a massive cost but more importantly there simply isn't a range of vehicles available to drivers that meet the licensing regulations and are suitable to be used as a PH vehicle without changing the glass. It's not a matter of just buying a compliant vehicle.

This means that when a driver buys a new vehicle he must add a cost of £800-£2,000 to the cost price before he can licence it. He would also be looking at a massively reduced resale price when he comes to replace the vehicle due to the tinted glass being removed.

### **IN CONCLUSION**

The Association understands the need to protect the public and we as a trade do our utmost best to achieve this, but I believe that I have demonstrated that there are no recorded cases of window tinting contributing to negative public safety, this is simply a issue of panicking over an issue that is not real.

I would urge the committee to research themselves into councils that have introduced this condition and then subsequently withdrawn it.

A condition of licensing has to have a valid and necessary reason behind it and should not impose unnecessary costs on drivers. I believe that this proposal fails on both counts and I urge the committee to reject this proposal.

Regards

Neil Betteridge

## **Tinted glass – it's clear!**

Whilst that's obviously not true, maybe the issues relating to tinted glass in taxis and private hire vehicles are clear, contrary to popular belief.

This document summarises the responses received from the 43 police forces and constabularies that collectively serve the whole of England and Wales, in relation to a request for information relating to the commission of crimes in taxis and private hire vehicles in which tinted glass contributed or was thought to have contributed to the commission of an offence.

### **1.0      Background**

- 1.1      For many years, a proportion of the councils across England and Wales have refused to licence vehicles as taxis or private hire vehicles if they were fitted with tinted glass.
- 1.2      As far as I am aware, no research has ever been undertaken to establish the numbers of councils permitting (or prohibiting) the use of vehicles with tinted glass as taxis and private hire vehicles. From my own experience, I would suggest the split is about equal between those that permit, and those that prohibit tinted glass. Irrespective of the numbers, there is certainly a lack of consistency across England and Wales.
- 1.3      Every reason that has ever been given for prohibiting the use of vehicles with tinted glass assumes that it is not only possible, but easy to see into the rear passenger compartment of a motor car at night. Even without the benefit of forensic investigation, every one of us with reasonable sight can easily establish whether that is true by simply trying to see into vehicles at night. If there is no lighting, it is impossible to see into a vehicle at night, even if it has clear glass, because it is dark! If there is lighting, whether that be overhead street lighting, light from illuminated shop windows, or vehicle headlights they all create shadows and / or reflections that make it virtually impossible to see into a vehicle and, if it is possible to see anything at all, it is usually impossible to even establish how many passengers there are, because of the presence of head restraints.
- 1.4      Whilst there is evidence of drivers being attacked and robbed by passengers or others who pose as potential passengers; and there are rare instances when licensed drivers have sexually assaulted passengers, no-one seems to have ever investigated whether such occurrences were contributed to in any way by the presence of tinted glass.
- 1.5      Anecdotally, it seemed that licensed drivers who had sexually assaulted passengers had taken them to dark, quiet, remote locations where they were

unlikely to be seen. Likewise, robberies of drivers seem more frequently to be committed in reasonably dark and quiet locations, where there are again unlikely to be witnesses.

- 1.6 Whilst across England and Wales outside of London there is inconsistency, across the whole of London there is consistency, because taxi and private hire licensing is undertaken by Transport for London for the whole of Greater London.
- 1.7 The most up-to-date taxi legislation in the whole of the country is that which applies to private hire licensing in London. The combined effect of the Private Hire Vehicles (London) Act 1998 and The Private Hire Vehicles (London PHV Licences) Regulations 2004 is to permit a vehicle to be licensed as a private hire vehicle as long as it complies with the Road Vehicles (Construction and Use) Regulations 1986 (as amended). The construction and use regulations only specify the minimum levels of light that must pass through the windscreen and windows to either side of the driver. There is no prohibition on the use of glass with any degree of tint for windows rear of the driver.
- 1.8 In view of the prevalence of licensed private hire vehicles with tinted or privacy glass in London and the inconsistent licensing of similar vehicles across the rest of England and Wales, a survey was undertaken of the 43 police forces and constabularies that serve England and Wales in an attempt to establish whether tinted glass contributed to the commission of offences in taxis and private hire vehicles.

## **2.0 The survey**

- 2.1 In July 2010, an identical request was made of all 43 police forces and constabularies for them to advise:

"Whether the police force / constabulary holds any data or information that indicates that the presence of anti-glare / tinted glass in any taxi (hackney carriage or private hire vehicle) contributed to the commission of a criminal offence."
- 2.2 If such information was held, the request then went on to ask for supplemental information, namely:

"If the answer to the above is 'yes', please provide a summary of each incident in which anti-glare / tinted glass contributed to the commission of an offence, including such matters as to whether the suspect / offender was the driver or passenger, the nature of the offence(s) allegedly / actually committed, and state why the presence of anti-glare / tinted glass was considered to be a contributory factor."

2.3 Subsequent discussions with police forces and constabularies resulted in the request being modified and / or a new supplemental request being made of those forces / constabularies that had information to provide, to specify the period of time covered by the search, and to also provide details of the total number of crimes recorded in such period of time.

### **3.0 Survey responses**

3.1 36 (86.05%) of the 43 police forces and constabularies respond to the request for information under the Freedom of Information Act 2000.

3.2 Of the 36 responses that were received, 17 (47.22%) were unable to or failed to provide the requested information. 16 of them advised that the force / constabulary did not hold (or hold in a searchable format) the requested information and one provided incomplete and unusable information.

3.3 19 (52.78%) of the 36 forces and constabularies that responded to the request for information provided complete responses.

3.4 No police force or constabulary identified a single recorded crime in which anti-glare / tinted glass was considered to have been a contributory factor in the commission of any offence or alleged offence in a taxi (hackney carriage or private hire vehicle).

3.5 Not all police forces and constabularies provided the requested information relating to the total number of recorded crimes for their force /constabulary area, because they were not necessarily obliged to do so, if the requested data was contained in the British Crime Survey that is collated and published annually by the Home Office.

3.6 Appendix A consists of a table summarising all the responses received to the initial request for information relating to anti-glare / tinted glass and supplemented by information provided in response to the further request for information relating to levels of recorded crime or by data extracted from the British Crime Surveys, unless analytical assumptions have been made.

3.7 For the purposes of clarity, the following appears at the foot of the table as a 'note':

"Unless indicated by "Est.", the figures quoted are for the total number of crimes recorded in the period specified, either as advised by the police force as part of its response to a request under the Freedom of Information Act or as published in the British Crime Survey or Surveys for the year or years in question. The data was extracted from the British Crime Surveys for the years from 2001/02 to 2009/10 from the Home Office website at: <http://rds.homeoffice.gov.uk/rds/bcs-publications.html> on 24 August 2010. "Est." indicates that the total recorded crimes has been

estimated, having regard to the British Crime Surveys. For years prior to 2001/02, the level of recorded crime has been presumed to have been the same as recorded in 2001/02, despite the fact that nationally recorded crime has generally fallen year-on-year from its peak in 1992. For incomplete periods, such as that for Durham Constabulary from 1 December 2005 to 31 March 2006, a pro rata figure, based on the number of months, has been used in conjunction with the total number of crimes recorded in 2005/06. For periods since 1 April 2010, a pro rata figure, based on the number of months, has been used in conjunction with the total number of recorded crimes for the previous year, namely 2009/10. As Hertfordshire Constabulary has neither provided the dates for the period they searched nor the total number of recorded crimes, a “?” indicates the details are unknown as at the date of compilation of the above table.”

#### **4.0 Conclusion**

- 4.1 With the provision of useable information from almost half (44.19%) of the police forces and constabularies (including the Metropolitan Police) covering England and Wales for periods going back to 1 April 1993 (in the case of Surrey Constabulary), there is no identifiable information held by any police force or constabulary anywhere in England and Wales to suggest that anti-glare / tinted glass has ever contributed to the commission of an offence or an alleged offence by anyone in a taxi (hackney carriage or private hire vehicle).

#### **5.0 Observations**

- 5.1 It is acknowledged that in the Department for Transport “Taxi and Private Hire Licensing: Best Practice Guidance”, published in March 2010, the Department for Transport encouraged councils not to prohibit tinted glass, because of the costs to the trade of replacing such glass.
- 5.2 However, councils are never going to place the costs to the trade of replacing perfectly good anti-glare / tinted glass above, what has long been perceived by them to be, a “public safety” issue.
- 5.3 A council will only ever be likely to be persuaded to relax its policy on glass when confronted with clear and overwhelming evidence that its long held belief of a potential risk to public safety is not, as a matter of fact, a risk. The current survey shows that, out of more than 17.5 million recorded crimes, there was no offence or alleged offence committed that was believed to have been contributed to by the presence of anti-glare / tinted glass in a taxi (hackney carriage or private hire vehicle).
- 5.4 Whilst statistical information is not available about the number of private hire vehicles licensed by Transport for London that are fitted with anti-glare / tinted

glass, anecdotally it does appear that a significant proportion of the "roughly 49,000 licensed private hire vehicles" (Transport for London website on 3 January 2011: <http://www.tfl.gov.uk/corporate/modesoftransport/1632.aspx>) are vehicles fitted with such glass. Despite London having the largest private hire fleet of private hire vehicles with anti-glare / tinted glass in England and Wales, in the five years between 1 April 2005 and 31 March 2010 during which the Metropolitan Police recorded over 4.4 million crimes, none were considered to have been contributed to by the presence of anti-glare / tinted glass in a taxi (hackney carriage or private hire vehicle).

- 5.5 For the sake of completeness, it should be stated that vehicle manufacturers are more frequently installing anti-glare / tinted glass as standard to their standard production models for a variety of reasons: environmental, driver and passenger (and animal) comfort, and for added security.

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## Appendix A

A summary of all the responses received to a request for information relating to anti-glare / tinted glass.

Please also refer to the 'note' at the foot of the table for further analytical information.

<b>Police Force / Constabulary</b>	<b>From</b>	<b>To</b>	<b>Recorded Crimes</b>	<b>Glass an Issue</b>
Avon and Somerset Constabulary	01.04.2007	30.06.2010	441,902	0
Bedfordshire Police	01.07.2008	30.06.2010	86,924	0
Cambridgeshire Constabulary	No information available			
Cheshire Constabulary	No response received by date of collation			
City of London Police	No information available			
Cleveland Constabulary	01.09.2005	27.07.2010	294,432	0
Cumbria Police	01.01.2000	30.06.2010	366,789	0
Derbyshire Constabulary	01.01.2007	30.06.2010	Est. circa 263,059	0
Devon and Cornwall Constabulary	01.01.2005	31.07.2010	Est. circa 617,838	0
Dorset Police	No information available			
Durham Constabulary	01.12.2005	31.07.2010	Est. circa 217,690	0
Dyfed-Powys Police	01.01.2006	30.06.2010	114,819	0
Essex Police	No information available			
Gloucestershire Constabulary	01.04.2001	30.06.2010	Est. circa 460,780	0
Greater Manchester Police	01.01.2006	30.06.2010	Est. circa 1,279,976	0
Gwent Police	1997	2010	700,000 to 800,000	0

Police Force / Constabulary	From	To	Recorded Crimes	Glass an Issue
Hampshire Constabulary	Information not available			
Hertfordshire Constabulary	?	?	?	0
Humberside Police	No response received by date of collation			
Kent Police	Information not available			
Lancashire Constabulary	Information not available			
Leicestershire Constabulary	01.01.1997	31.07.2010	More than 1,800,000	0
Lincolnshire Police	Information not available			
Merseyside Police	No response received by date of collation			
Metropolitan Police	01.04.2005	31.03.2010	4,440,933	0
Norfolk Constabulary	01.04.1995	31.08.2010	Est. circa 915,868	0
North Wales Police	Information not available			
North Yorkshire Police	Information not available			
Northamptonshire Police	Information not available			
Northumbria Police	01.01.2005	30.06.2010	621,331	0
Nottinghamshire Police	Information not available			
South Wales Police	01.01.2010	31.07.2010	83,893	0
South Yorkshire Police	No response received by date of collation			
Staffordshire Police	Information not available			
Suffolk Constabulary	August 1998	29.07.2010	circa 600,000	0
Surrey Police	01.04.1993	31.07.2010	Est. circa 1,113,489	0
Sussex Police	Information not available			
Thames Valley Police	Information not available			

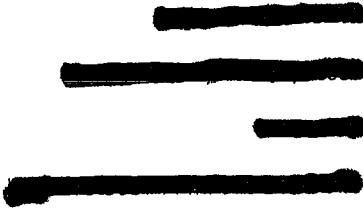
<b>Police Force / Constabulary</b>	<b>From</b>	<b>To</b>	<b>Recorded Crimes</b>	<b>Glass an Issue</b>
Warwickshire Police	No response received by date of collation			
West Mercia Police	No response received by date of collation			
West Midlands Police	01.04.2000	30.06.2010	Est. circa 3,034,938	0
West Yorkshire Police	01.04.2009	31.03.2010	71,291	0
Wiltshire Constabulary	Information not available			
<b>Total recorded crimes</b>			<b>Est. circa 17,525,952</b>	
<b>Total crimes in taxis contributed to by type of glass</b>				<b>0</b>

Note:

Unless indicated by "Est.", the figures quoted are for the total number of crimes recorded in the period specified, either as advised by the police force as part of its response to a request under the Freedom of Information Act or as published in the British Crime Survey or Surveys for the year or years in question. The data was extracted from the British Crime Surveys for the years from 2001/02 to 2009/10 from the Home Office website at: <http://rds.homeoffice.gov.uk/rds/bcs-publications.html> on 24 August 2010. "Est." indicates that the total recorded crimes has been estimated, having regard to the British Crime Surveys. For years prior to 2001/02, the level of recorded crime has been presumed to have been the same as recorded in 2001/02, despite the fact that nationally recorded crime has generally fallen year-on-year from its peak in 1992. For incomplete periods, such as that for Durham Constabulary from 1 December 2005 to 31 March 2006, a pro rata figure, based on the number of months, has been used in conjunction with the total number of crimes recorded in 2005/06. For periods since 1 April 2010, a pro rata figure, based on the number of months, has been used in conjunction with the total number of recorded crimes for the previous year, namely 2009/10. As Hertfordshire Constabulary has neither provided the dates for the period they searched nor the total number of recorded crimes, a "?" indicates the details are unknown as at the date of compilation of the above table.

Representations made by Stuart Bolwerk on behalf of Harlow Taxi Hire Ltd.

Stuart Bolwerk



21.2.17

Dear Sir/Madam

Please allow me to introduce myself. I am the proprietor of Harlow Taxi Hire Ltd. I supply London style Licenced Hackney carriage Vehicles to drivers who wish to rent them to operate within the district of Harlow.

I've enjoyed thus far a good working relationship with The Licensing officer, Mr David Taylor & his Team. However some of their current proposed changes to modify and replace conditions to the licencing of Hackney Carriage vehicles and private hire vehicles, are potentially a cause for concern in their current form, not only for myself personally & my business, but also to the drivers who rent their vehicles from myself.

With regard to the up and coming proposals, some of the suggested changes are certainly reasonable and are in need of updating or improving. However, others seem unfair to proprietors and have the power to put drivers out of work and also to close my business.

Below are list of my concerns and views on how the proposed changes will affect my business and drivers who rent Taxis from me.

**Introduction of Euro 4 Standard For taxi & Private Hire vehicles.**

During Meetings with the Licensing team, I have already acknowledged that in principle, that this proposal is something myself & indeed the rest of the Taxi trade, understand the reasoning for & accept the concept. The issue that gives concern to all of us is the time frame they are proposing is unrealistic for the Hackney Carriage trade to comply.

There are currently very few Euro 4 compliant Hackney Carriage Vehicles for sale at an affordable cost. You may be aware London has a 15 year old age limit, that in turn means that there are very few compliant to the proposed Euro 4 requirement, that leave London until they are 16 years old and the ones that do change owners command a very high price.

**On average, the cost to replace a vehicle in this time frame will be in the region of £10,000 each.**

Michael Pitt, the Environment & Licensing manager confirmed this, to councillors present at the last committee meeting.

Currently I own and licence 16 Hackney Carriage vehicles in Harlow. For me to change my entire fleet of vehicles to euro 4 with the costs outlined earlier. It is apparent that I will be looking at a cost of in excess of £150,000. This is an unrealistic amount that I simply cannot afford, in the timescale suggested.

I have included a letter from my accountant (MG White & Co Chartered Accountants.) to show my business turnover and how much of an impact the proposed changes will have my business and drivers who rent Taxis from me.

Currently I charge £145.00 per week to rent a Hackney Carriage vehicle. In London to hire a similar standard vehicle, drivers would be expected to pay in excess of £280.00 per week. Proprietors can ask this in an affluent city, because the level or work there with tourism etc. is far greater than in Harlow. I feel I've always charged a fair & reasonable rent on my vehicles. & obviously would wish this to continue. Which makes any of the three scenarios outlined below horrific, to myself & potentially drivers that rely on me for their livelihood.

**To meet the proposed Euro 4 changes, these are my 3 options;**

1<sup>st</sup> To do nothing and let my business close, therefore possibly putting 15 drivers and myself out of work.

2<sup>nd</sup> increase my drivers rents by 50% (which of course, some of them will not pay, or be unable to, and as a result they would leave) in the hope that I will be able to cover the remaining cost and try and buy the suggested vehicles in the timescale.

3<sup>rd</sup> to increase my drivers rents by an even more unfair 79%. This will completely cover the cost of the replacement euro 4 compliant taxi. but I fear, with the economic crisis that is currently happening within the trade. I cannot envisage any of the drivers will pay this amount and I think that it would grossly unfair for me to have to ask this amount.

If the committee would consider allowing the transition to Euro 4 in 6/7 years' time, therefore by 2023/2024, all vehicles will be Euro 4 compliant. Replacing the vehicles in this suggested time frame is something we can afford without imposing excessive costs to my business and drivers who rent Taxis from me. (whom I'm sure would seriously consider as a consequence, were this proposal to go ahead unchanged, asking the council for a fare increase to recover these costs which therefore will in turn increase the cost to their customers which would also be regrettable.

**A New Condition Which May Not Allow Insurance Written Off Category" C" vehicles to be licensed.**

The RAC describe a "Cat C" write off as;

"Vehicles written off after an accident, a flood, or fire damage are often classified as Cat C. In its simplest form, it means that although the car is repairable, the cost of the parts, labour and potentially an expensive hire car would significantly exceed the value of the vehicle. From a business point of view, if your car insurance company deems the damage to be beyond economic repair, it may be classified as a Cat C write-off."

<http://www.rac.co.uk/drive/advice/know-how/what-does-cat-c-car-insurance-mean/>

Although I do not currently own or hire any "Cat C" write offs. This does not change my view. From the RACS definition above it would appear that the vehicles can be repaired and when this is completed, it will be as safe as any other vehicle. The problem arises because it's simply not cost effective for insurance companies to pay for the labour/parts etc involved in the repair.

For someone like myself, or any other individual in my line of work that has the knowledge to repair a vehicle back to its original condition, but only has to pay for parts and not labour charges, the subsequent repair costs would be significantly lower.

e.g. if a repair garage produced an estimate with parts and labour that were to be excessively high this would very likely create a "Cat C" write off. However, with myself only having the costs of parts, I am therefore in a position to repair the vehicle at a much reduced cost.

Furthermore I have had in the past, many issues with insurance companies over the cost of damaged/off road licenced vehicles. They do not take the additional costs e.g. licence fee or test into consideration, or the changes we make to vehicles to make them safer or more efficient Taxis. This can have a big impact on how much they consider the vehicle is worth, or in the cost of a replacement.

Therefore, what is considered by the insurance company to be a "Cat C" write off value, is generally much lower than would be considered reasonable. Insurance companies, mine included are aware of this. Moreover I have argued this point with them and won. The insurance company had wanted to write my licenced vehicle off & after explaining everything I have mentioned above to them, they have then agreed to repair the vehicle, & thus reverse their initial decision.

Some of these vehicles are currently in service today and have passed every MOT and Compliance with no issues. Therefore, in light of this, I feel it is unjust & unnecessary to assume that if a vehicle was once a "Cat C" Write off, then it is no longer fit to be a taxi.

To close, In consideration of my letter I'm hopeful this committee will understand how much impact the proposed changes will have on all drivers' livelihoods, and I hope the trade and licencing team can continue to work together on a solution that is an acceptable compromise to everyone.

Yours truly

Stuart Bolwerk

Harlow Taxi Hire Ltd