

REPORT TO: LICENSING COMMITTEE

DATE: 11 JULY 2017

TITLE: LICENSED VEHICLE STANDARDS

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RECOMMENDED that the Licensing Committee:

- A** Considers the responses to the consultation.
- B** Recommends to Full Council the changes to Private Hire and Hackney Carriage licensed vehicle conditions set out in Appendix 3 to the report.

BACKGROUND

1. The 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 suitable, safe and maintained to an acceptable standard.
2. The 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. Proposed Vehicle licensing conditions were considered by Licensing Committee on 21 March 2017. The Committee deferred a decision on adoption to a future meeting to enable more time for discussions to take place between the Licensing Team and representatives of the Private Hire and Hackney carriage trades to clarify issues raised on consultation.

5. There is the right of appeal against conditions imposed on licences, however it is considered preferable if practicable to arrive at licensing conditions with which the majority of stakeholders are content whilst delivering reasonable licensing objectives.

Clarification meetings have now taken place. Officers now consider that the following issues remain most likely to be contentious.

- a) Tinted Glass

Private Hire representatives have indicated that vehicle proprietors and drivers oppose any restriction on the use of factory-fitted tinted glass in the rear of vehicles.

Representatives of the Hackney Carriage trade support the introduction of conditions to restrict the use of dark tinted windows

- b) Emissions

Private Hire representatives have indicated that they oppose the introduction of Euro 4 compliant vehicles for the private hire fleet in advance of any proposed introduction of Euro 4 to the Hackney Carriage fleet.

Representatives of the Hackney Carriage trade oppose the compulsory introduction of Euro 4 compliant vehicles before November 2022.

- c) Roof Signs

Private Hire representatives have indicated that they now support the introduction of roof signs on private hire vehicles but only where they are not mandatory.

Unite for the Hackney Carriage trade strongly oppose the use of roof signs on private hire vehicles because they believe that they constitute a risk that service users may mistake licensed private hire vehicles with roof signs for licensed Hackney Carriages, increasing the risk of illegal plying for hire.

- d) Periodic compliance testing

Private Hire representatives have indicated that they oppose the introduction of twice-yearly compliance testing for licensed vehicles having covered more than 100,000 miles. Currently vehicles must be tested twice yearly after they have covered over 150,000 miles. Private Hire representatives do support the removal of compliance testing three times a year.

6. The Licensing Team is grateful to the trade and public for taking the time to carefully

consider all the issues which affect the trade and safety of the travelling public.

7. The Licensing Team has reviewed the representations received and commented on the issues raised in Appendix 3.

PROPOSALS

8. The revised vehicle licensing conditions set out in Appendix 3 now be recommended to full Council.

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)

None specific.

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

Governance (includes HR)

The responses to the Consultation were further evaluated to ensure that the proposed changes to the Private Hire and Hackney Carriage Licensed vehicle conditions (appendix 3) attached reflected the views expressed appropriately. By undertaking a proper consultation and reflecting the views expressed the Council will have mitigated the risk of a successful challenge to its decision making process.

Author: **Amanda Julian, Legal Services Manager 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>

Glossary of terms/abbreviations used

None

Appendices

Appendix A – Access for Wheelchairs Users to Taxis and Private Hire Vehicles -
DoT Statutory Guidance

Appendix 1 – Licensing Standards for Private Hire and Hackney Carriage
Vehicles Consultation Summary

Appendix 2 – Licensing Standards for Private Hire and Hackney Carriage
Vehicles Consultation Comparison

Appendix 3 – Private Hire Vehicle Licensing and Testing

Appendix 4 – Response from Mr Foley

Appendix 5 – Response from Mr Betteridge

Appendix 6 – Response from Mr Bolwerk