

Taunton Deane Borough Council

Licensing Committee – 1st June 2016

Changes to the Testing Regime for Hackney Carriage and Private Hire Vehicles

This matter is the responsibility of Executive Councillor Patrick Berry

Report Author : Alison Evens, Licensing Officer

1 Executive Summary / Purpose of the Report

1.1 This report provides an update to members on changes to the hackney carriage and private hire vehicle testing regime within Taunton Deane.

2 Recommendations

2.1 That the report be noted.

3 Risk Assessment (if appropriate)

Risk Matrix

Description	Likelihood	Impact	Overall
Risk of harm to passengers of licensed vehicles due to unsafe and damaged internal vehicle fixtures and fittings.	3	3	9
Low public confidence in licensed vehicles, public transport network in general and the licensing service, due to licensed vehicles not being kept clean, tidy or in a good state of general repair.	3	2	6

Risk Scoring Matrix

Likelihood	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
			Impact				

Likelihood of risk occurring	Indicator	Description (chance of occurrence)
1. Very Unlikely	May occur in exceptional circumstances	< 10%
2. Slight	Is unlikely to, but could occur at some time	10 – 25%
3. Feasible	Fairly likely to occur at same time	25 – 50%
4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

4 Background and Full details of the Report

- 4.1 In accordance with section 48 of the Local Government (Miscellaneous Provisions) Act 1976, a district council shall not grant a licence to a private hire vehicle unless that council is satisfied that the vehicle is of a suitable design, in suitable mechanical condition and is safe and comfortable.
- 4.2 Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 allows a district council to attach to the grant of a hackney carriage vehicle licence, 'such conditions as the district council may consider reasonably necessary.' It is a standard condition of every hackney carriage vehicle licence issued by Taunton Deane Borough Council that the vehicle must pass a test to ensure it is clean and free from damage. The same conditions also apply to private hire vehicle licences.
- 4.3 To determine that a vehicle is in a suitable mechanical condition, the council requires that hackney carriage and private hire vehicles pass a Ministry of Transport (MOT) test and a bespoke council test, called the 'motorised vehicles plate test'. The plate test concerns aspects of passenger safety and general vehicle maintenance which are not otherwise covered by an MOT. The plate test is carried out on behalf of the council by three separate Driver and Vehicle Standards Agency (DVSA, formerly VOSA) approved vehicle testing stations; the MOT Centre of St James Street, Taunton; Hickleys of Taunton and Wellington Motors of Chelston.

- 4.4 When an application for a vehicle licence is made, whether grant or renewal, evidence that the vehicle has successfully passed a plate test and MOT must be provided.
- 4.5 The Licensing service carries out its own ad hoc inspections on licensed vehicles, where Officers check to make sure that vehicles are compliant with the non-mechanical aspects of the plate test. Officers have the ability to suspend or revoke the licences associated with vehicles which do not comply.
- 4.6 Officers have been concerned by the standards of some vehicles which have been inspected over recent months, with poor cleanliness and unsafe interior fittings being particular causes for alarm. Due to the ambiguity of existing licence conditions and failure of the plate test to address interior cleanliness and safety of interior fittings, Officers were unable to take the level of action that was necessary.
- 4.7 Officers presented proposals to amend the plate test, to incorporate interior cleanliness and safe internal fittings, to members of the hackney carriage and private hire trade at the meeting of the taxi and private hire forum held on 24th March 2016. Shown at Appendix A, is the Plate Test criteria with the amendments that were proposed highlighted in yellow. These proposals were, in general, supported by those that attended the meeting. To ensure that those that did not attend the meeting were given the same opportunity to provide feedback on the proposals, a consultation email was sent to all licensed drivers. No negative responses to the proposal were received.
- 4.8 The Licensing Manager and Chair of Licensing Committee met to formally discuss the proposals to change the plate test on 17 May 2016. It was agreed that these changes would be implemented but not take effect until 1 June 2016, to allow time for the nominated testing station vehicle inspection sheets and other related documents to be prepared and for the trade to be made aware.

5 Links to Corporate Aims / Priorities

- 5.1 The purpose of licensing hackney carriage and private hire vehicles is to protect the public, which is one of the council's primary roles, as identified in the Corporate Strategy.

6 Finance / Resource Implications

- 6.1 None.

7 Legal Implications (if any)

- 7.1 The powers the council has to license hackney carriages and private hire vehicles and attach conditions to any licences issued, is explained at paragraphs 4.1 and 4.2 of this report.

8 Environmental Impact Implications (if any)

- 8.1 No environmental impact implications have been identified within this report.

9 Safeguarding and/or Community Safety Implications (if any)

- 9.1 The changes to the plate test explained within this report have been implemented to reduce the risk of harm to members of the travelling public.

10 Equality and Diversity Implications (if any)

10.1 There are a number of protected characteristics identified in the Equality Act 2010, which are; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation and members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process. The three aims the authority must have due regard for are:

- Eliminate discrimination, harassment, victimisation;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2 No equality and diversity implications were identified.

11 Social Value Implications (if any)

11.1 No social value implications were identified.

12 Partnership Implications (if any)

12.1 No partnership implications were identified.

13 Health and Wellbeing Implications (if any)

13.1 Through effective regulation of hackney carriage and private hire vehicles and drivers, confidence in a safe public transport regime can be maintained, aiding its continued use by residents to support independent living.

14 Asset Management Implications (if any)

14.1 The report does not have any asset management implications.

15 Consultation Implications (if any)

15.1 As explained within paragraph 4.7 and before implementation, members of the hackney carriage and private hire trade were consulted on the proposals by email and the meeting of the taxi and private hire trade forum.

16 Scrutiny Comments (if any)

16.1 The purpose of the Licensing Committee is to act for the Council in respect of licensing and registration functions. The Committee's powers include the power to discharge the licensing functions on behalf of the licensing authority, outside of the usual democratic process.

Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Cabinet/Executive – No**
- **Full Council – No**

Reporting Frequency : Once only Ad-hoc Quarterly
 Twice-yearly Annually

List of Appendices (delete if not applicable)

Appendix A	Plate Test criteria
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Contact Officers

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Hackney Carriage and Private Hire vehicles: Plate test for motorised vehicles

1. The whole exterior of the vehicle must be adequately maintained and clean, to allow for identification, visual amenity and the protection of other's property;
2. The interior of the vehicle must be safe for all classes of the public;
3. The interior of the vehicle must be free from any accumulations of litter, dirt, dust or any other form of debris;
4. Passenger seats must be a minimum of 406mm in width. In addition, there must be a minimum of 229mm of clear knee space, measured from the front portion of the passenger seat to the surface in front;
5. Where adjustable windows are installed, they must be capable of use by passengers to ensure comfort and safety;
6. An appropriate number of interior lights must be fitted to ensure passenger comfort and safety;
7. Any upholstery and internal fittings must be undamaged and unblemished for comfort, safety and visual amenity;
8. Carpet or floor covering must be secure to promote the safety of passengers;
9. The boot or luggage area of the vehicle must be clean and dry to ensure the protection of customer property and for visual amenity;
10. The boot or luggage area of the vehicle must be adequately equipped to ensure the safe and secure transportation of luggage;
11. Front and rear window demisters must be in good working order to enable the driver to maintain a good level of vision and awareness of the road at all times;
12. The Council issued vehicle internal identification sticker must be displayed so that it is clearly visible to all passengers;
13. The Council issued vehicle licence plate must be fixed so that, where practicable, it is visible when the boot is in an upright position. The plate must also not extend below the bumper line and must not be placed in the rear window of the vehicle;
14. All tyres fitted must be appropriate for the type of vehicle;
15. The vehicle must carry a fire extinguisher that meets the BS EN3 standard and bears the British Standard kitemark. It must be fitted with a seal to verify that it has not been used, permanently marked with the vehicle registration number and securely fixed in a easily accessible position;

16. Where a vehicle is fitted with a meter:
 - a) It must be fitted so as to be visible to all passengers and;
 - b) A current Council tariff card must be displayed so that it is clearly visible to all passengers;

17. The vehicle must carry a first aid kit which is fixed in an easily accessible position and;
 - a) Contains at least one of each of the following items:
 - Eye pad
 - Triangle bandage
 - Cleansing wipe
 - Powder free gloves
 - Conforming bandage
 - Wash proof plaster

 - b) Where applicable, the items listed above must not be beyond their expiry date.

18. Doors must be capable of being secured in an open position to ensure passenger safety;

19. Wheelchair accessible vehicles: The vehicle must be equipped with a system that enables and promotes the safe, secure and comfortable boarding, conveyance and alighting of wheelchair bound passengers in accordance with the Hackney Carriage and Private Hire National Inspection Standards.

20. Overall judgment of inspector: At the time of the vehicle being tested, it must, in the inspector's opinion, be capable of withstanding the demands of operating as a licensed vehicle for the period of a year and therefore fit to be licensed as a Hackney Carriage or Private Hire vehicle.