

REPORT TO	DATE OF MEETING
General Licensing Committee	14 April 2005



SUBJECT	PORTFOLIO	AUTHOR	ITEM
The De-restriction of Hackney Carriage Vehicles	Cultural and Community Services	David Stewart	4

SUMMARY AND LINK TO CORPORATE PRIORITIES

Proposed response to Government proposals in respect of the OFT (Office of Fair Trading) Report – ‘The Regulation of Licensed Taxi and PHV (Private Hire Vehicles) Services in the UK’

This is a report further to the meeting of the Taxi Forum on 21 March 2005 where the proposals were discussed and amendments suggested.

RECOMMENDATIONS

After consultation with the Taxi Trade forum, where some valid points were made and agreed it is recommended that the committee consider the criteria for hackney carriage vehicles from 1 May 2005 to be;

- 1) No Hackney Carriage to be over 4 years old (date of first registration or manufactured/first used whichever is earlier) at the time of first Licensing.
- 2) All Hackney Carriages to be purpose built and be wheelchair accessible.
- 3) Hackney Carriage vehicles to be removed from service at Licence expiry when 10 years old (date of first registration or manufactured/first used whichever is earlier).
- 4) All other vehicles must be licensed as Private Hire Vehicles (PHV) against the existing PHV criteria.
- 5) Current hackney carriage proprietors to operate under current rules regarding hackney carriages until 1 May 2015.

DETAILS AND REASONING

The committee has previously agreed that if hackney carriage licences are to be de-regulated quality control measures should be imposed to limit the number of hackney carriages in the borough and to keep the condition of vehicles to a high standard. The proposed measures were:-

- 1) No Hackney Carriage to be over 3 years old (date of first registration or manufactured/first used whichever is earlier) at the time of first Licensing.
- 2) All Hackney Carriages to be purpose built and be wheelchair accessible.
- 3) Hackney Carriage vehicles to be removed from service at Licence expiry when 10 years old (date of first registration or manufactured/first used whichever is earlier).
- 4) All other vehicles must be licensed as Private Hire Vehicles (PHV) against the existing PHV criteria.
- 5) Current hackney carriage proprietors to operate under current rules regarding hackney carriages until 1 May 2013.

This was proposed to the taxi trade forum on 21 March 2005, during the course of the forum the following suggestions were made to the proposed application criteria for hackney carriage vehicles. They are listed below with responses–

- (a) *No hackney carriage (purpose built and wheel chair accessible) to be over 6 years old at the time of first registration and vehicles to be removed from service at the expiry of the licence when 12 years old (date of first registration or manufactured/first used whichever was earlier);*

It may be felt by the committee that 6 years and 12 years respectively is too old bearing in mind that a taxi can easily cover 50,000 miles in twelve months. If standards are to be kept high then 4 years is seen as a more realistic age. A tidy second hand model can be purchased for between eight and ten thousand pounds. 4 years is an increase on the originally proposed 3 years.

- (b) *in order to protect small businesses, a period of 10 years, rather than 8, be allowed for current hackney carriage operators to operate under the existing hackney carriage conditions until 1 May 2015;*

Accepted..

- (c) *Any new applications following 1 May 2005 would be subject to the proposed application criteria;*

Accepted

- (d) *The possibility of a corporate colour scheme for purpose built taxis in order to distinguish taxis from the borough.*

Although an excellent idea, a corporate colour scheme would impose additional restrictions and may prove unpopular with owner drivers who cannot afford a 'new' vehicle. It would restrict their choice of second hand taxi or put them to the expense of having their vehicle re-sprayed.

- (e) *Due to the possible large amount of purpose built taxis from 1 May 2005 to 1 May 2013/15 to be purchased from approved firms, whether the council could negotiate a special discounted price for purpose built taxis in order to assist the hackney carriage taxi trade.*

It is felt that this would be unwise as it would bring the council within the privity of the contract of sale between the vendor and purchaser of the said vehicle. However should the trade request we can arrange for demonstrations or an open day for specialist manufacturers.

Wider Implications

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas shown below. A risk assessment has also been carried out. The table shows the implications in respect of each of these.

FINANCIAL	There are no financial implications for the authority with the proposals. .
LEGAL	Continued restriction without justification may lead to judicial review of policy and breach of government guidelines
RISK	1 – Low – Acceptable Risk
OTHER (see below)	There are no other risks associated with this proposal.

BACKGROUND DOCUMENTS

Minutes of the Taxi Trade Forum held on 21 March 2005

**EXTRACTED FROM THE PROCEEDINGS OF GENERAL LICENSING COMMITTEE
HELD ON 14 APRIL 2005**

8. The De-Restriction of Hackney Carriage Vehicles

Further to minute no. 1 on 7 March 2005, a further report was submitted following the meeting of the Taxi Trade Forum held on 21 March 2005 which the trade suggested amendments be made to the proposal.

The committee had previously agreed that if hackney carriage licences were to be de-regulated quality control measures should be imposed to limit the number of hackney carriages in the borough and to keep the condition of vehicles to a high standard. The proposed measures were:-

- (1) No hackney carriage to be over three years old (date of first registration or manufactured/first used whichever was earlier) at the time of first licensing.
- (2) All hackney carriages to be 'purpose built' and be wheelchair accessible.
- (3) Hackney carriage vehicles to be removed from service at licence expiry when ten years old (date of first registration or manufactured/first used whichever was earlier).
- (4) All other vehicles must be licensed as private hire vehicles (PHV) against the existing PHV criteria.
- (5) Current hackney carriage proprietors to operate under current rules regarding hackney carriages until 1 May 2015.

At the trade forum on 21 March 2005 it was suggested that the following be made to the proposed application criteria for hackney carriage vehicles –

- (a) No hackney carriage (purpose built and wheelchair accessible) to be over six years old at the time of first registration and vehicles be removed from service at the expiry of the licence when twelve years old (date of first registration or manufactured/first used whichever was earlier).

In respect of this, the committee felt that six and twelve years respectively were too old bearing in mind that a taxi would easily cover 50,000 miles in twelve months. If standards were to be kept high, four years was seen as a more realistic age. A reasonable second hand model could be purchased between £8,000 and £10,000. Four years was an increase on the originally proposed three years.

- (b) In order to protect small businesses, a period of ten years, rather than eight be allowed for current hackney carriage proprietors to operate under the existing hackney carriage conditions until 1 May 2015.
- (c) Any new applications following 1 May 2005 would be subject to the proposed application criteria.
- (d) The possibility of a corporate colour scheme for purpose built taxis in order to distinguish taxis from the borough.

The Licensing Enforcement Officer reported that although an excellent idea, a corporate colour scheme would impose additional restrictions and might prove unpopular with owner drivers who would be unable to afford a new vehicle. It would

restrict their choice of second hand taxi or put to them to the expense of having their vehicle re-sprayed.

A discussion ensued on the corporate colour scheme for purpose built taxis and there was general consensus among the committee members that deep maroon was an option.

- (e) Due to the possible large amount of purpose built taxis being purchased from approved firms from 1 May 2005 to 1 May 2013/15, a request was made as to whether the council could negotiate a special discounted price for purpose built taxis in order to assist the hackney carriage taxi trade.

The Licensing Enforcement Officer reported that this would be unwise as it would bring the council within the privity of the contract of sale between the vendor and the purchase of the said vehicle. However, should the trade request, the council could arrange for demonstrations or an open day for specialist manufacturers.

RESOLVED: that the following criteria for hackney carriage vehicles from 1 May 2005 be approved:-

- (1) No hackney carriage to be over four years old (date of first registration or manufactured/first used whichever is earlier) at the time of first licensing;
- (2) all hackney carriages to be 'purpose built' and be wheelchair accessible;
- (3) hackney carriage vehicles to be removed from service at licence expiry when ten years old (date of first registration or manufactured/first used whichever is earlier);
- (4) all other vehicles must be licensed as private hire vehicles (PHV) against the existing PHV criteria;
- (5) current hackney carriage proprietors to operate under current the existing conditions in respect of hackney carriages until 1 May 2015; and
- (6) a corporate colour of deep maroon be introduced subject to the exclusion of this colour for private hire vehicles.

**EXTRACTED FROM THE PROCEEDINGS OF GENERAL LICENSING COMMITTEE
HELD ON 9 JUNE 2005**

3. The De-Restriction of Hackney Carriage Vehicles

Following the committee meeting held on 14 April 2005 (minute no. 8 refers), a further report was submitted detailing additional issues on this matter.

The committee was informed that several vehicle manufacturers produce taxi variants which were in effect converted 5cwt vans, for example a Fiat Doblo or a Citroen Berlingo. As these vehicles were wheelchair accessible they were rear loading. The council had received representations from both the Spinal Injuries Association and RADAR that this type of vehicle was not suitable (principally as the wheelchair occupant had to be wheeled into the road to be loaded and electric wheelchairs would have difficulty getting over kerbs). In addition, a concern was expressed that if the vehicle was struck in the rear the wheelchair occupant was in a vulnerable position and was likely to be trapped.

There were at present possibly four purpose built taxis that would meet the required criteria. They were the Peugeot Eurocab E7, the LTI TXII (London style taxi) and the Metrocab, based on the Range Rover. In addition the new Citroen Sentinel had side loading but it had not yet been established whether or not it had been granted a whole vehicle type approval certificate.

When the new regulations were introduced on 1 May 2005 one of the larger hackney operators manifested an intention to transfer his fleet of over 50 vehicles to private hire plates and "sell" the redundant hackney plates issued to him. At present South Ribble hackney carriage plates change hands for about £250.00. It was suggested that a variation be made to the existing criteria for hackney carriages in order that if a hackney carriage plate was "sold", the recipient would have to meet the new criteria.

At the meeting on 14 April 2005 the committee resolved that under the new criteria all South Ribble hackney carriages had to operate under a corporate colour scheme (the suggested colour was deep maroon). Unfortunately, neither Peugeot, LTI or Metrocab manufacture vehicles in 'maroon' and that if this was to be pursued all new hackneys would have to be specially re-sprayed. It might be felt that purpose built taxis were so distinguishable that a colour scheme was unnecessary.

RESOLVED: that with immediate effect the previous agreed criteria for hackney carriage vehicles from 1 May 2005 be varied to read:-

- (1) No hackney carriage to be over four years old (date of first registration or manufactured/first used whichever is earlier) at the time of first licensing;
- (2) all hackney carriages to be side loading, wheelchair accessible, 'purpose built' and meet European, Whole Vehicle Type Approval;
- (3) hackney carriage vehicle to be removed from service at licence expiry when ten years old (date of first registration or manufactured/first used whichever is earlier);
- (4) all other vehicles must be licensed as private hire vehicles (PHV) against the existing PHV criteria;
- (5) current hackney carriage proprietors to operate under the current rules in respect of hackney carriage plates owned before 1 May 2005 until 1 May 2015; and
- (6) no corporate colour scheme be introduced in respect of hackney carriages.