

## Appendix 2

### Taxi and Private Hire policy changes, Summer 2022

<b>Proposal 1</b>
<b>What do the Licensing Department want to change?</b>
Age restrictions on hackney carriages and private hire vehicles.
<b>What is the Council's policy now?</b>
<p>In the <a href="#">policy which applies to the former Taunton Deane district</a>, hackney carriages and private hire vehicles must be no more than 7 years old from the date of registration at the point that they are to be licensed for the first time. There is no age restriction on 'specialist' and 'novelty' vehicles, or vehicles which have been extensively modified to be accessible to disabled persons. <i>Part 3.1, 'vehicle specification'</i>.</p> <p>In the <a href="#">policy which applies to the former West Somerset district</a>, hackney carriages and private hire vehicles must be more than 3 years old from the date of registration, at the point that they are to be licensed for the first time. Purpose built wheelchair accessible vehicles may be up to 4 years old. Licensing Officers have the discretion to approve vehicles up to 5 years old if the following criteria can be met:</p> <ul style="list-style-type: none"><li>• No more than average mileage (calculated at 12,000 miles per year).</li><li>• Good bodywork (no dents, scratches or evidence of accidents).</li><li>• Evidence of complete full-service history.</li><li>• Complies with all the other regulations and conditions.</li></ul> <p>Vehicles that are more than 10 years old <i>"will not generally be licensed"</i>.</p> <p><i>Appendix C, 'vehicle regulations and conditions', conditions 3, 4 and 5.</i></p>
<b>What change do Licensing want to make to the policy?</b>
Remove all these age restrictions.
<b>Why change it?</b>
The department has been asked to consider aligning the age restrictions across the two area policies in order to make it fair for all proprietors operating in

Somerset West and Taunton. Restrictions are currently tighter in the West Somerset area.

Since the formation of SWT Council, the aim has always been to create one policy so that all rules are the same, across the district. So, the first reason for changing the policy is to do exactly that.

Furthermore, the Department for Transport's (DfT) '[Taxi and private hire vehicle licensing: best practice](#)', published in 2010, 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.*"

This best practice is in the process of being revised, but the [current draft](#) continues to encourage councils to move away from age restrictions, placing greater emphasis on things like emissions policies and drivers conducting their own checks.

Upon application for the grant or renewal of a vehicle licence, the applicant must produce evidence that the vehicle is safe and in suitable condition to be used for hire, currently in the form of MOT and 'Plate Test' certificates. The Licensing Department believes greater importance should be placed on this, than the age of the vehicle.

The Licensing Managers and Leads across the various Somerset district councils (Mendip, Sedgemoor, South Somerset and SWT) are planning to create a single policy for Somerset, after Somerset Council is created on the 1st of April 2023 (replacing the district councils and county council). This policy will, by and large, follow all existing best practice guidance published by central government or any other specialist group or body e.g. the Institute of Licensing. Age restrictions across the 4 districts currently vary. Mendip District Council is currently the only Somerset authority not to have an age restriction for vehicles.

### **What are the proposed changes specifically?**

Part 3.1 of the [Taunton Deane policy](#) (page 21) and conditions 3, 4 and 5 of Appendix C of the [West Somerset policy](#) (page 32) to be replaced with the following:

*There are no restrictions on the age of vehicles which are to be considered for licensing as hackney carriages or private hire vehicles.*

Furthermore, conditions 24 and 25 of both Appendix 3 and Appendix 4 of the [Taunton Deane Policy](#) (standard conditions of a hackney carriage vehicle licence, page 48 and standard conditions of a private hire vehicle licence, page 52) to be removed.

## What do the Licensing Department want to change?

Rules on roof signs for taxis and private hire vehicles.

## What is the Council's policy now?

The [Taunton Deane area policy](#) prohibits any “advertisement sign or light may be placed inside or outside the licensed vehicle that is not required by law...” or the private hire vehicle standard conditions – Appendix 4, condition 14.

The [West Somerset area policy](#) permits roof signs on private hire vehicles. Condition 16 of the ‘vehicle regulations and conditions’ states they may “provided that:

- a) *the wording of the roof sign states only “Advanced Bookings Only” on the front of the sign with the telephone number of the operating company on the reverse; and*
- b) *the sign is white to the front and red to the rear, with any wording in black lettering; and*
- c) *the sign complies at all times with any necessary legislation including any vehicle lighting regulation requirements, if and when illuminated; and*
- d) *the sign has been approved in writing by the Council prior to its first display.”*

## What change do Licensing want to make to the policy?

Make roof signs mandatory for hackney carriages but prohibit their use on private hire vehicles completely.

## Why change it?

The law, being [section 64 of the Transport Act 1980](#), restricts roof signs on passenger carrying vehicles other than taxis.

*“Roof-signs on vehicle other than taxis.*

- 1) *There shall not, in any part of England and Wales outside the metropolitan police district and the City of London, be displayed on or above the roof of any vehicle which is used for carrying passengers for hire or reward but which is not a taxi—*
- a) *any sign which consists of or includes the word “taxi” or “cab”, whether in the singular or plural, or “hire”, or any word of similar meaning or appearance to any of those words, whether alone or as part of another word; or*

b) *any sign, notice, mark, illumination or other feature which may suggest that the vehicle is a taxi.*”

Contravening this section is an offence.

Given that taxis come in all shapes, sizes and colours, there are few, true defining features of a modern taxi, other than a roof sign. Therefore, a roof sign is clearly a sign which would ‘suggest that the vehicle is a taxi’ as per b) above. On this basis, it would seem that the West Somerset policy contradicts the law; and the law will always take precedent.

Section 38 of The DFT’s [‘Taxi and private hire vehicle licensing: best practice’](#), states that *“Members of the public can often confuse PHVs with taxis, failing to realise that PHVs are not available for immediate hire and that a PHV driver cannot be hailed. So it is important to distinguish between the two types of vehicle.”* It goes on to say that *“roof-mounted signs on PHVs are not seen as best practice”* on the basis that *“it can be argued that any roof-mounted sign, however unambiguous its words, is liable to create confusion with a taxi.”*

The [draft](#) of this best practice currently under consultation states: *“The intention is to try and make taxis the most noticeable and distinctive vehicle to members of the public who want to engage a taxi or PHV and to make it clear that only taxis can be hired without being prebooked. Increasing the differentiation between taxis and PHVs, so that taxis are easy to identify and PHVs are less visible would simplify safety messaging to the public that they should only get into a vehicle that looks like a taxi unless prebooked.”*

There needs to be a single policy on roof signs in the whole of Somerset West and Taunton and it should be clear.

The Taunton Taxi Association have asked the Council to consider introducing new rules on roof signs which includes making them mandatory for taxis in order to ensure they are easily distinguished from private hire vehicles.

The matter of restrictions on roof signs when Somerset Council is formed has been discussed by the Licensing Managers and Leads for the Somerset districts. There are currently varying rules between the districts. The preference is that they become mandatory for taxis and are prohibited on private hire vehicles under a single policy for Somerset. There may then, in time, be further rules introduced to ensure uniformity amongst roof signs on taxis in terms of style, colour and so forth.

### **What are the proposed changes specifically?**

Condition 16 of the [West Somerset policy](#) (page 34) to be replaced with the following:

*Roof signs are not permitted on private hire vehicles.*

A new condition to be added to the standard conditions of hackney carriage licences, which form Appendix 3 of the [Taunton Deane Policy](#) and Appendix C of the [West Somerset policy](#):

*A roof sign must be displayed on the roof of the vehicle, whether fitted or in-built, to help identify the vehicle as a hackney carriage.*

## Proposal 3

### What do the Licensing Department want to change?

Frequency of medical checks for licensed drivers.

### What is the Council's policy now?

The council's medical checks are based on the [group 2 standards](#). The current policy for drivers licensed to operate in the Taunton Deane area is that they must provide a medical check when renewing their licence at the age of 45, 50, 55 or 60 and then every year when above 60.

For drivers who are licensed to operate in the former West Somerset Council area, it is at the following intervals:

- Every three years.
- Every year when above 65.
- Following any illness and/or injury which prevents the driver from working for more than 6 months.

Remove the requirement for medical checks based on age and instead require a medical every time an application for renewal is submitted.

### What change do Licensing want to make to the policy?

Remove the requirement for medical checks based on age and instead require a medical every time an application for renewal is submitted.

### Why change it?

In principle, the reasons for changing the policy are twofold:

1. Drivers under the age of 45 are not required to have regular medical checks, potentially putting the public at risk.
2. The frequency of medical checks could be increased in individual circumstances where necessary but is instead determined by age. The existing policy needs to be more consistent with the Equality Act 2010.

Section 67 of the DFT's ['Taxi and private hire vehicle licensing: best practice'](#) supports medical checks upon renewal: *"It is clearly good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal. There is general recognition that it is appropriate for taxi/PHV drivers to have more stringent medical standards than those applicable to normal car drivers because:*

- *they carry members of the general public who have expectations of a safe journey.*
- *they are on the road for longer hours than most car drivers, and*
- *they may have to assist disabled passengers and handle luggage.”*

There may be times where it is necessary for a driver to provide medical checks more frequently than 3 yearly, in which case, under the proposal, the Council could issue an individual with a licence for a period less than the standard 3 years, or require an additional medical during the term of a licence. This would seem a better and fairer approach, rather than increasing the frequency for everyone of a certain age.

### **What are the proposed changes specifically?**

Paragraph 2.7 b) of the [West Somerset policy](#) (page 6), to be amended to:

*Produce a medical certificate as to his/her fitness to driver:*

- i. Upon application for the grant of a driver’s licence.*
- ii. Upon application for the renewal of a driver’s licence.*
- iii. following any illness and/or injury, which prevents the driver from working for more than 6 months.*

Part 2.6 of the [Taunton Deane policy](#) (page 7), second and third paragraphs to be replaced with:

*A medical certificate shall be submitted upon application for the grant and renewal of a driver’s licence.*

## **Proposal 4**

### **What do the Licensing Department want to change?**

Policy on vehicles with wheelchair loading access.

### **What is the Council’s policy now?**

The policy for the West Somerset area is that wheelchair accessible vehicles (WAVs) must be side loading only i.e. no rear loading vehicles.

### **What change do Licensing want to make to the policy?**

Remove the West Somerset prohibition on rear loading WAVs.

## Why change it?

Rear (and side) loading WAVs have been permitted in the Taunton Deane area for many years, with no reports of any issues/incidents. The West Somerset area policy does not give reasons for being prescriptive about side loading WAVs and not allowing rear loading. Without reasons or evidence to support the restriction, Officers feel it should be removed to ensure there is a common approach across the whole of Somerset West and Taunton.

## What are the proposed changes specifically?

Condition 1 a) of Appendix C of the [West Somerset policy](#) (page 32) to be replaced with the following:

*London style cab, or similar with full wheelchair access facilities (without the requirement to remove seats to obtain wheelchair compliance) such vehicles to be defined as a purpose-built hackney carriage with wheelchair access and which has either:*

- i. achieved National Low Volume Type Approval in its final format; or*
- ii. been fully tested to M.1. category, such testing having been witnessed by the Vehicle Certification Agency.*