

Committee:	Licensing and Environmental Health	Date:	November 2018
Title:	Review of Uttlesford District Council's Taxi Licensing Policies		
Report Author:	Oliver Rawlings, Licensing Consultant (EHDC Service Manager – Licensing & Enforcement)	Item for decision:	Yes

Summary

1. To inform the Committee of the proposed changes to UDC Taxi Licensing Policies, seek endorsement of draft documents for consultation.

Recommendations

2. For the Committee to note and comment upon the proposal for the introduction of training and testing for new applicants for both Private Hire and Combined (Private Hire and Hackney Carriage) drivers licences.
3. For the Committee to note and comment upon the proposal for the introduction of a Suitability Policy for applicants in the Hackney Carriage and Private Hire Trade.
4. For the Committee to note and comment upon the proposal for the introduction of a driving proficiency test for all new applicants for both Private Hire and Combined (Private Hire and Hackney Carriage) drivers licences.
5. For the Committee to note and comment upon the proposal for the introduction of a new vehicle age & emissions policy which will apply to all licensed vehicles.
6. For the Committee to note and comment upon the proposal for revised driver vehicle and operator conditions to be introduced.
7. That the above draft documents be endorsed for an 8 week consultation with the trade and public.

Financial Implications

8. There are no financial implications as the implementation and operation of the taxi licensing regime operates on a cost recovery basis.

Background Papers

9. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

- Taxi and Private Hire Licensing: Best Practice Guidance from the Department for Transport (March 2010)
- Law Commission in its report on Taxi and Private Hire Services
- Local Government (Miscellaneous Provisions) Act 1976
- Institute of Licensing, Guidance on determining the suitability of applicants and licensees in the hackney and private hire trade.

Impact

10.

Communication/Consultation	Consultation will take place with trade, drivers, operators and other relevant stakeholders for an 8 week period. Local press, social media, website, meetings and invitation for direct comment will be used as appropriate.
Community Safety	The authority has a duty only to licence drivers and operators who are considered to be fit and proper.
Equalities	The Council ensures that it treats all individuals and organisations that are renewing or making new applications for licences with equal respect both during the licensing approval / renewal process and in such instances where enforcement action becomes necessary.
Health and Safety	No impact on employee health and safety
Human Rights/Legal Implications	Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply: Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest. Article 6 – That in the determination of civil rights and obligations everyone is entitled

	<p>to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.</p> <p>2. The Local Government (Miscellaneous Provisions) Act 1976, allows a Local Authority to determine the suitability of an applicant for the grant of taxi and private hire vehicle Licenses and to request such information as it considers reasonably necessary from the applicant in order to determine if a licence should be granted/revoked.</p>
Sustainability	No issues arising
Ward-specific impacts	All
Workforce/Workplace	No issues arising

Situation

11. Uttlesford District Council, as an authority that issues hackney carriage and private hire drivers licences, can set its own criteria to ensure that applicants are 'fit and proper' to hold a licence. The overriding factor is that of the protection and wellbeing of the public using Hackney Carriage and Private Hire Services. As such the authority currently requires all applicants to pass a medical, have their DVLA licence checked and have an enhanced criminal record check. All drivers are also subject to right to work checks which is a legislative requirement.
12. The current UDC policy and application criteria were last revised in April 2016. The authority took the decision in 2017 to review the policy, and in particular the application criteria as it believed that there were matters relating to public safety that were not being adequately addressed. In particular, the issues with child sexual exploitation and safeguarding that have been very publicly identified in other parts of the country.
13. Outside of the application criteria no training is offered to, or required of, either new applicants or renewing drivers.
14. New driver training and testing
15. To address these concerns and help ensure that drivers are 'fit and proper' and protect the public it is proposed that:

- New applicants for driver's licences attend a full day's training course to include training in customer service, driver safety, relevant legislation, disability awareness, safeguarding and other key information required to be a competent and safe driver.
16. The training day will include a test of that knowledge for both dual/combined driver and private hire driver applicants. Applicants for dual/combined driver licences will be subject to an additional geographic test of their knowledge of the District as they are available for immediate hire.
 17. Applicants will be provided with access to a comprehensive handbook at the time of booking onto the course as a study aid prior to the course and a quick reference guide to keep once they are licensed. The content the handbook will only be finalised once decisions have been made regarding the proposals in this report.
 18. Training prior to a competency test is common place in many spheres of work, a notable example being training for holders of personal licences. It is a requirement of the Licensing Act 2003 that holders of a personal licence will have a formal qualification. Likewise, the Security Industry Authority requires new security staff to have formal, accredited training. There is no intention to accredit driver training yet but this could be a possibility in the future.
 19. It is anticipated that a period of focused training prior to the examination will instil in new applicants a genuine understanding of the principles behind the regulations leading them to be able to make informed decisions from the very start of their careers.
 20. It is important that new entrants to the trade are able to provide a safe and effective service to people with disabilities, who often rely on licensed vehicles as their primary form of transport. This was recognised by the Law Commission in its report on Taxi and Private Hire Services which said:

One of our key provisional proposals to promote equality and accessibility was that private hire and taxi drivers should be required to undergo recognised disability awareness training. This received unanimous support, and statistics published by the Department for Transport show that it is far from a universal requirement in current local licensing conditions. Lack of such training means that some drivers may be less likely to be aware of the needs and rights of disabled passengers; this can contribute to unacceptable practices, for example ignoring their attempts to hail a vehicle, carrying them in an unsafe manner, refusing to carry them at all or charging extra for the service.¹
 21. Many other local authorities already require applicants to arrange, at their own cost, training in disability awareness. The average cost to the driver of that training would be £35.00. By delivering disability awareness training in house as part of the proposed driver training UDC can negate the need for an

¹ Taxi and Private Hire Services, Law Com LC437 (2014), para 1.41
http://www.lawcom.gov.uk/app/uploads/2015/03/lc347_taxi-and-private-hire-services.pdf

externally provided course and ensure it is delivered to an acceptable standard.

22. The proposal is that Watford Borough Council, who already provided similar courses to their own drivers and a number of other local authorities, are contracted to supply bespoke training to new applicants for drivers licences issued by Uttlesford District Council.
23. Watford Borough Council will provide trainers that have wide experience of licensing and enforcement of taxis. This is considered a key factor in the success of the courses delivered elsewhere as it means that questions outside of the scope of the training can be answered and practical examples of real life situations can be drawn upon. All the content is tailored specifically to the licensed taxi trade rather than delivering generic training where attendees may not see how it directly applies to them and their work.
24. As stated above all applicants would receive the same training however the testing would differ slightly in that applicants for a private hire drivers licence would not have to sit a geographical knowledge test. All the other tested elements would remain the same:
 - Rules and regulations
 - Highway code
 - Basic arithmetic
25. The questions would be a mix of multiple choice and written answers allowing the authority to assess the ability of candidates to understand and write written English. Similarly the training requires applicants to interact with each other and the trainer which will be a test of their ability to speak and understand spoken English.
26. The cost to the applicant of the training would be:
 - £105.00 for an applicant for a combined Hackney Carriage/Private Hire Drivers licence (retest £30.00)
 - £95.00 for an applicant for a Private Hire Drivers licence (retest £20.00)

The difference in the individual costs reflects the additional routes test for those applicants wishing to drive a Hackney Carriage. This fee would be subject to an additional amount for the hire of a venue.
27. Within this cost Watford Borough Council will provide a system for booking onto the course, the training materials and testing, applicants and UDC and applicants will be notified of test results within 48 hours.
28. When considering how frequently the training days should be held the number of new driver applications received over the last 12 months was used as a base figure (782 in the last 12 months). The number of applications has been increasing year-on-year so the assumption has been made that this number will increase again. Working from an expected 800 applications in the next

financial year this would require a training day every week with an average attendance of 15 candidates.

29. The training course has proved most successful in other areas when the number of attendees has been capped at 16. This allows candidates to get the most from the day and fits well with having weekly training days. Those that fail any part of the testing would be able to book a resit the next week (if spaces were available).
30. The authority has been looking at a number of venues for holding the training events so that an indicative cost can be calculated. Until a decision is made regarding the imposition of training and testing for new applicants a venue or venues cannot be secured. However, suitable venues are currently available at a cost of between £5.00 and £10.00 per candidate (based on 15 attendees) and this figure would need to be paid in addition to the training cost detailed above.
31. The training and testing can clearly have a positive impact on public safety but it is also designed to benefit people that are new to the trade as can be seen by the break down in the proposed content of the training at **Appendix A** to this report.
32. Suitability policy for the Hackney Carriage and Private Hire Trade
33. The Suitability Policy is intended to replace sections of the current policy and standards as it relates to drivers, vehicle proprietors and operators. The draft policy recognises the different roles that drivers, proprietors and operators have and takes this into consideration with regards to the relevance of each offence.
34. Since the initial drafting of a Suitability Policy for UDC the Institute of Licensing (IoL), in February 2018, issued 'Draft guidance on determining suitability of applicants and licensees in the hackney and private hire trade'. The main differences between the policies were the grouping or listing of offence types and some of the lengths of time that offences would preclude an applicant from holding a licence, bearing in mind, each application must be considered on its own merits, and the way in which offences are grouped.
35. The Suitability Policy at **Appendix B is** a new draft which has taken into consideration the IoL Guidance, the originally drafted policy and best practice. Ultimately it is for the authority to decide, having taken into account any comments received during the consultation, what time periods should apply to each category of offence.
36. UDC has historically had criteria for the consideration of drivers and operators. The trade have expressed concerns regarding the clarity of the existing policy and in particular the section stating that applicants must never have had a custodial sentence. This is addressed in the proposed policy as it makes it clear that different offences are given different weight taking into

account the seriousness and relevance of the offence, the penalty imposed and the length of time since that conviction/s.

37. The policy combined with amendments to the standards and conditions would mean the following changes would be introduced:

- Clearer criteria for driver applications;
- Checking of the suitability of vehicle proprietors with clear criteria;
- Increased checks on operators suitability with clear criteria;
- A requirement for operator's to carry out checks on their employees to the same standard as are carried out on the operator themselves.

38. Some of the content of the Suitability Policy is based on the proposition that the other recommendations in this report will be introduced, for example a Driving Assessment or the adoption of the proposed operator conditions. This is not an attempt to predetermine the decision and disregard any consultation responses but is an illustration of the type of document that is recommended and demonstrates how policy and standards interlink. The suitability policy can be amended to reflect any changes that have been recommended in this report but which are not subsequently adopted following consultation.

39. As part of the changes it would be beneficial to clarify where the decision making regarding suitability would sit. Given that all Local Authorities are facing funding gaps many have delegated more powers to officers, often in consultation with a Member, to save the time and expense of Committee meetings and help to expedite matters for the individual that is subject to the questions over fitness and propriety. It is suggested that decision making under the suitability policy is delegated to officer level, Environmental Health Manager (Commercial), in consultation with the Chair of the Licensing and Environmental Health Committee. In the absence of the Environmental Health Manager (Commercial) the decision could be taken by a more senior officer and in the absence of the Chair it is suggested that this should sit with the Vice-Chair (or in their absence 3 members of the committee).

40. The suitability policy if approved would replace Appendix A of the current handbook 'Licensing Standards – Drivers' except for the requirement to meet the Group 2 medical standard and to have a reasonable command of the English Language.

41. Driving Proficiency.

42. The Department for Transport (DFT) Best practice guidance states at point 70:

Many local authorities rely on the standard car driving licence as evidence of driving proficiency. Others require some further driving test to be taken. Local authorities will want to consider carefully whether this produces benefits which are commensurate with the costs involved for would-be drivers, the costs

being in terms of both money and broader obstacles to entry to the trade. However, they will note that the Driving Standards Agency provides a driving assessment specifically designed for taxis.

43. It is reasonable to expect professional drivers to exhibit and maintain good standards of driving and the requirement to pass an additional test would not be considered a barrier to entry to the trade. It is suggested that passing a driving test which is equivalent to the now defunct DSA test mentioned in the DfT guidance be a requirement of every new applicant.
44. There are increasing numbers of companies which offer these bespoke taxi driving tests. If the imposition of a driving proficiency test is ultimately approved UDC would seek to nominate a number of providers, including at least one national provider, so that applicants are able to take the test locally to where they are resident. This will allow applicants to shop around for a convenient date and time and will minimise delays between booking and actually taking the test so that applications are not unduly delayed.
45. As there is no expiry date on pass certificates UDC should be willing to accept pass certificates previously obtained for another authority if it was issued by one of UDC's approved providers, or meets the same criteria, and can be verified as genuine.
46. UDC may wish to set a limitation to the age of certificate that they are willing to accept. It is suggested that if a new applicant has not taken their DVLA driving test or passed the council approved driving test (or equivalent) within the last ten years then they will be required to take and pass the council approved driving test before any driver licence application is granted.
47. The approval of such a test links in with the Draft Suitability Policy which is part of this report. Licensed drivers that are given a prescribed number of points on their DVLA licence would be required to pass the council approved driving test within a fixed time period or face suspension.
48. The introduction of this measure would promote public safety as it will ensure that new applicants, however recently or long ago they passed their DVLA driving test, or in whichever country they took their test, are proficient enough to drive the public safely. Equally where an existing licensed drivers driving proficiency is brought into question the objective test can be applied and answer that question.
49. In October 2018 the average cost for such a test was £85.00. The cost of the test and any retests would be paid by the applicant or existing driver directly to the provider. UDC would be able to check the validity of the pass certificate directly with the test providers
50. In paragraph 2.1 of the current handbook it states that applicants must have held a full driving licence for a minimum period of 12 months. This is the minimum time period laid down in the legislation but most authorities have increased the period that an applicant must have held a driving licence before

they can drive a licensed vehicle to between 3 and 5 years. This can have a positive impact on public safety as the driver will have more driving experience and will have had more opportunity to experience the whole variety of driving conditions.

51. It is proposed that in addition to requiring new applicants to pass the approved driving test the policy be changed so that applicants must be over the age of 21 and have held a full UK driving licence (or equivalent) for a minimum of 3 years at the time of application.

52. Vehicle Age and Emissions Policy

53. The UDC has previously created a policy in relation to the age of vehicles which can be licensed as Hackney Carriages or Private Hire Vehicles. The current policy states:

- *Hackney Carriages to be less than 12 years old.*
- *Private Hire vehicles to be less than 12 years old or (in the case of wheelchair accessible vehicles or vehicles used for school contracts only) less than 20 years old.*

54. The current UDC policy does not detail on what grounds a vehicle would be allowed to remain licensed beyond these upper age limits. There are a number of licensed vehicles that go beyond the maximum 12 year old upper age limit. The figures below show the age of the 2156 vehicles that were currently licensed on 17th October 2018:

Dates vehicles registered	Number of vehicles licensed
2001	1
2002	6
2003	8
2004	22
2005	34
2006	71
2007	84
2008	73
2009	69
2010	93
January 2011- August 2015	333*
September 2015 - present	1362**

*Meets or exceeds Euro 5 emissions standard

**Meets or exceeds Euro 6 emission standard

55. The principle of placing an age limit on licensed vehicles is perfectly acceptable. The purpose of such policy is to try and ensure that the taxi fleet is as safe, reliable and comfortable as possible.

56. The DfT Best Practice guidance states:

It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.

57. The setting of a policy would only be 'arbitrary and inappropriate' if the authority failed to consider applications outside of the policy on their individual merits. It is considered helpful to prospective and existing vehicle proprietors if the details of what would be considered as an exception from the policy were published. Therefore 'Exceptional Condition Criteria' have been included in the draft policy. Where an exception to the policy is requested then the suggested process to be followed would be that the vehicle and supporting documents are inspected by either an enforcement officer or a licensing officer and then if they confirm it passes the visual inspection and documentation check it is sent to an approved garage for mechanical inspection. A fee would need to be calculated to cover the cost of the new inspections to check that the exceptional condition criteria are met.

58. There were a number of questions raised by the existing policy. The two types of vehicle licence issued are treated differently however they can carry out the same type of work, transporting the public. The current age limit is in place to ensure public safety but the reasons why the age limit for a private hire vehicle is extended when it is carrying a child or a person in a wheelchair are not clear. It is clear however that the authority wishes to have as many wheelchair accessible vehicles in the fleet as possible but there is little evidence that this age allowance has not worked in promoting the numbers of this type of vehicle.

59. When considering age policies the DfT guidance also states:

Local licensing authorities may wish to note that a review carried out by the National Society for Cleaner Air in 2005 found that taxis were more likely than other vehicles to fail an emissions test.

60. The DfT goes further by mentioning Environmental Considerations:

Local licensing authorities, in discussion with those responsible for environmental health issues, will wish to consider how far their vehicle licensing policies can and should support any local environmental policies that the local authority may have adopted. This will be of particular importance in designated Air Quality Management Areas (AQMAs), Local authorities may, for example, wish to consider setting vehicle emissions standards for taxis and PHVs. However, local authorities would need to carefully and thoroughly assess the impact of introducing such a policy; for example, the effect on the supply of taxis and PHVs in the area would be an important consideration in deciding the standards, if any, to be set. They should also bear in mind the need to ensure that the benefits of any policies outweigh the costs (in whatever form).

61. Uttlesford District Council has already identified the need to engage with the taxi trade in their Air Quality Management Area (AQMA) Action Plan which has before Cabinet. The action plan raises the point that the taxi trade could make an important contribution to improving air quality and details a number of options that should be investigated.
62. As such it is deemed appropriate to include criteria regarding emissions by creating a 'Vehicle Age and Emissions Policy'.
63. When considering the emission levels that should be set the following factors were considered:
- *Euro 5 (introduced 1st January 2011) is preferably the minimum standard as this was the first time particulate filters became mandatory for diesel and it saw a significant improvement over Euro 4.*
 - *The Euro 6 standard was introduced in September 2015, and (with a small exception) all mass-produced cars sold from this date needed to meet these emissions requirements. The aim of Euro 6 is to reduce levels of harmful car and van exhaust emissions, both in petrol and diesel cars, and it is a reflection of the different kind of pollutants the two fuels produce.*
64. The figures at paragraph 54 indicate the following:
- 461 vehicles do not meet the Euro 5 emissions standard (21% approximately)
 - 794 vehicles (including those detailed above) do not meet the Euro 6 emissions standard (37% approximately)
 - 1362 vehicles meet or exceed the Euro 6 emissions standard (63% approximately)
- There may be more vehicles that meet or exceed Euro 5 or 6 emissions standards as some manufacturers introduced the higher standards before it was legally required. The figures above are indicative of the likely emission standards of the currently licensed vehicles. Proprietors with older vehicles will be able to demonstrate which standard their vehicle meets through reference to the individual manufacturer.
65. A draft Vehicle Age and Emissions Policy is attached to this report as **Appendix C**. In summary the changes are:
- Vehicles will need to meet both age and emissions criteria at first application and at renewal
 - New maximum age criteria for vehicles at first application and at renewal
 - Vehicles being licensed as Hackney Carriages or Private Hire Vehicles must meet the same criteria
 - Inclusion of 'Exceptional Condition Criteria' which allows exceptions to the age policy
66. Officers have taken into account the DfT guidance and it is believed that the imposition of the suggested emissions standards would have little or no

impact on the supply of vehicles within the Uttlesford District but could make a positive contribution to tackling air pollution.

67. The cost of compliance with this policy to the licensed trade has also been considered with the following points being made:

- the Euro 5 emissions standard came in effect in January 2011 so vehicles manufactured after this date can still be licensed for the first time until 1st April 2020
- from 1st April 2020 only cars meeting the Euro 6 emissions standard which came in effect in September 2015 will be able to be licensed for the first time
- if an older vehicle fails the emissions part of the policy then it is open to the proprietor to have the vehicle adapted/modified to meet the standard or change to a cleaner fuel rather than going to the expense of changing the vehicle.

68. The suggested changes in relation to emissions should have minimal impact on people wishing to enter the trade and licence their own vehicle. All vehicles manufactured in the last five years have been required by legislation to meet or exceed the Euro 5 emissions standard so will meet the proposed emissions criteria.

69. Similarly the requirement for vehicles to meet or exceed Euro 5 emissions standards at renewal from the 1st April 2020 should not impact the existing licensed trade financially. A maximum of 461 of the 2156 vehicles licensed at the time of writing the report do not meet or exceed Euro 5. These vehicles can be replaced by vehicles up to five years old, which will offer the proprietor a significant saving over having to buy a brand new vehicle, or the existing vehicle could be modified to comply with the emissions part of the policy. If a vehicle over 10 years old was modified to comply with emissions standards and met the exceptional condition criteria then that vehicle licence could be granted for the first time or renewed.

70. It is recognised that licensed vehicles can significantly contribute to poor air quality for a number of reasons:

- the ranks are located in our Town Centres;
- a significant part of their day-to-day work can be short urban journeys which generate more emissions due to their nature;
- the older vehicles that some proprietors licence are not equipped with 'start, stop' technology so spend a significant amount of time idling.

The contribution in terms of emissions that licensed vehicles make to AQMAs would be reduced by 2020 if the draft emissions policy were approved in its current form. There would also be an implication for air quality in other areas outside of the District where a large number of Uttlesford licensed vehicles work but this would be difficult to quantify.

71. It is believed that the draft age and emissions policy will have the following benefits should it ultimately be approved:

- an increase in public safety;
- clearer guidelines for those seeking to licence a vehicle with Uttlesford District Council;
- promotion of the Uttlesford licensed trade as professional;
- reduction in the trade's contribution to air pollution;
- potential benefits to the health of Uttlesford licensed drivers as it has been demonstrated that the air quality inside a vehicle in an area of poor air quality is generally worse than outside the vehicle so any improvement will benefit those who regularly drive through these areas.

72. Licensing standards for Hackney Carriage and Private Hire vehicles

73. The first licensing standard of the current policy for both types of licensed vehicle would be replaced by the proposed vehicle age and emissions policy.

74. Both hackney carriage and private hire vehicles have the same criteria regarding leg room and door opening widths (standards 2, 4, 5 & 6 of both appendix C & D of the current policy). The trade find these unhelpful and needlessly complicated. It is suggested that these standards be replaced by the following wording:

The maximum number of passengers which the vehicle will be licensed to carry will be the number of seats recorded on the V5C registration document (logbook) as being suitable for carrying passengers. Where a vehicle has foldable seats, for example in the boot, the decision to licence these for passengers will be made on a case by case basis.

75. Standard 7 can be removed as all modern cars are fitted with safety glass. Older vintage vehicles that may not have safety glass will be considered under the age and emissions policy so the safety of the glass can be considered then.

76. Standard 8 for both types of licensed vehicles requires estate or hatchback cars to be fitted with a Council approved guard or device to separate the rear luggage area from the passengers. This standard does not mention MPV's or larger van based vehicles (such as the Ford C-Max or Tourneo) and these types of vehicles have similar luggage carrying arrangements.

77. Licensed drivers are considered fit and proper to safely drive the public so this standard is considered unnecessary and onerous. If an incident did occur when a passenger was injured by unsecured luggage then the matter could be dealt with by considering the driver's fitness and propriety to remain licensed. It is possible that a condition regarding the safe carrying of luggage could be added to driver licences if it was felt necessary.

78. Standard 9 relates to tyres. This is unnecessary and unclear as the word 'suitable' is subjective. There are ongoing legal obligations on vehicle owners to ensure they remain roadworthy and the tyres will be check at the council's required inspections and during MOT's.

79. Standard 10 is appropriate to remain but with a minor amendment:

To carry a manufacturer supplied or approved spare/space saver wheel, manufacturers approved temporary repair kit or to have run flat tyres.

80. Standards 11 and 12 should remain unchanged as they are clear and enforceable and contribute to public safety.

81. The types of vehicle which can be licensed for Private Hire use are detailed in the standards but this is not the case for Hackney Carriages. However types of vehicle that can be licensed do appear in the vehicle specification documents and these differ slightly from the standards in the current handbook. It is suggested that the following standards be applied to both types of vehicles:

Types of vehicles that will be licensed:

- *a purpose-built London-style hackney carriage (meaning such vehicle has been approved for use by Transport for London for use as a hackney carriage), or a converted vehicle, which is capable of carrying a passenger whilst sitting in a wheelchair, providing such vehicle has the appropriate approval-type certificate; or*
- *a saloon, hatchback, estate or multi-purpose people carrier capable of carrying a folded wheelchair, with at least 4 doors; or*
- *a minibus capable of seating a maximum of 8 passengers excluding the driver, with at least 4 doors; or*
- *an extended wheelbase vehicle modified by the manufacturer or by a specialist converter approved by the manufacturer and that has the appropriate approval-type certificate (Private Hire only); or*
- *a Smart Car (Private Hire Only).*

82. The current standards require all vehicles to be either a standard right hand drive car or minibus type vehicle with a minimum of 4 doors. This contradicts the fact that the same standards allow a Smart car to be licensed as a private hire vehicle. The contradiction is cleared up in the standards above and the issue of left hand drive vehicles is dealt with below and it includes an explanation of the reasons for the standard:

Left-hand drive vehicles will not be suitable for licensing on safety grounds as they will generally require front-seat passengers to step into the roadway to enter or exit the vehicle. Any vehicle which does not allow for safe near-side access and egress for passengers will also not be licensed.

83. The vehicle specifications require all licensed vehicles to be of a standard manufacturers colour and there is no proposal to change this requirement.

84. The current vehicle specification requires all vehicles except those carrying out only schools contracts to be a minimum of 1300cc. Vehicles carrying out school contracts only are allowed to have a capacity of no less than 1200cc. As both types of vehicle are issued with the same type of licence and can carry out the same type of work it is not clear why they are allowed to have different capacity engines. Either vehicle could potentially be fully loaded and once a licence was granted for a school contract only vehicle that vehicle is

licensed to carry out any type of work. This appears to be the only difference in the vehicles specification so it is suggested that a uniform standard is set to avoid confusion.

85. During discussions with the trade they highlighted that in the age of hybrid and electric vehicles setting a minimum cubic capacity may be an outdated and restrictive step. The suggestion was that a BHP/kW figure would be more useful. Unfortunately it is not possible to find a CC to BHP/kW conversion chart because this simply does not exist; power output depends on many things other than capacity. Engines with the same swept volume can have wildly different power outputs. Similarly you can find engines with the same power output but very different swept volumes. As a result of this calculations using information from various sources have been used to come up with a suggested figure to use to replace minimum engine size. The wording of the suggested standard would be:

Vehicles shall produce a minimum of 76BHP/57kW.

86. The proposed combined vehicle standards can be found at **Appendix D**.

87. Conditions for vehicles, drivers and operators licences

88. Appendix E and Appendix F of the current handbook detail the conditions which apply to vehicles. The following amendments to the hackney carriage vehicle conditions are proposed:

- 1) A shortening of the statement at point 3.4;
- 2) Deletion of the times when the roof light can be removed from the vehicle from point 5;
- 3) Amendment to point 6 so that the roof light is required to be illuminated at all times when plying for hire;
- 4) Point 7 clarified and details of how long records must be kept have been added;
- 5) Point 8 amended to replace the decision maker;
- 6) Points 11 and 12 have been modified with regards to whom matters should be reported.

89. Similar changes are proposed to the Private Hire vehicle conditions accept with regards to the use of the roof light and with the addition of:

- 1) The removal of conditions 8 and 9 relating to the use of the vehicle;

90. References to the Assistant Chief Executive – Legal will be replaced with Licensing so there is still a duty to report but it is clear where such a report should be made.

91. The proposed vehicle conditions are attached to this report as **Appendix E**.

92. Appendix G of the Handbook contains the conditions which are placed on a drivers licence issued by the authority. The suggested amendments are:

- 1) In condition 2 detail what types of clothing are considered unacceptable as the term 'smart' is subjective;
- 2) Add a condition requiring luggage to be carried securely;
- 3) Amend condition 13 (now condition 14) to reflect that Hackney Carriages are not required to use the meter for journeys other than those that start and end in the District;
- 4) Remove parts C & D from condition 18 as these are covered in the Draft Suitability Policy;
- 5) Two additional conditions are suggested in relation to smoking and the use of electronic cigarettes or vaping whilst in a licensed vehicle and the requirement to take the shortest route unless otherwise agreed with the passenger.

93. The proposed driver conditions are attached to this report as **Appendix F**.

94. Appendix H of the handbook contains the conditions which relate to Private Hire Operator's licences. Many of the Private Hire vehicles licensed by Uttlesford never work within the District and as such the authority has little or no contact with them or their drivers. This makes it difficult to ensure compliance. In these circumstances it is appropriate to impose additional conditions on the operators to supply information to the authority to ensure that public safety can be assured. The proposed amendments to the current Private Hire Operator conditions are:

- 1) Add the requirement to record the address where each vehicle is kept when it is not working to condition 1 (This is legally required at the time of the vehicle being licensed but this condition will require the operator to record if this has changed during the life of the licence);
- 2) Add to condition 2 the requirement to record the licence number of the driver in addition to the name, how the booking was made and the time of the pick up;
- 3) Slightly amend condition 3 to make it clearer and replace the subjective term 'forthwith' with a defined time period;
- 4) Remove condition 5 as it is now dealt with by condition 3;
- 5) Amend condition 6 (now condition 5) to remove the reference to the Assistant Chief Executive – Legal and remove requirement 'a' as this is covered by the Draft Suitability Policy. To make point 'd' a separate condition;
- 6) Amend condition 8 to clarify what complaints should be notified to the authority and remove the reference to Assistant Chief Executive – Legal;
- 7) Add a condition requiring public liability insurance to be in place for premises where the public have access and a copy of such insurance to be provided to the authority;
- 8) Four conditions have been added requiring operators to provide information to the authority on a quarterly basis. The information will allow the authority to promote public safety for a number of reasons.
 - a) The authority will have up-to-date records of which private hire drivers and vehicles are working for which operator and identify

those drivers that may no longer have an operator and therefore should not be working;

- b) The authority will know which Hackney Carriages are working for Private Hire Operators. This is entirely legal however if the vehicle is not working predominantly outside of the area in which it is licensed. If a Hackney Carriage licensed by another authority appears to be working predominantly outside the area in which it is licensed then the authority can carry out the appropriate investigations;
 - c) Private Hire Operators can legally subcontract work to another Private Hire Operator. By knowing which Private Hire Operators are receiving subcontracted work from Uttlesford licensed operators it will allow the authority to quickly identify vehicles if complaints are received about them operating within the District and ensure that the correct records are being maintained;
 - d) Currently the authority does not have a clear picture of where its licensed Private Hire vehicles are operating and this makes compliance and enforcement work very difficult. By being supplied information regarding where contracts are being carried out and by which vehicles targeted operations, perhaps in partnership with other Local or County authorities, could be carried out to aid compliance.
- 9) Two new conditions be added requiring Private Hire Operator's to undertake checks to ensure that staff that have access to their records are fit and proper people to have access to that personal data. The same criteria for suitability should apply to employees as would be applied to the operator themselves as they have access to the same sensitive information.

95. A final note has been added to the conditions to remind prospective operators that they are required to have premises in the District to be licensed by Uttlesford District Council. Where an operator produces proof that they have premises within the District an operator's licence will not normally be granted for a longer duration than any lease or agreement relating to that property lasts. This will avoid the issue of operators temporarily renting premises on a short-term basis to gain a 5 year licence then operating from outside the District. Pro-rata fees would need to be calculated for shorter duration licences.

96. The suggested amended operator conditions are attached to this report as **Appendix G**.

97. Officers are requesting the Committee:

- (i) Endorse the wording of the proposed amendments to Uttlesford District Council's taxi licensing policy for public consultation.

Risk Analysis

98.

Risk	Likelihood	Impact	Mitigating actions
<p>3</p> <p>An unsuitable person may be granted a driver, vehicle or operator licence.</p>	<p>The revision to the policies and procedures will minimise the likelihood of this occurrence by ensuring an effective and robust licensing regime adequately supported by appropriate enforcement.</p>	<p>Amending UDC's taxi licensing policies will promote public safety which is the core purpose of this licensing regime</p>	<p>Members adopt the recommended changes and updates to current UDC policy and procedures.</p>

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.