

LICENSING AND REGISTRATION COMMITTEE

20 JANUARY 2016

REPORT OF CORPORATE DIRECTOR (LIFE OPPORTUNITIES)

A.2 REVIEW OF TENDRING DISTRICT COUNCIL'S CURRENT HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE SEATING CAPACITY POLICY FOR MULTI-PURPOSE VEHICLES (MPV'S) WHICH CARRY UP TO 8 PASSENGERS

(Report prepared by Simon Harvey)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

The Licensing and Registration Committee is asked to review the Council's current seating capacity policy for Multi-Purpose (MPV) hackney carriage and private hire vehicles which carry up to 8 passengers and to agree that this review should be subject to a public consultation and scrutiny.

EXECUTIVE SUMMARY

- The Licensing and Registration Committee is asked to review the Council's current Hackney Carriage (Taxi) and Private Hire seating policy in place for Multi-Purpose Vehicles (MPV's) which carry up to 8 passengers.
- The Council's seating policy was introduced to sustain and promote passenger safety in licensed taxi and private hire MPV's by the Council's Licensing Sub Committee following consultation with the taxi trade in August 2002 and submission from organisations such as the Royal Society for the Prevention of Accidents (RoSPA).
- It is asked to do so because the MPV hackney carriage and private hire vehicle seating policy has been in place now since its introduction on the 1 August 2003 and there have been substantive changes since then to vehicle technology and safety which should be reviewed and taken into consideration.
- The MPV seating policy has also been recently challenged in the Magistrates Court by a hackney carriage vehicle proprietor and while this challenge is not binding on the policy itself and relates purely to that individual who made the challenge, it does add weight to the prudence of reviewing and re-consulting on the policy.
- It appears that when formulating the current MPV seating policy, consideration was given by Members to the view of the Royal Society for the Prevention of Accidents (RoSPA) that the seating configuration requirement for a licensed MPV carrying up to 8 passengers should be arranged so that that 'no person has to remove, push forward or dismantle any seat or other obstacle; nor should it be necessary to climb over any person being carried in the vehicle or require any person to leave their seat to allow anyone to enter or leave the vehicle'.
- In contrast to the position held by RoSPA, the Department of Transport (DfT) in their best practice guidance for taxi and private hire vehicle licensing dated March 2010, the DfT advise that "it may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers)".

RECOMMENDATION(S)

It is recommended to the Licensing and Registration Committee that it agrees to:

a) review and publicly re-consult on the Council's current seating capacity policy for Multi-Purpose Vehicles which carry up to 8 passengers in order to determine a wide range of opinions on whether that policy should remain in place or not, or whether it should, or should not be, amended in any way;

b) retain the current policy until the public consultation has been carried out and the results of this have been fully evaluated and considered by the Committee at an appropriate future meeting date; and

c) include the solution adopted by Basildon Borough Council in terms of interior vehicle signage on how to lift seats and colouring seat operating levers yellow/orange to promote passenger welfare and safety in MPV's as part of the consultation exercise to see what the trade, public and any other interested party response is to this potential alternative to the option of removing seats from an MPV.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Our Prosperity

- Promote sustainable economic growth

There have been concerns in the past raised by the Taxi proprietors and owners of taxi businesses that the Council's current seating policy in respect of MPV's is too restrictive in terms of limiting their vehicle choice and that vehicle technology, choice of seating configuration and overall passenger safety has improved significantly for all manufacturers in the twelve years that the policy has been in place. Their concern is that the Council's policy is restricting their business and income by reducing the passenger capacity that some of their vehicles are limited to as a result of the policy.

There is therefore a reasonable and proportionate balance to strike between promoting the safety of customers using taxi and private hire vehicles and promoting the growth of the taxi industry in our district which directly and indirectly provides significant employment.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

- The implementation, administration and compliance of the policy is undertaken from existing budgets although legal costs may be awarded against the Council if the policy is successfully challenged in Court.

Risk

- There is a financial risk to the Council of any successful legal challenge made against its current MPV seating policy.
- A reasonable and proportionate balance needs to be achieved to ensure an

acceptable level of safety for fare paying passengers travelling in vehicles licensed by our District while also considering the opinions of the Tendring taxi and private hire trades, RoSPA, the DfT and other interested parties.

LEGAL

Any decision made by the Licensing Committee in regards to matters of grant, renewal, suspension or revocations of licences and attachment of policies or conditions to hackney carriage and private hire licences can be further appealed by an appellant to the Magistrates' Court and from there to the Crown Court.

In the event of the appeal being allowed by these Courts, the costs of any such hearing could be awarded against the Council.

In terms of challenging policy decisions, appeals can also be made by way of a Judicial Review to the Administrative Court in the High Court and again in the event of an appeal being allowed by this Court the costs associated with the hearing could be awarded against the Council.

Sections 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976 allows Council's to consider the design and appearance of vehicles to be licensed for the purposes of undertaking hackney carriage and private hire transport in its district and also provides that conditions can be attached to a hackney carriage and private hire vehicle proprietors licence "as the district Council may be consider reasonably necessary".

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Consultation/Public Engagement.

CRIME AND DISORDER

Not applicable to this matter.

EQUALITY AND DIVERSITY

Each hackney carriage or private hire vehicle application is considered in its own right and on its own merits and in respect of MPV's are determined in accord with the Council's seating policy for MPV's which are used to carry up to 8 passengers.

AREA/WARDS AFFECTED

All

CONSULTATION

If Members agree to review the Council's current MPV seating policy for hackney carriage and private hire vehicles then it is recommended that a public consultation is undertaken for a period of twelve weeks so that a wide range of views on this question can be submitted for the Committee's consideration at a future meeting.

Groups that should be consulted include all Tendring District Council licensed taxi and private hire drivers and proprietors, the Essex Fire and Rescue Service, RoSPA,

representatives of local mobility groups and the public through the use of local media and the Council's web site.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

At their meeting of the 24 February 2002 the Licensing Sub Committee considered a report regarding the seating capacity of licensed hackney and private hire MPV's in Tendring in light of an opinion circulated to Local Authorities from RoSPA which put forward that in MPV's licensed by Council's, passengers should be able to access or exit their seat without any other passenger have to move to facilitate this access or exit regardless of the size or seating configuration of the vehicle. See Report for meeting 24 February 2002 attached as **APPENDIX 1**.

There was no firm proposal that resulted from the report of the 24 February 2002 and instead a consultation on a proposed policy in respect of permitted seating configuration requirements in MPV's to be licensed by this Council was carried out with the hackney carriage and private hire trades in May 2002. The results of that consultation were brought for the Licensing Sub Committee's consideration at its meeting of the 25 July 2002. The relevant Committee report and minutes of that meeting are attached to this report as **APPENDIX 2**.

Members will see from the minutes attached as **APPENDIX 2** to this report that that the Licensing Sub Committee agreed a draft seating policy in principle and requested that this proposed policy be subjected to a further consultation with the Tendring District Taxi Association and all other interested parties.

This consultation took place between the 5 August and 14 August 2002. See attached consultation letter as **APPENDIX 3**

The results of the consultation were brought back before the Licensing Sub Committee at its meeting of the 29 May 2003. The relevant Committee report and minutes of this meeting are attached to this report as **APPENDIX 4**.

At this meeting the Licensing Sub Committee agreed and adopted the policy guidelines for MPV's carrying up to 8 passengers seats. These are attached to this report as **APPENDIX 5**.

It is these policy guidelines that the Licensing and Registration Committee are asked to review and agree to publicly re-consult on to see whether or not they should be retained or not or if they should be amended in any way or not.

CURRENT POSITION

There is an opinion amongst the Tendring taxi and private hire trades that the Council's current seating policy for MPV's licensed to carry up to 8 passengers is restrictive in respect of the make and models that are open for them to purchase and licence and also unnecessary in terms of present day vehicle safety and technology and choice of passenger seating configuration for passengers.

The trade will also be aware that the seating policy has recently been successfully challenged at Magistrates Court by an individual vehicle licence holder, but that this

challenge relates to this individual only at this point in time and is not a binding decision on the overall policy itself.

The policy has now been in place for twelve years. It would therefore be an appropriate time to review it and subject the policy to further public consultation and scrutiny.

Members will see from the recommendations shown in this report that they are asked to agree to their licensing officers undertaking such a public consultation.

RoSPA are still in support of retaining a central part of the current policy so that the seating configuration in a licensed MPV carrying up to 8 passengers should be arranged so that “no person has to remove, push forward or dismantle any seat or other obstacle; nor should it be necessary to climb over any person being carried in the vehicle or require any person to leave their seat to allow anyone to enter or leave the vehicle”. Their recent comments on the matter to the Council in an e-mail dated the 24 July 2015 are summarised and attached to this report as **APPENDIX 6**.

In contrast, the Department for Transport's 'Best Practice Guidance' for Taxi and Private Hire Vehicle Licensing issued in March 2010 states under paragraphs 27 and 28 of that guidance that best practice for local licensing authorities is to adopt the principle of specifying as many different types of vehicle as possible and that it “may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers)”. The full text of paragraphs 27 and 28 of the DfT Best Practice Guidance March 2010 is attached to this report as **APPENDIX 7**.

From a point where back in 2002 there were a relatively small number of MPV's on the market, there are now in the region of 50 or more different models that provide both large and smaller wheelbase varieties of MPV model sizes that have a seating capacity of 7 passenger seats. In addition, there are manufacturers and vehicle models that provide MPV seating capacity of 5, 6 and 8 passenger seats. Indeed most vehicle manufacturers offer a class of MPV both large and small wheelbase in their fleets and which are available in a range of different models and in a number of different seating configurations and capacities.

In addition, there are also circumstances where models of vehicles such as the new Ford Galaxy now houses the air conditioning/heating vents under the second row of seats which means that the permanent removal of a seat would create a potential trip hazard for passengers accessing and exiting the vehicle. This could place the Council in a position where these models of vehicle will never be able to meet the current seating policy criteria which may mean that we would not be able to licence them. This would further restrict the choice of MPV's able to be licensed by the taxi and private hire trades and would be contrary to the relevant sections of the DfT's best practice guidance as detailed in the body of this report above and also attached as **APPENDIX 7** to this report.

The conclusion that could be drawn from the DfT best practice guidance is that vehicle manufacturers spend vast sums of money developing these Multi-Purpose Vehicles in terms of performance, energy efficiency, technology and driver and passenger safety and that local taxi and private hire licensing authorities should not lightly intervene in determining that these vehicles should be licensed for fewer passengers than the manufacturer recommends or is shown on the vehicle registration document. Although it is accepted this is not expressly outlined in such terms in their best practice guidance.

It may be helpful for the Committee and all other parties that have an interest in this report or access to it, to be apprised of the policies that other Essex Licensing Authorities have

towards the issue of seat removal (or otherwise) for MPV's carrying up to 8 passengers.

The table shown below therefore advises the current MPV seating policy position of those authorities at the time that this report was written, where it has been possible to gather those details.

As Members of the Committee will see, Tendring is not alone or unique in requiring the removal of a seat from an MPV on safety grounds where customer access or egress is restricted.

MPV's – Essex Licensing Authorities Policies as at December 2015

Basildon	Changed policy requiring unrestricted access and egress to seating January 2015. Vehicles must now have at least three doors to passenger accommodation, signage showing how to lift seats properly, yellow/orange coloured operating levers, unobstructed windows, exit window signs and an internal device for the rear hatch doors to be opened from the inside of the vehicle.
Braintree	Unknown
Brentwood	Require unrestricted access/egress to all seating
Castle Point	<p>In respect of minibuses a minimum of three doors to the passenger accommodation shall be provided. Where seat rows do not have immediate access to doorways, a clear passageway must be provided as a means of access and egress.</p> <p>Have proper signs on how to lift the second rows of seats</p> <p>Have exit windows on the near and offside in respect of the rear row of seats and that they be free from obstruction at all times to allow access in the event of an emergency.</p> <p>Have well positioned exit window signs</p> <p>Have an internal device for the rear hatch door to be opened from the inside</p>
Chelmsford	<p>Seat must be removed if access/egress is restricted.</p> <p><i>Chelmsford have no plans to review their policy</i></p>
Colchester	<p>Licence number as per the vehicle registration document and have no restrictions.</p> <p><i>Colchester have no plans to review their policy</i></p>
Epping	<p>Door must be adjacent to each seat.</p> <p><i>Epping policy being reviewed by their Members in April 2016</i></p>
Harlow	Licence number as per the vehicle registration document and have no restrictions.

	<i>Harlow have no plans to review their policy</i>
Rochford	The seating configuration in the passenger area behind the driver shall be such that no person for the purpose of ingress or egress of the vehicle shall have to move or dismantle any seat or other obstruction or manoeuvre over or round any other passenger or article carried in the vehicle. <i>Rochford have no plans to review their policy</i>
Southend	No seat shall need to be moved or tilted before a passenger can enter or exit the vehicle. <i>Southend have no plans to review their policy</i>
Thurrock	Will require rear seat to be removed if access/egress is restricted. They won't licence a Ford Galaxy because the base of the seat needs to be moved. <ol style="list-style-type: none"> 1. Any seat adjacent to the nearside door of the passenger compartment of a licensed vehicle must be removed, where necessary, to permit a clear and unobstructed entry to and exit from the back row seating compartment. 2. No person entering or exiting the licensed vehicle should have to remove or dismantle any seat or other obstacle, climb over any person being carried in the vehicle, or have any other person leave their seat to facilitate them entering or exiting the vehicle. <i>Thurrock have no plans to review their policy</i>
Uttlesford	Require unrestricted access/egress to all seating. <i>Uttlesford have no plans to review their policy</i>

It should also be mentioned for the information of Members that Ipswich Borough Council do not have any restriction on seating capacity and will licence the number of passengers for the vehicle as per the details shown on the vehicle registration document.

There is therefore no uniformed approach or agreement amongst local authorities in Essex or amongst safety agencies such as RoSPA or the DfT which could point to a definitive or precise resolution regarding the question of whether or not to remove seating on safety grounds from licensed MPV's.

Members may therefore wish to be apprised of a potential solution to this question which was adopted by Basildon Borough Council in January 2015 in consultation with their taxi and private hire trades and which offers an alternative to Tendring's current seating policy, but still seeks to protect and promote customer safety for customers accessing and exiting the rear of licensed MPV's.

It should be mentioned that prior to adopting this new standard, Basildon also required the permanent removal of a nearside seat from the middle row seats to enable unrestricted access and egress from a vehicle.

The new seating policy standards for MPV's agreed and adopted by Basildon's Licensing Committee in January 2015 were as follows:

- In respect of minibus and other MPV style vehicles a minimum of three doors to the passenger accommodation shall be provided.
- Have proper signs on how to lift the second row of seats. The sign should be clearly visible to any persons seated in the rearmost seats providing customers with instructions on the operating mechanisms for the seat that may be required to be tipped/moved forward in order to gain access/egress from the vehicle.
- The operating levers to be coloured yellow/orange so that they are easily identifiable. They can be coloured by using the appropriate colour tape. Tape should remain damage free at all times and replaced when worn.
- Have windows on the near and offside in respect of the rear row of seats and that they be free from obstruction at all times to allow access in the event of an emergency.
- Have well positioned exit window signs (where appropriate).
- Have an internal device for the rear hatch door to be opened from the inside. This can be by way of an emergency 'quick release' button which can be fitted to the rear hatch door which can be operated by passengers in order to allow access/egress in the event of an accident and one of the side passenger doors being inaccessible.

These criteria do not apply to purpose built wheelchair accessible vehicles however which are still required to ensure that the passenger compartment provides unobstructed entry and exit from the back row of seating of the compartment and which includes the requirement that no persons entering or exiting the vehicle should have to remove or dismantle and seat or obstacle to climb over a person.

In terms of colouring the operating levers which lift and tip seats yellow/orange, these conform to national safety health and safety standards.

Basildon will not licence a vehicle for the maximum seating capacity shown on the vehicle registration document where the seat does not meet Schedule 6 of the Construction and Use Regulations 1986 that requires seat width to be not less than 400mm (16 inches) wide (not taking into account any armrests, whether or not they are folded back or otherwise put out of use), or where the seat is not suitable for an adult because of weight or height restrictions placed on the seat by the manufacturer.

It is therefore suggested to the Licensing and Registration Committee that the above standards form part of the proposed consultation process to review Tendring's current seating policy for MPV's and that the trade and all other interested parties are also asked to comment on these proposed standards as part of the consultation.

BACKGROUND PAPERS FOR THE DECISION

DfT Best Practice Guidance for Taxi and Private Hire Vehicle Licensing March 2010
RoSPA response to DfT Consultation on Best Practice Guidance 2006

APPENDICES

APPENDIX 1 – Licensing Sub Committee Report 24 February 2002

APPENDIX 2 – Licensing Sub Committee Report and Minutes 25 July 2002

APPENDIX 3 – Consultation Letter August 2002

APPENDIX 4 – Licensing Sub Committee Report and minutes 29 May 2003

APPENDIX 5 – Policy guidelines on MPV seating up to 8 passengers

APPENDIX 6 – RoSPA opinion on seat removal for MPV's

APPENDIX 7- DfT opinion on MPV and seating in 'Best Practice Guidance March 2010'

Committee: LICENSING SUB

Date: 24th February, 2002

Subject: SAFETY ASPECTS – LICENSED VEHICLES

1. Purpose

- 1.1. The purpose of this report further on safety aspects of motor vehicles presented for licensing as Hackney Carriage and Private Hire Vehicles.

2. Background

- 2.1. (M6, LS23, 1999) Members considered these safety aspects at the meeting on 24th November, 1999 and asked for more information. The report and the relevant minute is attached. (Appendix 4).

3. Research

- 3.1. Officers have consulted with other authorities nationally on these matters and have received nine responses. All of these authorities refuse to licence vehicles as described below:

- (a) Multi passenger vehicles which permit six passengers to be carried in the rear compartment and to enter and egress the vehicle by doors on both the nearside and offside of the vehicle and one passenger to a seat beside the driver via the front nearside door, the rear door being normally a tailgate and completely unsuitable for safe passenger entry and egress because of its height and potential to be first point of impact in the event of an accident.
- (b) Minibuses which permit seven passengers to enter and egress the rear compartment of the vehicle via a door on the nearside of the vehicle and one to a seat beside the driver via the front nearside door, the rear door being the emergency exit.

- 3.2 An Appendix (2) of these authorities and their method of refusal is attached to this report.

- 3.3 A letter from RoSPA supporting rejection of MPV's is attached. (Appendix 3).

- 3.4 The Police and Fire Service have not yet replied.

4. Recommendations

- 4.1. Members are requested to support a licensing condition which requires:

- (a) that any seat adjacent to nearside door of the passenger compartment of a licensed vehicle (other than a saloon to estate motor car licensed to carry 4 passengers), be removed to permit a clear and unobstructed entry and egress to the passenger compartment;
- (b) that not person entering or egressing a licensed vehicle other than a saloon or estate motor car licensed to carry 4 passengers, vehicle should have to remove, dismantle or remove (sic) any seat or other obstacle or to climb over any person being carried in the vehicles or have recourse for another person to leave their seat to facilitate access or egress to the vehicles; and

- (c) That any sliding offside door of the passenger compartment of a multi passenger vehicle or minibus be locked by means of a lock enabling the entering and egress in that a door be supervised by the driver of the vehicle.

4.2. Members are requested to implement these changes immediately for all newly licensed vehicles and at the time of re-licensing in respect of all currently licensed vehicles.

Background Papers

Nil

awp/bsaagenda/licence/24feb00/lic205feb

COPY

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Dear Mr Thoregood

Passenger carrying vehicles – access and egress

Thank you for your letter dated 10 December 1998. I am sorry that our committee meeting schedule did not permit us to respond in time, but I have taken the issues to RoSPA's "Road Safety Advisory group" to take their view and can now report back to you.

It is the Society's view that all vehicles designed or used for public transport and in this category we include both Hackney and Private Hire Vehicles, should provide adequate and ready means of access to each and every seat. Thus the use of MPV's, regardless of their size or configuration should enable each and any passenger to exit from the vehicle without recourse to other passengers leaving their seats, or for other seat to be moved before this exit is made available.

RoSPA has been, and remains concerned about the general laxity with which may local authorities handle their local Hackney, Private Hire and contracted the report operations. The Society received many thousands of enquiries each year, a disproportionate number relating directly to safety issued in respect of transport 'brought' by the public. Undoubtedly driving standards as well as vehicle types, ages and condition remain much in evidence in the enquiries we receive. We know that there is 'good practice' in existence across the county, though we have been unable to identify funding to enable us to continue or develop good practice notes or guidance. Patently much remains to be done if road safety is to be maintained or improved.

Thank you again for your comments. I shall ensure that this issue remains on the 'call forward' file for further review. Should we be fortunate enough to find funding for the project, I will contact you again since it would seem you may be able to assist us.

I have enclosed data about RoSPA and my Department's activities together with membership information.

Yours sincerely

David G Rogers
Road Safety Adviser
Secretary to the RSAG

LICENSING SUB-COMMITTEE

25 JULY 2002

REPORT OF ACTING HEAD OF LEGAL AND ADMINISTRATION SERVICES

A.1

ITEM A.1 - POLICY NOTE "A"

A.3 HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - SEATING CAPACITY
[Report prepared by Alan Tolmie]

1.0 PURPOSE OF THE REPORT

To revisit the Council's policy on maximum seating capacity for passengers in Hackney Carriage/Private Hire vehicles.

2.0 BACKGROUND

At your meeting held on 27 March 2002, Members requested that a new draft policy be formulated for adoption concerning the method of determining seating capacity for vehicles licensed by the Authority and especially with regard to multi-seat vehicles. Seating capacity is judged not only on the minimum width per passenger but also on the ability easily and quickly escape from the vehicle in times of emergency. The current policy followed with regard to multi-seat vehicles is attached as Appendix 'A' to this report.

3.0 TRADE SURVEY

As part of the review process, your Officers have consulted the trade to seek their views on this issue and a questionnaire was circulated to all drivers licensed by this Authority. A total of 407 questionnaires were issued in May 2002 and, at the time this report was drafted [15 July 2002] thirteen questionnaires had been returned. Clearly, with such a low response, it is difficult to reach firm conclusions on the trade's opinion but the resulting analysis is shown in the extract from the questionnaire set out below.

**HACKNEY CARRIAGE/PRIVATE HIRE SURVEY - MAY 2002
RESULTS**

NO.	QUESTION	RESPONSE			
1.	In view of the various makes and models of vehicles now available for use as Hackney Carriage or Private Hire Vehicles, do you agree that the criteria for the licensing of these vehicles should be reviewed? If your answer to this question is 'No', please go to Question 5	Yes 8	No 5	Don't Know 0	No Response 394
2.	Although there is a recommended minimum width per seat per passenger, this varies between licensing authorities. Which of the widths detailed opposite would you consider the optimum width for both passenger comfort and safety? [When measuring vehicles for this purpose, seating width is taken along the front of the rear bench seat and between the arm rests]	16inches 0	17 inches 5	19 inches 3	No Response 399

NO.	QUESTION	RESPONSE			
3.	With regard to multi-purpose vehicles the Council already has certain requirements which vehicles have to meet in order to be licensed. A copy of these criteria is attached to this questionnaire. Do you consider these controls are adequate?	Yes 4	No 1	Some of them 2	No Response 400
4.	If your answer to Question 3 is 'No' or 'Some of them', please set out opposite how you think the controls may be improved or which of them are inadequate and the reason. [Please continue on another sheet of paper if necessary]	See below			

Additional Comments received in response to Question 4 above

1. [4 comments] 6 seater vehicles and over should pay extra licence fees. They take up more space on ranks.
2. [2 comments] Passengers should have access on both sides.
3. [2 comments] Vehicles over 8 seats should not be allowed on ranks.

4.0 OTHER LOCAL AUTHORITY STANDARDS

There appears to be no set standard for other Essex Authorities. For example, the minimum seating width varies between 16 and 21 inches and Colchester Borough Council have no policy on seating. A copy of the policy adopted by Basildon District Council is attached as Appendix 'B'.

Responses were sought from other Authorities who are part of the national network for Licensing Officers and the majority of those who replied appeared to have adopted the conditions as laid out in Part II of the Local Government [Miscellaneous Provisions] Act 1976, an extract of which is attached to this report as Appendix 'C'.

With regard to multi-seat vehicles, there appears to be a conflict between the seating capacity as shown in the manufacturers' handbook and the maximum number of seats permitted to be licensed for hire and reward by Local Authorities. Many districts will not license vehicles which may require passengers, in the case of an accident [or illness of other passengers], to climb over other seats or luggage to gain egress, or where such entrance or exit is sited over a fuel tank, high sill, has been fitted with handles which are not clearly visible and of a type consistent with those fitted to all other doors on the vehicle, and where any rear door is hinged in a hatchback configuration [i.e. raises upwards].

Furthermore, some vehicles built with three rows of seats have weight limits on the rear row and, before determining the seating capacity, your Officers would have to check the handbook. Some models have a maximum of 5 or 7 stones weight limit per person and Members are aware that a licence, if granted, is for a number of passengers and not for a fixed weight limit per seat.

5.0 IMPLICATIONS

5.1 Corporate Plan

The Corporate Plan provides that the Council will formulate policies for the safe and efficient movement of people.

5.2 Financial

There are no financial implications.

5.3 Legal

The action proposed is within the Council's Statutory Powers

5.4 Crime and Disorder Act 1998

Consideration has been given to the Crime and Disorder Act 1998 and the proposed policy will assist in ensuring the comfort and safety of the public when conveyed in a Hackney Carriage or Private Hire Vehicle.

6.0 SUGGESTED POLICY

Whilst there appears to be no 'national' standard, it is clear that in the interest of both the Council and the Trade, a concise and well defined policy is required. Set out at Appendix 'D' is a suggested policy to be used by your Officers when determining maximum seating capacity. It is suggested that any appeals against decisions on seating capacity [after following the proposed policy] would be referred to Members for determination.

If Members are minded to adopt the policy, there will be vehicles presently licensed by this Authority which will no longer meet the proposed criteria. These vehicles will of course continue to be licensed until they reach ten years of age or until the vehicle is no longer used as a Hackney Carriage or Private Hire Vehicle, whichever is the sooner.

6.0 CONCLUSION

It is felt that the adoption of a clear policy to assist in determining the seating capacity of vehicles presented for licensing will assist not only your Officers when assessing the vehicles but also will enable the trade to purchase vehicles knowing that these would meet the criteria as laid down in the policy.

7.0 RECOMMENDED:

- (a) That the Council adopts the policy on seating capacity for Hackney Carriage and Private Hire Vehicles as set out in Appendix 'D' to this report.**
- (b) That, subject to (a) above, the policy should take effect from 1 September 2002 in respect of all Hackney Carriage and Private Hire Vehicles operating within the District where applications have been received:-**
 - (i) For the grant of a vehicle licence, or**
 - (ii) For a change of vehicle where a vehicle licence is in existence.**
- (c) That any appeals against decisions on capacity be referred to this Sub-Committee for determination where documentation in support of the appeal can be produced by the applicant.**

KEN BROWN

ACTING HEAD OF LEGAL AND ADMINISTRATION SERVICES

ITEM A.3 - APPENDIX 'D'

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

A. PROPOSED POLICY GUIDELINES TO ASCERTAIN SEATING CAPACITY FOR VEHICLES OTHER THAN SALOON VEHICLES CARRYING UP TO 8 PASSENGERS [MULTI PURPOSE VEHICLES]

1. The following should be observed in relation to all applications for licensing vehicles constructed for the sole use of passengers and their effects in accordance with Construction and Use Regulations, and **NOT** adapted, for the conveyance of up to eight passengers.
2. The maximum number of passenger seats is eight and the following will be taken into account when deciding seating capacity:-
 - (a) The width of each seat should not be less than 16" per person, this measurement being taken across the front of the seat and, where necessary, between arm rests.
 - (b) Each seat should face forward in the direction of travel.
 - (c) There shall be sufficient room between the seats to allow adequate room for the movement of passengers. There shall also be adequate head and leg room to allow passengers to be conveyed in comfort and safety and therefore there should be a height of 34" between the seat and roof of the vehicle and 7" from the back of the front seat to the front of the rear seat [when the front seat is fully pushed back].
 - (d) Each seat should comply with the seat belt regulations and, if necessary, be able to secure a child seat/booster seat.
 - (e) The arrangements of the seats shall be such that no person has to remove, push forward or dismantle any seat or other obstacle; nor should it be necessary to climb over any person being carried in the vehicle or require any person to leave their seat to allow anyone to enter or leave the vehicle.
 - (f) If the seating arrangement does not allow free access to and from the vehicle as set out in condition (e) above then, in order that the vehicle may be licensed as a Hackney Carriage or Private Hire Vehicle and in the interests of public safety and comfort, the Council will require as many seats as may be deemed necessary to be removed.
 - (g) When deciding the seating capacity of any vehicle, account will be taken of the weight bearing capacity of the rear axle and any other factors considered necessary in order to ensure the comfort and safety of the public. Applicants will be required to supply this information or take the necessary steps to contact the manufacturer of the vehicle in order that this information is available at the time the inspection takes place.
 - (h) Except where the vehicle is fitted with an offside passenger door, it shall be possible for a passenger to walk from the rear nearside passenger door through the vehicle and out of the rear door without having to step over any seats.

- (i) Taken from the area to the rear of the driver, the floor of the vehicle shall be of one level to the rear of the vehicle.
 - (j) The vehicle will have a front nearside passenger door.
 - (k) Rear doors of the pillar hinged, single (offside hinged) or two door opening type should be capable of opening to 90°, ideally with a step or similar device to ease access or egress.
 - (l) If the vehicle is fitted with an offside rear passenger door, then the rear door may be of the hinged lift-up type such offside rear passenger door to be of the sliding or front pillar hinged type, capable of opening to 90°, ideally with a step or similar device to ease passengers to enter or leave the vehicle.
 - (m) The vehicle shall be right hand drive, with the driver's door to the offside.
 - (n) The vehicle shall be fitted with either a sliding or front pillar hinged door to the nearside passenger carrying area such additional door, if hinged to be capable of opening 90°, ideally with a step or similar device to assist passengers in entering or leaving the vehicle.
 - (o) All vehicles must be capable of carrying a wheelchair in a reasonable manner. In the interests of passenger safety and comfort, should any vehicle be capable of carrying a person who remains in the wheelchair, or where the seating layout may be varied to accommodate a wheelchair, such vehicle must have adequate provision to enable the wheelchair to be fixed securely to the floor of the vehicle. The remaining seating capacity will then be determined in accordance with the conditions set out above.
3. Notwithstanding the seating capacity stated on the Vehicle Registration Document, in order to meet the above criteria for the safe conveyance and comfort of passengers it may be necessary for a seat or seats to be removed and any licence and subsequent licence issued by the Council in respect of the vehicle will be subject to such reduced seating capacity.
4. These conditions may be varied from time to time to accord with changes of Government legislation. It should be noted that the Government is currently considering new legislation which will incorporate the carriage of disabled persons in their wheelchairs.

LICENSING SUB-COMMITTEE25 JULY 2002

Present:- Councillors Powell (Chairman), De-Vaux Balbirnie (Vice-Chairman), Alexander (except item 34 (part)), Hughes (except item 32), Raby, Scott, N W Turner.

Substitute Member:- Councillor Aldis (for Councillor Mixer).

In Attendance:- Assistant Head of Legal and Administration Services (Administration), Senior Solicitor, Environmental Health Officer (item 30 only), Administrative Officer, Licensing Clerk.

(10.00 a.m. – 1.18 p.m.)

23. APOLOGY FOR ABSENCE

An apology for absence was submitted from Councillor Mixer.

24. MINUTES

The minutes of the special meeting of the Sub-Committee held on 20 June 2002 were approved as a correct record and signed by the Chairman.

25.

26. LOCAL GOVERNMENT ACT 1972 – EXEMPT ITEMS – EXCLUSION OF PUBLIC

It was moved by Councillor De-Vaux Balbirnie, seconded by Councillor Alexander and:-

RESOLVED – That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 12 of Part 1 of Schedule 12A of the Act:-

Report of Acting Head of Legal and Administration Services

B.1 - Criminal Records Bureau

Licensing Sub-Committee

25 July 2002

B.2 - Applications for the Grant and Renewal of Hackney Carriage and Private Hire Drivers' Licences

27. CRIMINAL RECORDS BUREAU

The Sub-Committee noted the contents of a report on the above which was submitted for their information only.

28. RE-ADMISSION OF THE PUBLIC

After consideration of the items referred to in minutes 34 – 36 below the public were re-admitted to the meeting.

29. POLICY NOTES AND DECISIONS

The Sub-Committee noted the contents of a report on the above which was submitted for their information only.

30.

31. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES – SEATING CAPACITY

Further to minute 31 (20.09.01) the Sub-Committee reviewed the Council's policy regarding the seating capacity of vehicles put forward for licensing as Hackney Carriage/Private Hire vehicles with a view to agreeing a standard policy.

It was moved by Councillor De-Vaux Balbirnie, seconded by Councillor Alexander and:-

RESOLVED – (a) That the policy on seating capacity for Hackney Carriage and Private Hire vehicles, as set out as Appendix 'D' to item A.3 of the Report of the Acting Head of Legal and Administration Services, be approved, in principle, and issued for consultation purposes with the Tendring District Taxi Association and all other interested parties.

(b) That any representations received in response to the said consultation be considered at a future meeting of the Sub-Committee.

32.

Licensing Sub-Committee

25 July 2002

33. EXCLUSION OF PUBLIC

During consideration of the application referred to in minute 30, as detailed above, the public were excluded pursuant to Section 100A(4) of the Local Government Act 1972, from the meeting during the period when the Sub-Committee were deliberating and considering their decision on the grounds that such deliberation involved the likely disclosure of exempt information as defined in paragraph 12 of Part I of Schedule 12A of the Act.

APPENDIX 3

«Title» «Initials» «Surname»
«Address1»
«Address2»
«Address3»

Please ask for Mrs C Watton
Tel: (01255) 255105
Fax: (01255) 255131

5 August 2002

Our Ref: ACT/CAW/ST
Your Ref:
e-mail: cwatton@tendringdc.gov.uk

Dear «Sal»

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING

You will recall that, with the May edition of 'Taxi News' a questionnaire was enclosed seeking your views on the criteria to be followed when deciding the seating capacity of Hackney Carriage and Private Hire Vehicles.

At the meeting of the Licensing Sub-Committee held on 25 July 2002, draft seating policies in respect of both saloon cars and multi-seat vehicles were placed before Members for their consideration but, prior to making their decision, Members requested that a copy of the proposed policies be sent to you so that you may have the opportunity to comment upon the policies.

If you wish to make any comments upon the proposed seating policies I should be glad to receive your views, in writing, by 14 August 2002 in order that these may be incorporated in the Report to the Sub-Committee.

If you have any queries on what is stated in this letter or require further assistance, please do not hesitate to contact my Licensing Section on the above telephone number.

Yours faithfully

KEN BROWN

Ken Brown
ACTING HEAD OF LEGAL AND ADMINISTRATION SERVICES

APPENDIX 4

LICENSING SUB-COMMITTEE

29 MAY 2003

REPORT OF HEAD OF LEGAL SERVICES AND MONITORING OFFICER

A.5 HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES – SEATING CAPACITY

[Report prepared by Alan Tolmie]

1.0 PURPOSE OF THE REPORT

To report to Members the results of the consultation process undertaken in connection with the proposed revision of the Council's guidelines on maximum seating capacity for passengers in Hackney Carriage/Private Hire Vehicles.

2.0 BACKGROUND

At your meeting held on 25 July 2002 [Minute 31 refers] you undertook a review of the Council's guidelines relating to the seating capacity of vehicles put forward for licensing as Hackney Carriage or Private Hire Vehicles. The decision to revisit the guidelines had been taken as these were several years old and the range of vehicles being submitted for licensing had increased.

The proposed revision, as set out in Appendices 'A' and 'C' to this report was approved in principle and issued for consultation purposes with the Tendring District Taxi Association [TDTA] and other interested parties.

As mentioned at a previous meeting, the results of the consultation process with the trade had been disappointing and at the time of drafting this report no official response had been received from the TDTA. However, some very constructive suggestions were received from a few drivers and these have been incorporated in the proposed revised Vehicle Guidelines set out in Appendices 'B' and 'C' to this report.

3.0 OFFICER COMMENTS

Your Officers consider that all reasonable steps have been taken to consult with the trade on this issue and that it would now be appropriate for the matter to be placed before you for your decision on whether the proposed Vehicle Guidelines concerning the seating capacities of saloon/estate vehicles and multi-purpose vehicles set out in Appendices 'B' and 'C' respectively should be adopted.

Your Officers, in preparing the new Vehicle Guidelines for your consideration, have tried to strike a fair balance between the Council's duty towards public safety when using taxis and the need to support local businesses and

individuals operating the vehicles. If Members are minded to agree the proposals, it is possible that some makes/models of vehicle currently licensed by this Authority may not now comply with the proposed new guidelines and your Officers consider that it would be proper that provision should be made to allow such vehicles to continue to operate until such time as the vehicles reach the age of ten years or are no longer operated as taxis, whichever is the sooner.

If Members are minded to agree the new Vehicle Guidelines, your Officers will be recommending to the trade that any vehicle not currently licensed should be presented for inspection prior to purchase, in order that the applicant may be aware of the seating capacity. Should there be any dispute concerning the seating capacity, then your Officers will advise the applicant of his or her right of appeal to this Sub-Committee for Members' decision, as is the current practice.

4.0 IMPLICATIONS

4.1 Community Strategy/Corporate Plan

The Corporate Plan provides that the Council will play a strategic role at District level on transport issues.

4.2 Financial

There are no financial implications.

4.3 Legal

The action proposed is within the Council's discretionary powers.

4.4 Crime and Disorder Act 1998

Consideration has been given to the Crime and Disorder Act 1998 but the issues raised in this report have no direct impact on the Act and therefore there are no crime and disorder implications.

5.0 CONCLUSION

Your Officers consider that a revision of the current guidelines will be of benefit to both the trade and the general public.

6.0 RECOMMENDED:

- (a) That the Council adopts the Vehicle Guidelines on seating capacity for Hackney Carriage and Private Hire Vehicles as set out in Appendices 'B' and 'C' respectively, to this report.**
- (b) That, subject to (a) above, vehicles currently licensed by this Authority continue to be licensed on existing terms and conditions until such time as the vehicles reach the age of 10 years or are replaced, whichever is the sooner.**
- (c) That, subject to (a) and (b) above the revised Vehicle Guidelines take effect from 1 August 2003 in respect of all Hackney Carriage and Private Hire Vehicles operating within the District where applications have been received:-**
 - (i) For the grant of a vehicle licence, or**
 - (ii) For a change of vehicle where a vehicle licence is in existence**
- (d) That any appeals against decisions on capacity be referred to this Sub-Committee for determination where documentation in support of the appeal can be produced by the applicant.**

APPENDIX 'A'

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

PROPOSED VEHICLE GUIDELINES TO ASCERTAIN SEATING CAPACITY FOR VEHICLES OTHER THAN SALOON VEHICLES CARRYING UP TO 8 PASSENGERS [MULTI PURPOSE VEHICLES] (As submitted to your meeting on 25 July 2002)

1. The following should be observed in relation to all applications for licensing vehicles constructed for the sole use of passengers and their effects in accordance with Construction and Use Regulations, and **NOT** adapted, for the conveyance of up to eight passengers.
2. The maximum number of passenger seats is eight and the following will be taken into account when deciding seating capacity:-
 - (a) The width of each seat should not be less than 400mm per person, this measurement being taken across the front of the seat and, where necessary, between arm rests.
 - (b) Each seat should face forward in the direction of travel.
 - (c) There shall be sufficient room between the seats to allow adequate room for the movement of passengers. There shall also be adequate head and leg room to allow passengers to be conveyed in comfort and safety and therefore there should be a height of 870mm between the seat and roof of the vehicle and 180mm from the back of the front seat to the front of the rear seat [when the front seat is fully pushed back].
 - (d) Each seat should comply with the seat belt regulations and, if necessary, be able to secure a child seat/booster seat.
 - (e) The arrangements of the seats shall be such that no person has to remove, push forward or dismantle any seat or other obstacle; nor should it be necessary to climb over any person being carried in the vehicle or require any person to leave their seat to allow anyone to enter or leave the vehicle.
 - (f) If the seating arrangement does not allow free access to and from the vehicle as set out in condition (e) above then, in order that the vehicle may be licensed as a Hackney Carriage or Private Hire Vehicle and in the interests of public safety and comfort, the Council will require as many seats as may be deemed necessary to be removed.
 - (g) When deciding the seating capacity of any vehicle, account will be taken of the weight bearing capacity of the rear axle and any other factors considered necessary in order to ensure the comfort and safety of the public. Applicants will be required to supply this information or take the necessary steps to contact the manufacturer of the vehicle in order that this information is available at the time the inspection takes place.

- (h) Except where the vehicle is fitted with an offside passenger door, it shall be possible for a passenger to walk from the rear nearside passenger door through the vehicle and out of the rear door without having to step over any seats.
 - (i) Taken from the area to the rear of the driver, the floor of the vehicle shall be of one level to the rear of the vehicle.
 - (j) The vehicle will have a front nearside passenger door.
 - (k) Rear doors of the pillar hinged, single (offside hinged) or two door opening type should be capable of opening to 90°, ideally with a step or similar device to ease access or egress.
 - (l) If the vehicle is fitted with an offside rear passenger door, then the rear door may be of the hinged lift-up type such offside rear passenger door to be of the sliding or front pillar hinged type, capable of opening to 90°, ideally with a step or similar device to ease passengers to enter or leave the vehicle.
 - (m) The vehicle shall be right hand drive, with the driver's door to the offside.
 - (n) The vehicle shall be fitted with either a sliding or front pillar hinged door to the nearside passenger carrying area such additional door, if hinged to be capable of opening 90°, ideally with a step or similar device to assist passengers in entering or leaving the vehicle.
 - (o) All vehicles must be capable of carrying a wheelchair in a reasonable manner. In the interests of passenger safety and comfort, should any vehicle be capable of carrying a person who remains in the wheelchair, or where the seating layout may be varied to accommodate a wheelchair, such vehicle must have adequate provision to enable the wheelchair to be fixed securely to the floor of the vehicle. The remaining seating capacity will then be determined in accordance with the conditions set out above.
3. Notwithstanding the seating capacity stated on the Vehicle Registration Document, in order to meet the above criteria for the safe conveyance and comfort of passengers it may be necessary for a seat or seats to be removed and any licence and subsequent licence issued by the Council in respect of the vehicle will be subject to such reduced seating capacity.
4. These conditions may be varied from time to time to accord with changes of Government legislation. It should be noted that the Government is currently considering new legislation which will incorporate the carriage of disabled persons in their wheelchairs.

APPENDIX 'B'

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

PROPOSED REVISED VEHICLE GUIDELINES TO ASCERTAIN SEATING CAPACITY FOR VEHICLES OTHER THAN SALOON VEHICLES CARRYING UP TO 8 PASSENGERS [MULTI PURPOSE VEHICLES]

1. The following should be observed in relation to all applications for licensing vehicles constructed for the sole use of passengers and their effects in accordance with Construction and Use Regulations, and **NOT** adapted, for the conveyance of up to eight passengers.
2. The maximum number of passenger seats is eight and the following will be taken into account when deciding seating capacity:-
 - (a) The width of each seat should not be less than 400mm per person, this measurement being taken across the front of the seat and, where necessary, between arm rests.
 - (b) Each seat should face forward in the direction of travel unless, in the case of rear facing seats, there is supporting documentation to say that the seats conform to the relevant Ministry of Transport standards.
 - (c) All seats, whether rear or front facing, shall be fitted with a seat belt. Each seat should comply with the seat belt regulations and, if necessary, be able to secure a child seat/booster seat.
 - (d) There shall be sufficient room between the seats to allow adequate room for the movement of passengers. There shall also be adequate head and leg room to allow passengers to be conveyed in comfort and safety and therefore there should be a height of 870mm between the seat and roof of the vehicle and 180mm from the back of the front seat to the front of the rear seat [when the front seat is fully pushed back].
 - (e) The arrangements of the seats shall be such that no person has to remove, push forward or dismantle any seat or other obstacle; nor should it be necessary to climb over any person being carried in the vehicle or require any person to leave their seat to allow anyone to enter or leave the vehicle.
 - (f) If the seating arrangement does not allow free access to and from the vehicle as set out in condition (e) above then, in order that the vehicle may be licensed as a Hackney Carriage or Private Hire Vehicle and in the interests of public safety and comfort, the Council will require as many seats as may be deemed necessary to be removed.

- (g) When deciding the seating capacity of any vehicle, account will be taken of the weight bearing capacity of the rear axle and any other factors considered necessary in order to ensure the comfort and safety of the public. Applicants will be required to supply this information or take the necessary steps to contact the manufacturer of the vehicle in order that this information is available at the time the inspection takes place.
 - (h) Except where the vehicle is fitted with an offside passenger door, it shall be possible for a passenger to walk from the rear nearside passenger door through the vehicle and out of the rear door without having to step over any seats.
 - (i) Taken from the area to the rear of the driver, the floor of the vehicle shall be of one level to the rear of the vehicle.
 - (j) The vehicle will have a front nearside passenger door.
 - (k) Each vehicle should either be fitted with an integral step to assist passengers entering or leaving the vehicle either by the front or rear passenger doors. If this is not the case, then each vehicle should carry a portable step for this purpose.
 - (l) Rear doors of the pillar hinged, single (offside hinged) or two door opening type should be capable of opening to 90°, ideally with a step or similar device to ease access or egress.
 - (m) If the vehicle is fitted with an offside rear passenger door, then the rear door may be of the hinged lift-up type such offside rear passenger door to be of the sliding or front pillar hinged type, capable of opening to 90°, ideally with a step or similar device to ease passengers to enter or leave the vehicle.
 - (n) The vehicle shall be right hand drive, with the driver's door to the offside.
 - (o) The vehicle shall be fitted with either a sliding or front pillar hinged door to the nearside passenger carrying area such additional door, if hinged to be capable of opening 90°, ideally with a step or similar device to assist passengers in entering or leaving the vehicle.
 - (p) All vehicles must be capable of carrying a wheelchair in a reasonable manner. In the interests of passenger safety and comfort, should any vehicle be capable of carrying a person who remains in the wheelchair, or where the seating layout may be varied to accommodate a wheelchair, such vehicle must have adequate provision to enable the wheelchair to be fixed securely to the floor of the vehicle. The remaining seating capacity will then be determined in accordance with the conditions set out above but the total passenger carrying capacity shall not be less than four.
3. An appeal against a decision on capacity may be referred to the Licensing Sub-Committee, provided that documentation in support of the appeal can be produced by the applicant.

4. Notwithstanding the seating capacity stated on the Vehicle Registration Document, in order to meet the above criteria for the safe conveyance and comfort of passengers it may be necessary for a seat or seats to be removed and any licence and subsequent licence issued by the Council in respect of the vehicle will be subject to such reduced seating capacity.
5. These conditions may be varied from time to time to accord with changes of Government legislation. It should be noted that the Government is currently considering new legislation which will incorporate the carriage of disabled persons in their wheelchairs.

**PROPOSED VEHICLE GUIDELINES TO ASCERTAIN SEATING CAPACITY
FOR SALOON AND ESTATE VEHICLES**

The following should be observed in relation to all applications for licensing vehicles constructed for the sole use of passengers and their effects in accordance with Construction and Use Regulations, and **NOT** adapted, for the conveyance of up to four passengers.

1. No vehicle will be licensed for less than four passengers.
2. The maximum number of passenger seats is four and the following will be taken into account when deciding seating capacity:-
 - (a) The width of each seat should not be less than 400mm per person, this measurement being taken across the front of the seat and, where necessary, between arm rests.
 - (b) There shall be sufficient room in the rear of the vehicle to accommodate three passengers. There shall also be adequate head and leg room to allow passengers to be conveyed in comfort and safety and therefore there should be a height of 870mm between the seat and roof of the vehicle and 180mm from the back of the front seat to the front of the rear seat [when the front seat is fully pushed back].
 - (c) There shall be a separate front seat to accommodate one person in addition to the driver [excluding London style cabs].
 - (d) There shall be a minimum of four doors, each adjacent to and allowing direct access to and from the seats.
 - (e) Each seat should comply with the seat belt regulations and, if necessary, be able to secure a child seat/booster seat.
 - (f) All seats should face forward in the direction of travel [except London style cabs].
 - (g) The vehicle shall be right hand drive, with the driver's door to the offside.

These conditions may be varied from time to time to accord with changes of Government legislation. It should be noted that the Government is currently considering new legislation which will incorporate the carriage of disabled persons in wheelchairs.

LICENSING SUB-COMMITTEE

29 MAY 2003

Present:- Councillors Powell (Chairman), De-Vaux Balbirnie (Vice-Chairman), K A Aldis, Henderson, N W Turner.

Substitute Members:- Councillors Dixon (for Councillor Beadles), Potter (for Councillor Scott), Sambridge (for Councillor A F Oxley).

In Attendance:- Assistant Head of Legal Services (Administration), Senior Solicitor, Environmental Health Officer (items 6-7 and 10 only), Licensing Officer (except items 8-9), Democratic Services Officer.

(10.00 a.m. – 2.32 p.m.)

1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted from Councillors Beadles, A F Oxley and Scott.

2. MINUTES

The minutes of the meeting of the Sub-Committee held on 20 March 2003 were approved as a correct record and signed by the Chairman.

3. LOCAL GOVERNMENT ACT 1972 – EXEMPT ITEMS – EXCLUSION OF PUBLIC

It was moved by Councillor N W Turner, seconded by Councillor De-Vaux Balbirnie and:-

RESOLVED – That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 12 of Part 1 of Schedule 12A of the Act:-

(a) Special minutes of the meeting of the Sub-Committee held on 20 March 2003

(b) Report of Head of Legal Services and Monitoring Officer

B.1 - Applications for the Grant and Renewal of Hackney Carriage and Private Hire Driver Licences

B.2 - Application for the Grant of a Private Hire Driver's Licence

- B.3 - Appeal against refusal to register as a Door Supervisor.
- B.4 - Deferral of Renewal of a Hackney Carriage Vehicle Licence
- B.5 - Sex Establishment Licence – Suitability of Personnel – The Adult Centre, 28 Orwell Road, Clacton-on-Sea

4. SPECIAL MINUTES

The special minutes of the meeting of the Sub-Committee held on 20 March 2003 were approved as a correct record and signed by the Chairman.

5. RE-ADMISSION OF THE PUBLIC

After consideration of the items referred to in minutes 13-17 below the public were re-admitted to the meeting.

6. POLICY NOTES AND DECISIONS

The Sub-Committee noted the contents of a report on the above which was submitted for their information only.

7.

8.

9. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES – SEATING CAPACITY

Further to minutes 31 (25.07.02) and 90 (20.03.03) the Sub-Committee gave consideration to the results of the consultation process undertaken in connection with the proposed revision of the Council's guidelines on maximum seating capacity for passengers in Hackney Carriage and Private Hire Vehicles.

It was moved by Councillor N W Turner, seconded by Councillor De-Vaux Balbirnie and:-

RESOLVED – (a) That the vehicle guidelines on seating capacity for Hackney Carriage and Private Hire Vehicles, as set out in Appendices B and C respectively, to item A.5 of the Report of the Head of Legal Services and Monitoring Officer, be adopted.

(b) That vehicles currently licensed by this Authority continue to be licensed under the existing terms and conditions until such time as the vehicles reach the age of ten years or cease to be taxis, whichever is the sooner.

(c) That, subject to resolution (b) above, the revised vehicle guidelines take effect from 1 August 2003 in respect of all Hackney Carriage and Private Hire Vehicles operating within the District where applications have been received:-

- (i) For the grant of a Vehicle Licence, or
- (ii) For a change of vehicle where a Vehicle Licence is in existence.

(d) That any appeals against decisions taken by the Officers on seating capacity be referred to the Sub-Committee for determination where documentation in support of the appeal can be produced by the applicant.

10.

11.

12. EXCLUSION OF PUBLIC

During consideration of the application referred to in minute 10, as detailed above, the public were excluded pursuant to Section 100A(4) of the Local Government Act 1972, from the meeting during the period when the Sub-Committee were deliberating and considering their decision on the grounds that such deliberations involved the likely disclosure of exempt information as defined in Paragraph 12 of Part 1 of Schedule 12A of the Act.

APPENDIX 5

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

VEHICLE GUIDELINES TO ASCERTAIN SEATING CAPACITY FOR VEHICLES OTHER THAN SALOON VEHICLES CARRYING UP TO 8 PASSENGERS [MULTI PURPOSE VEHICLES]

1. The following should be observed in relation to all applications for licensing vehicles constructed for the sole use of passengers and their effects in accordance with Construction and Use Regulations, and **NOT** adapted, for the conveyance of up to eight passengers.
2. The maximum number of passenger seats is eight and the following will be taken into account when deciding seating capacity:-
 - (a) The width of each seat should not be less than 400mm per person, this measurement being taken across the front of the seat and, where necessary, between arm rests.
 - (b) Each seat should face forward in the direction of travel unless, in the case of rear facing seats, there is supporting documentation to say that the seats conform to the relevant Ministry of Transport standards.
 - (c) All seats, whether rear or front facing, shall be fitted with a seat belt. Each seat should comply with the seat belt regulations and, if necessary, be able to secure a child seat/booster seat.
 - (d) There shall be sufficient room between the seats to allow adequate room for the movement of passengers. There shall also be adequate head and leg room to allow passengers to be conveyed in comfort and safety and therefore there should be a height of 870mm between the seat and roof of the vehicle and 180mm from the back of the front seat to the front of the rear seat [when the front seat is fully pushed back].
 - (e) The arrangements of the seats shall be such that no person has to remove, push forward or dismantle any seat or other obstacle; nor should it be necessary to climb over any person being carried in the vehicle or require any person to leave their seat to allow anyone to enter or leave the vehicle.
 - (f) If the seating arrangement does not allow free access to and from the vehicle as set out in condition (e) above then, in order that the vehicle may be licensed as a Hackney Carriage or Private Hire Vehicle and in the interests of public safety and comfort, the Council will require as many seats as may be deemed necessary to be removed.
 - (g) When deciding the seating capacity of any vehicle, account will be taken of the weight bearing capacity of the rear axle and any other factors considered necessary in order to ensure the comfort and safety of the public. Applicants will be required to supply this information or take the necessary steps to contact the manufacturer of the vehicle in order that this information is available at the time the inspection takes place.
 - (h) Except where the vehicle is fitted with an offside passenger door, it shall be possible for a passenger to walk from the rear nearside passenger door through the vehicle and out of the rear door without having to step over any seats.

- (i) Taken from the area to the rear of the driver, the floor of the vehicle shall be of one level to the rear of the vehicle.
 - (j) The vehicle will have a front nearside passenger door.
 - (k) Each vehicle should either be fitted with an integral step to assist passengers entering or leaving the vehicle either by the front or rear passenger doors. If this is not the case, then each vehicle should carry a portable step for this purpose.
 - (l) Rear doors of the pillar hinged, single (offside hinged) or two door opening type should be capable of opening to 90°, ideally with a step or similar device to ease access or egress.
 - (m) If the vehicle is fitted with an offside rear passenger door, then the rear door may be of the hinged lift-up type such offside rear passenger door to be of the sliding or front pillar hinged type, capable of opening to 90°, ideally with a step or similar device to ease passengers to enter or leave the vehicle.
 - (n) The vehicle shall be right hand drive, with the driver's door to the offside.
 - (o) The vehicle shall be fitted with either a sliding or front pillar hinged door to the nearside passenger carrying area such additional door, if hinged to be capable of opening 90°, ideally with a step or similar device to assist passengers in entering or leaving the vehicle.
 - (p) All vehicles must be capable of carrying a wheelchair in a reasonable manner. In the interests of passenger safety and comfort, should any vehicle be capable of carrying a person who remains in the wheelchair, or where the seating layout may be varied to accommodate a wheelchair, such vehicle must have adequate provision to enable the wheelchair to be fixed securely to the floor of the vehicle. The remaining seating capacity will then be determined in accordance with the conditions set out above but the total passenger carrying capacity shall not be less than four.
3. An appeal against a decision on capacity may be referred to the Licensing Sub-Committee, provided that documentation in support of the appeal can be produced by the applicant.
 4. Notwithstanding the seating capacity stated on the Vehicle Registration Document, in order to meet the above criteria for the safe conveyance and comfort of passengers it may be necessary for a seat or seats to be removed and any licence and subsequent licence issued by the Council in respect of the vehicle will be subject to such reduced seating capacity.
 5. These conditions may be varied from time to time to accord with changes of Government legislation. It should be noted that the Government is currently considering new legislation which will incorporate the carriage of disabled persons in their wheelchairs.

APPENDIX 6

From: Kevin Clinton [<mailto:KClinton@ROSPA.com>]

Fri 24/07/2015

(We) have been asked a number of times over several years for our view on the issue of removing seats from people carriers that are used as private hire vehicles so that passengers in the rearmost seats can reach the door without moving another seat out of the way, or climbing over one. It is our view that passengers should be able to exit a taxi or private hire vehicle without having to climb over or move a seat. We recognise that passengers in the rear of privately-owned people carriers have to move a seat in order to exit, but we believe that greater safety standards should apply to taxis and private hire vehicles because members of the public are paying for the service.

As you are probably aware, paragraph 93 of the Department for Transport's "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance" (2010) states:

"The Department encourages local licensing authorities, as a matter of best practice, to play their part in promoting flexible services, so as to increase the availability of transport to the travelling public. This can be done partly by drawing the possibilities to the attention of taxi and PHV trade. It also should be borne in mind that vehicles with a higher seating capacity than the vehicles typically licensed as taxis (for example those with 6, 7 or 8 passenger seats) may be used."

While the guidelines state that vehicles, such as people carriers, can be licensed as taxis, they do not specifically address the issue of whether or not a passenger seat should be removed as part of the licensing conditions. The Guide is available at <https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>.

RoSPA does not think it is possible to estimate the additional risk to passengers who need to move a seat in order to exit the vehicle. As far as we are aware, the necessary accident and casualty data does not exist. Therefore, it is difficult to estimate the potential effects of changing your policy to remove the requirement that every seat must be accessible without having to fold or tip up another seat. However, overall our view is that taxi and private hire vehicle passengers should not have to move a seat out of the way, or climb over one, in order to exit the vehicle.

(Our) view was the same in 2002 as it is now. I have intermittently been asked by Councils about removing seats in people carriers used as taxis and private hire vehicles from around 2001.

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Department for **Transport**

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

March 2010

VEHICLES

Specification Of Vehicle Types That May Be Licensed

26. The legislation gives local authorities a wide range of discretion over the types of vehicle that they can license as taxis or PHVs. Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.

27. Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, local authorities might usefully set down a range of general criteria, leaving it open to the taxi and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way there can be flexibility for new vehicle types to be readily taken into account.

28. It is suggested that local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the Department believes authorities should be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. But of course the purpose-built vehicles are amongst those which a local authority could be expected to license. Similarly, it may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers).

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**THE ROYAL SOCIETY FOR THE PREVENTION OF ACCIDENTS
RoSPA**

RESPONSE TO THE DfT CONSULTATION

**"TAXIS AND PRIVATE HIRE VEHICLES
– CONSULTATION ON DRAFT BEST PRACTICE GUIDANCE"**

17th October 2005

JF/10

The Royal Society for the Prevention of Accidents Response to the DfT consultation:
"Taxis and Private Hire Vehicles – Consultation on Draft Best Practice Guidance"

This is the response of the Royal Society for the Prevention of Accidents (RoSPA) to the DfT consultation entitled "Taxis and Private Hire Vehicles – Consultation on Draft Best Practice Guidance". It has been produced following consultation with RoSPA's National Road Safety Committee. Our comments are restricted to road safety issues.

RoSPA welcomes the opportunity to comment on the consultation paper.

Introduction

The Office of Fair Trading report on the UK taxi and private hire vehicle (PHV) market recommended that the Department for Transport produce Best Practice Guidance for local taxi and PHV licensing authorities. The Government accepted their recommendation and has produced a draft version of the Guidance, on which this consultation seeks views.

Taxis (hackney carriages) and PHVs (sometimes called minicabs) are an important and valuable part of everyday life, providing an essential service for many people in the UK. In 2003, some 650 million journeys were made by taxi and PHV in Great Britain, and households spent around £3 billion on taxi and PHV journeys. Spending by businesses and foreign visitors was a substantial extra figure. They are also increasingly used in innovative ways, for example as taxi-buses, to provide innovative local transport services. They are used by all social groups; low-income young women (amongst whom car ownership is low) are one of the largest groups of users.

It is, therefore, important that proper consideration is given to the safety of the passengers and the drivers.

In 2003, there were 39,000 licensed taxis on the road, 40 of which were involved in fatal accidents, 490 were involved in accidents which resulted in a serious injury, and 3,362 were involved in an accident which caused a slight injury.

This is approximately equivalent to 1 taxi in every 10 being involved in an accident that caused an injury in 2003. This is approximately ten times higher than the equivalent figure for cars and minibuses, suggesting taxis are more likely to be involved in a collision which results in an injury. However, this does not take into account the fact that taxis do considerably more mileage than most cars. The higher injury rate is possibly also due to lower rates of seatbelt use in taxis, and the city centre environments in which the large majority of taxis operate.

The figures do not include private hire vehicles, which are included in the figure for cars. This again distorts the comparison between the two groups.

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Table 1: Accidents Involving Taxis, 2003

No. of Vehicles Involved	Fatal Accident	Serious Accident	Slight Accident	Number of thousand licensed vehicles
Taxis	40	490	3892	39
Cars	3709	32479	258547	26260
Minibuses	24	170	1112	215
Cars and Minibuses	3733	32649	259659	26475
Number of accidents per 1000 licensed taxis per year	1.03	12.56 (1 in every 100)	99.79 (1 in every 10)	
Number of accidents per 1000 licensed cars and minibuses per year	0.14	1.23 (1 in every 100)	9.81	

It is clearly essential that steps are taken to increase the safety of taxi and private hire vehicle drivers and passengers. Local Licensing Authorities are ideally placed to promote this.

An in-depth analysis of the types of injury accidents in which taxis and private hire vehicles are involved will further the understanding of the nature of each of these cases and allow Licensing Authorities to create requirements for that will effectively reduce the number of injury accidents in which taxis and private hire vehicles are involved in their area. An analysis of the number and type of crashes and injuries involving private hire vehicles would also be useful, as the conclusions that can be drawn from the currently published statistics presented above are limited.

RoSPA General Comments on the Guidance

Is it helpful?

RoSPA Response

RoSPA believes that the Guidance is helpful. From enquiries we receive from Licensing Authorities, it seems that there is a considerable amount of variation in the conditions they set for taxi and private hire vehicle operators in their areas. This guidance will help to ensure consistency across the country.

Does it cover the right issues?

RoSPA Response

The Guidance covers the right issues, but RoSPA believes it should put greater emphasis on safety matters.

Should it cover any other issues?

RoSPA Response

Taxi and private hire vehicle companies should be encouraged to manage occupational road risk just like other businesses are required to under Health and Safety law.

The Royal Society for the Prevention of Accidents Response to the DfT consultation:
"Taxis and Private Hire Vehicles – Consultation on Draft Best Practice Guidance"

RoSPA Comments on Specific Issues in the Guidance

VEHICLES

Specification Of Vehicle Types That May Be Licensed

Local authorities have a wide range of discretion over the types of vehicle they can license as taxis or PHVs. Some authorities specify conditions that can only be met by purpose-built vehicles but the majority license a range of vehicles. Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, local authorities might usefully specify only general criteria, (such as vehicles with four doors as taxis) leaving it open to the taxi and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. It is suggested that local licensing authorities should be particularly cautious about specifying only purpose-built taxis.

RoSPA Response

RoSPA agrees that local authorities should licence a range of vehicles and not just purpose-built ones. However, it is important that the licensing conditions and checking procedures are effective enough to ensure that unsafe or unsuitable vehicles are not licensed. The law allows operators to appeal in court against a local authority's decision not to license a vehicle (or type of vehicle) and therefore the licensing conditions must be sufficiently robust to withstand such challenges.

The Suitability of MPVs

The most common enquiry that RoSPA receives from licensing authorities concerns the use of People Carriers (MPVs) that have more than 3 rear seats as taxis or PHVs. RoSPA and many licensing authorities are concerned that some models of MPV are not suitable for carrying as many passengers as there are seats. Passengers should be able to exit the vehicle without having to climb over or move a seat. Therefore, RoSPA supports the policy of many Licensing Authorities of limiting the number of seats in MPVs that are used as taxis or private hire vehicles to provide passengers in the rear with safe access to and from the vehicle.

Vehicle Safety Standards

Although all type-approved vehicles meet legislative safety standards, EuroNCAP tests vehicles to higher standards and publishes the results widely. There is, therefore, scope for licensing authorities to specify minimum crashworthiness standards for the vehicles that they licence. This would help to increase the safety of the taxi and PHV fleet.

In time, similar requirements could be made for a vehicle's active safety, for example, by requiring all new taxis and PHVs to be fitted with Electronic Stability Programme (ESP) or Brake Assist.

A requirement for head restraints to be fitted in the rear of taxis and PHVs would help to reduce cases of whiplash in passengers.

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Accessibility

Local licensing authorities will want to consider the accessibility for disabled people of the vehicles they license as taxis. It remains the Department's intention to make taxi accessibility regulations under the Disability Discrimination Act 1995. In the meantime licensing authorities are encouraged to introduce taxi accessibility policies. Different considerations apply between taxis and PHVs. Taxis can be hired in the street or at a rank by the customer dealing directly with a driver; but PHVs can only be booked through an operator. It is important that a disabled person should be able to hire a taxi on the spot with the minimum delay or inconvenience, and having accessible taxis available helps makes that possible. For PHVs, it may be more appropriate for a local authority to license any type of car. (Some PHV operators offer accessible vehicles in their fleet.)

RoSPA Comment

RoSPA agrees that licensing authorities should consider accessibility requirements and ensure that vehicles are suitable for all users.

Type Approval

From time to time a local authority may be asked to license as a taxi or PHV a vehicle that has been imported independently (by somebody other than the manufacturer). Such a vehicle might meet the local authority's criteria for licensing, but the authority may be uncertain about the wider rules for foreign vehicles being used in the UK. Such vehicles are subject to the 'type approval' rules. For passenger cars up to 10 years old at the time of first GB registration, this means meeting the technical standards of either a European Whole Vehicle Type approval, a British National Type approval or a British Single Vehicle Approval.

RoSPA Response

RoSPA agrees that vehicles should only be licensed if they meet both the 'type approval' rules and the licensing authorities conditions.

Vehicle Testing

There is considerable variation between local licensing authorities on vehicle testing, including the related question of age limits. The following can be seen as best practice:

Frequency Of Tests

Taxis and PHVs are subject to an MOT test or its equivalent once a year after the first three years. However, an annual test for licensed vehicles of whatever age (including ones less than three years old) seems appropriate. More frequent tests do not seem appropriate, except possibly for older vehicles (see 'age limits' below).

RoSPA Response

RoSPA agrees that an annual test for all vehicles licensed as taxis or PHVs is best practice.

Criteria For Tests

The same criteria as the MOT test should apply to taxis and PHVs. However, taxis and PHVs provide a service to the public, so it is also appropriate to set criteria for the internal condition of the vehicle, though these should not be unreasonably onerous.

RoSPA Response

RoSPA agrees. Particular attention should be paid to seat belts and head restraints.

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Age Limits

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

RoSPA Response

RoSPA understands that a large number of authorities do set an age limit for vehicles that they will licence. Those authorities that wish to do this, should be able to do so.

RoSPA agrees that requiring more frequent (twice yearly) tests for older vehicles may be more effective than setting an age limit. However, taxis and PHVs do considerably more annual mileage than private cars, and so it will be necessary to ensure that this is not reflected by the vehicle's condition. It will also be important that the authorities' monitoring systems ensure that such vehicles are indeed tested more frequently.

Number Of Testing Stations

It is good practice for local authorities to consider having more than one testing station. There could be advantage in contracting out the testing work. One way of ensuring proper standards is for council staff to have vehicles tested as 'mystery shoppers'. (The Vehicle Operators and Standards Agency - VOSA - may be able to assist where there are local difficulties in provision of testing stations.)

RoSPA Response

If the testing process is contracted out, it is essential that the licensing authority has a robust and effective monitoring system to ensure that standards of testing are maintained.

Security

It is good practice for licensing authorities to look sympathetically on - or actively encourage - the installation of security measures to protect the driver. They could include a screen between driver and passengers, or CCTV. Licensing authorities may want to encourage the taxi and PHV trades to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships.

RoSPA Response

RoSPA supports this proposal.

The Royal Society for the Prevention of Accidents Response to the DfT consultation:
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Vehicle Identification

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. Possible approaches might be licence conditions that prohibit PHVs from displaying any identification apart from the local authority licence plate or disc, or to require a sign on the vehicle in a specified form and/or a roof-mounted, permanently illuminated sign with words such as 'pre-booked only'.

RoSPA Response

RoSPA agrees that it is important to distinguish between the two types of vehicle. We believe that the best approach would be to require a sign of a specified size and shape which identifies the operator (with a telephone number for bookings) and the local licensing authority, and which also has words such as 'pre-booked only'. This identifies the vehicle as private hire and helps to avoid confusion with a taxi, but also gives useful information to the public wishing to make a booking. It would also make it less likely that members of the public would mistake a private car for a PHV.

Environmental Considerations

Licensing authorities will wish to consider how far their vehicle licensing policies can and should support local environmental policies, bearing in mind the need to ensure that benefits outweigh costs and in discussion with those responsible for environmental health issues. Local authorities may, for example, wish to consider setting vehicle emissions standards, perhaps by promoting cleaner fuels.

RoSPA Response

RoSPA agrees that licensing authorities should consider these issues.

Stretched limousines

Local licensing authorities are sometimes asked to license stretched limousines as PHVs. These vehicles have a legitimate role to play in the private hire trade, meeting a public demand. It is suggested that licence applications should not be automatically rejected (for example, just because the vehicle may be left-hand drive). Stretched limousines sometimes raise issues about the dividing line between the licensing regimes for PHVs and for small public service vehicles (PSVs). As a matter of law, a vehicle licensed as a PHV must not have more than 8 passenger seats. A stretched limousine capable of carrying more than 8 passengers will usually not comply with all the technical standards for a 'minibus' in 'Construction and Use' regulations (e.g., it will not have an emergency exit). For first GB registrations after 3 May 2005, the Department will only license and register such a non-compliant vehicle as a passenger car, and this will be dependent on the vehicle passing a Single Vehicle Approval examination on the declared understanding that it will not be used for the carriage of more than 8 passengers. It is recommended that the vehicle's approval status be checked to verify whether it is appropriately designed and constructed for the use for which a licence is sought.

RoSPA Response

RoSPA supports this proposal.

The current legislation is clear in that the maximum number of passengers that a stretched limousine can carry is eight, unless the vehicle has Certificate of Initial Fitness. A Certificate of Initial Fitness ensures that a vehicle is capable of carrying more than 8 passengers safely as the vehicle would classify as a PSV and not a PHV. However, RoSPA is aware that some limousine operators are willing to carry more than eight passengers without having gained a Certificate of Initial Fitness.

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We believe that this should be addressed by increased enforcement, as well as publicity and education. This requires closer partnership working between the local police – who need to be aware of the situation and law – and VOSA. Although it would be difficult to enforce this law on an ad-hoc basis, operations that target all limousines in a city centre over the course of an evening would show that the law is understood and will be enforced.

Quantity restrictions of taxi licences outside London

Section 16 of the Transport Act 1985 allows licensing authorities to refuse to grant licenses for taxis outside London in order to limit the number of taxis 'if, but only if, the authority is satisfied that there is no significant demand for the services of hackney carriages which is unmet'. Most local licensing authorities do not impose quantity restrictions, which the Department regards as best practice. Where restrictions are imposed, they should be regularly reconsidered.

RoSPA Response

RoSPA has no comment on this issue.

Taxi fares

Local licensing authorities have the power to set taxi fares for journeys within their area, and most do so. (There is no power to set PHV fares.) It is good practice to review the fare scales at regular intervals, and in doing so to pay particular regard to both to what it is reasonable to expect people to pay but also to the need to give taxi drivers sufficient incentive to provide a service when it is needed. There may well be a case for higher fares at times of higher demand. Taxi fares are a maximum, and in principle are open to downward negotiation between passenger and driver. It is not good practice to encourage such negotiations at rank, or for on-street hailings, but local licensing authorities can usefully make it clear that published fares are a maximum, especially in the context of telephone bookings.

RoSPA Response

RoSPA has no comment on this issue.

Drivers – duration of licences

It is obviously important for safety reasons that drivers should be licensed. But it is not necessarily good practice to require licences to be renewed annually. That can impose an undue burden on drivers and licensing authorities. Three years is the legal maximum period and is in general the best approach. However, an annual licence may be preferred by some drivers, because they have plans to move to a different job or a different area, or because they cannot easily pay the fee for a three-year licence. So it can be good practice to offer drivers the choice of an annual licence or a three-year licence.

RoSPA Response

RoSPA agrees that drivers must be licensed as taxi or PHV drivers (in addition to their normal driving licence, of course). We also agree that in many cases it is not necessary for the licence to be renewed annually and would support the choice of an annual or three-year licence. However, we suggest that where licences are not renewed annually, the driver's normal driving licence is checked annually to ensure that it is still valid (e.g., to check the driver has not been disqualified) and to provide early warning of potential problems (e.g., a driver who is acquiring penalty points).

The Royal Society for the Prevention of Accidents Response to the DfT consultation:
"Taxis and Private Hire Vehicles – Consultation on Draft Best Practice Guidance"

Criminal record checks for drivers

A criminal record check is an important safety measure and is widely required. Taxi and PHV drivers can be subject to an Enhanced Disclosure through the Criminal Records Bureau, which includes details of spent convictions and police cautions. In considering an individual's criminal record, licensing authorities will want to consider each case on its merits, but they will doubtless take a particularly cautious view of any offences involving violence, and especially sexual attack. In order to achieve consistency, and thus avoid the risk of successful legal challenge, local authorities will doubtless want to have a clear policy for the consideration of criminal records. It would seem best practice for Criminal Records Bureau disclosures to be sought when a licence is first applied for and then every three years, even if a licence is renewed annually. This would be on the basis that the drivers would be obliged to report all new convictions to the licensing authority. Licensing authorities will also want to have a policy on applicants from elsewhere in the EU and other overseas countries. One approach is to require a certificate of good conduct authenticated by the relevant embassy.

RoSPA Response

RoSPA agrees that it is best practice for Criminal Records Bureau disclosures to be sought when a licence is first applied for and then every three years. Drivers should be obliged to report all new convictions to the licensing authority. Licensing authorities should also have a policy on applicants from other countries, and requiring a certificate of good conduct authenticated by the relevant embassy seems a good approach.

Medical criterion for drivers

It is clearly good practice for medical checks to be made on each driver as a condition for the initial grant of a licence and thereafter for each renewal. It is common for licensing authorities to apply the 'Group 2' medical standards applied by DVLA to the licensing of lorry and bus drivers. This seems best practice. The Group 2 standards preclude the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers of C1 vehicles who can meet a series of medical criteria. In the light of the latest advice from the Secretary of State's Honorary Medical Advisory Panel on Diabetes Mellitus and Driving, it is suggested that best practice is to apply the C1 standards to taxi and PHV drivers with insulin treated diabetes.

RoSPA Response

RoSPA agrees that licensing authorities should apply the DVLA's 'Group 2' medical standards, and the C1 standards to taxi and PHV drivers with insulin treated diabetes.

RoSPA suggests that eye tests are also considered.

Yearly eye checks are important for drivers as eyesight can deteriorate. Eyesight test will usually identify the majority of common eyesight conditions, and may also give clues about other less common diseases. Even at relatively young ages, a range of eyesight conditions may exist which, if identified early enough, can be treated to stop or reduce the effects of long term deterioration. Glaucoma and Cataract are perhaps the most well known conditions, but diabetes and other age-related diseases, if left unidentified and untreated, are known to affect vision seriously enough to prevent safe road use.

The licensing authority's medical conditions should state that drivers who are required to wear glasses or contact lenses for driving, must do so when driving their taxi or PHV.

The Royal Society for the Prevention of Accidents Response to the DfT consultation:
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Age limits for drivers

It does not seem necessary to set a maximum age limit for drivers provided that regular medical checks are made. Nor do minimum age limits, beyond the statutory periods for holding a full driver licence, seem appropriate. Applicants should be assessed on their merits.

RoSPA Response

Whilst it would be unfair to set a maximum age for taxi drivers as different people age at different rates, drivers under 25 and over 70 years old have higher than average accident risks. Younger drivers may have excellent eyesight, hearing and reaction times, but are nevertheless inexperienced. With age, general fitness, eyesight, hearing and reaction times deteriorate (but not at a uniform or predictable rate).

It is important that regular medical checks are conducted.

Driving proficiency

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. However, they will note that the Driving Standards Agency provides a driving assessment specifically designed for taxis.

RoSPA Response

RoSPA believes that there should be greater consistency across all licensing authorities on this issue and that the Guidelines should offer clearer advice. We suggest that all licensing authorities should adopt the DSA's driving assessment for all taxi and PHV drivers.

In many other occupations where people drive in order to carry out their work, employers provide driver assessment and training (especially for those who do high work-related mileages) as part of their management of occupational road risk.

Other driver training

There may be advantage in requiring or encouraging drivers to obtain one of the nationally-recognised vocational qualifications for the taxi and PHV trades. Some licensing authorities have already established training initiatives and others are being developed. It is important to do this in consultation with the local taxi and PHV trades. Training can cover customer care, including how best to meet the needs of people with disabilities and other sections of the community, and topics such as relevant legislation, road safety, the use of maps and GPS, the handling of emergencies, and how to defuse difficult situations and manage conflict.

RoSPA Response

RoSPA agrees that such training should at the very least be encouraged by licensing authorities, in conjunction with the local taxi and PHV trade.

We suggest that an important topic for such training is in-car safety, the use of seat belts and child car seats.

The Royal Society for the Prevention of Accidents Response to the DfT consultation:
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Topographical Knowledge

Taxi drivers need a good working knowledge of the area for which they are licensed, because taxis can be hired immediately at ranks or on the street. So most licensing authorities require would-be taxi-drivers to pass a test of local topographical knowledge as a condition of first grant of a licence. However, PHVs are not legally available for immediate hiring in the same way as taxis. To hire a PHV the would-be passenger has to go through an operator, so the driver will have an opportunity to check the details of a route before starting a journey. So it may be unnecessarily burdensome to require a would-be PHV driver to pass the same 'knowledge' test as a taxi driver, though it maybe thought appropriate to test candidates' ability to read a map and their knowledge of key items such as main roads and railway stations.

RoSPA Response

Topographical knowledge is important in safer journey planning. Most journeys undertaken by all drivers can be planned in advance; however, taxi's that are hailed on the street do not have this luxury and the driver has to plan a route 'off the cuff'. Although PHV drivers are hired through their operator, in practice many are informed of a new fare while they are out driving, and so often will not be able to easily check a route. Therefore, we feel that PHV drivers should also be required to take a similar test to taxi drivers.

Perhaps the topographical knowledge test could also cover roads and areas with high crash rates in the local area, and road engineering measures in the area as a way of helping drivers understand the particular risks.

Many drivers now use a GPS system. These are useful for navigating from point to point but should only be used as a back up to local knowledge. A map is no substitute for knowledge of the dangerous and/or busy roads in the area. The potential for driver distraction also needs to be considered.

Driver duties under the Disability Discrimination Act 1995

Since 31 March 2001 licensed taxi drivers in England and Wales have been under a duty (s.37 of the Disability Discrimination Act 1995) to carry guide, hearing and other prescribed assistance dogs in their taxis, without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply to their licensing authority for exemption from the duty on medical grounds. Any other driver who fails to comply with the duty is guilty of a criminal offence and liable to a fine of up to £1,000. Similar duties covering PHV operators and drivers have been in force since 31 March 2004.

Enforcement of the duties is the responsibility of local licensing authorities, who should decide whether breaches should be pursued through the courts or as part of the licensing enforcement regime, having regard to guidance issued by DfT. In future, when regulations have been made under section 3 of the 2005 Act to bring public functions within the scope of Part III of the Act, disabled people will be entitled to bring an action against a local authority if they consider that the authority's policy or practice, in this or any other area of its licensing functions, unreasonably discriminates against them. When regulations have been made to lift the transport exemption for taxis in Part III of the Act, taxi and PHV drivers will be subject to new duties not to discriminate unreasonably against disabled people.

RoSPA Response

It is clear that the policies of licensing authorities regarding these issues need to be clear and effective. More specific guidance from government may be required.

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The Royal Society for the Prevention of Accidents Response to the DfT consultation:
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PHV OPERATORS

Criminal Record Checks

PHV operators (as opposed to drivers) are not exceptions to the Rehabilitation of Offenders Act 1974, so Standard or Enhanced disclosures cannot be required as a condition of grant of an operator's licence. But a Basic Disclosure could be seen as appropriate, after such a system has been introduced by the Criminal Records Bureau. No firm date for introduction has been set. Overseas applicants may be required to provide a certificate of good conduct from the relevant embassy if they have not been long in this country. Local licensing authorities may want to require a reference, covering for example the applicant's financial record, as well as or instead of the checks outlined above.

RoSPA Response

RoSPA believes that a system of Criminal Record Checks for operators should be developed.

Record Keeping

It is good practice to require operators to keep records of each booking, including the name of the passenger, the destination, the name of the driver and the number of the vehicle. That will, for example, enable police checks to be made if any mishap should befall a passenger.

RoSPA Response

RoSPA supports this proposal.

Insurance

It is appropriate for a licensing authority to check that appropriate public liability insurance has been taken out for premises that are open to the public.

RoSPA Response

RoSPA supports this proposal.

Licence Duration

A requirement for annual licence renewal does not seem necessary or appropriate for PHV operators, whose involvement with the public is less direct than a driver (who will be alone with passengers). Indeed, a licence period of five years seems reasonable.

RoSPA Response

RoSPA agrees with this proposal.

The Royal Society for the Prevention of Accidents Response to the DfT consultation:
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Enforcement

Enforcement by the licensing authority benefits the public and the responsible people in the taxi and PHV trades. The resources devoted by licensing authorities to enforcement will vary according to local circumstances. Local authorities will also have good liaison with the police. Licensing authorities often use enforcement staff to check a range of licensed activities (such as market traders) as well as the taxi and PHV trades, but it is desirable to ensure that taxi and PHV enforcement effort is at least partly directed to the late night period, when problems tend most often to arise. Some licensing authorities employ taxi marshals in busy city centres, to help taxi drivers picking up, and would-be passengers queuing for taxis. Licensing authorities will often make spot checks, which can lead to suspending or revoking licences.

RoSPA Response

Enforcement is essential and licensing authorities should ensure that they devote sufficient resources to it.

In addition to the topics mentioned above, the use of seat belts by passengers should be considered. Seat belt wearing in the back of taxi's is still relatively low (66%) compared to the national average for cars (90%). Therefore, further encouragement and enforcement needs to take place, to prevent any 'myths' arising that they are not a legal requirement.

Similarly, drivers of PHV's also have a low seat belt wearing rate, partly due to the 'myth' that they do not have to wear a seat belt at any time whilst driving the vehicle.

Unbelted occupants in taxi's put the drivers and passengers lives at risk, and drivers need to be aware that unbelted occupants in their taxi will put their lives at risk.

Taxi Zones

The areas of some licensing authorities are divided into two or more zones for taxi licensing purposes. Drivers may be licensed to ply for hire in one zone only. The Department recommends the abolition of zone, which tend to diminish the supply of taxis and the scope for customers. Abolition of zones can also reduce costs for the local authority, for example through simpler administration and enforcement. It can also promote fuel efficiency, because taxis can pick up a passenger anywhere in the local authority area, rather than having to return empty to their licensed zone after dropping a passenger in another zone.

RoSPA Response

RoSPA supports this proposal.

Flexible transport services

Taxis and PHVs provide flexible transport services (such as shared taxis and PHVs and taxibuses). Such services can play a valuable role in meeting a range of transport needs, especially in rural areas. In recent years there has been a significant increase in the provision of flexible services, due partly to the availability of Rural Bus Subsidy Grant and Rural Bus Challenge Support from the DfT. The Department encourages licensing authorities to play their part in promoting flexible services, to increase the availability of transport to the traveling public. This can be done partly by drawing the possibilities to the attention of taxi and PHV trade. The Department is very keen to encourage the use of these types of services.

RoSPA Response

RoSPA supports this proposal.

JF/10

The Royal Society for the Prevention of Accidents Response to the DfT consultation:
"Taxis and Private Hire Vehicles – Consultation on Draft Best Practice Guidance"

Local Transport Plans

The Transport Act 2000 requires most local transport authorities in England (not London) to produce and maintain a Local Transport Plan (LTP). LTPs set out the authority's local transport strategies and policies, and an implementation programme over a five year period. All modes of transport including taxi and PHV services have a valuable part to play in overall transport provision, and so licensing authorities have an input to make to the Plan process. The key policy themes for such services could be availability and accessibility, and could include policy on quantity controls, licensing conditions, fares, on-street availability, vehicle accessibility for people with disabilities and encouragement of flexible services. There should also be a statement of changes in policy since the last Plan and changes that are intended. It would be useful to provide statistics of changes in the number of licences for vehicles, drivers and operators, so that trends in availability can be identified.

RoSPA Response

RoSPA agrees that taxi and PHV services should be an important part of Local Transport Plans.

RoSPA thanks the DfT for the opportunity to comment on this consultation. We have no objection to the contents of RoSPA's response being reproduced or attributed.

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**TAXI AND PRIVATE HIRE VEHICLE LICENSING:
BEST PRACTICE GUIDANCE**

March 2010

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

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INTRODUCTION

1. The Department first issued Best Practice Guidance in October 2006 to assist those local authorities in England and Wales that have responsibility for the regulation of the taxi and private hire vehicle (PHV) trades.
2. It is clear that many licensing authorities considered their licensing policies in the context of the Guidance. That is most encouraging.
3. However, in order to keep our Guidance relevant and up to date, we embarked on a revision. We took account of feedback from the initial version and we consulted stakeholders in producing this revised version.
4. The key premise remains the same - it is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters, in the light of their own views of the relevant considerations. This Guidance is intended to assist licensing authorities but it is only guidance and decisions on any matters remain a matter for the authority concerned.
5. We have not introduced changes simply for the sake of it. Accordingly, the bulk of the Guidance is unchanged. What we have done is focus on issues involving a new policy (for example trailing the introduction of the Safeguarding Vulnerable Groups legislation); or where we consider that the advice could be elaborated (eg enforcement); or where progress has been made since October 2006 (eg the stretched limousine guidance note has now been published).

THE ROLE OF TAXIS AND PHVs

6. Taxis (more formally known as hackney carriages) and PHVs (or minicabs as some of them are known) play an important part in local transport. In 2008, the average person made 11 trips in taxis or private hire vehicles. Taxis and PHVs are used by all social groups; low-income young women (amongst whom car ownership is low) are one of the largest groups of users.
7. Taxis and PHVs are also increasingly used in innovative ways - for example as taxi-buses - to provide innovative local transport services (see paras 92-95)

THE ROLE OF LICENSING: POLICY JUSTIFICATION

8. The aim of local authority licensing of the taxi and PHV trades is to protect the public. Local licensing authorities will also be aware that the public should have reasonable access to taxi and PHV services, because of the part they play in local transport provision. Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting up the cost of operation or otherwise restricting entry to the trade. Local licensing authorities should recognise that too restrictive an approach can work against the public interest – and can, indeed, have safety implications.

9. For example, it is clearly important that somebody using a taxi or PHV to go home alone late at night should be confident that the driver does not have a criminal record for assault and that the vehicle is safe. But on the other hand, if the supply of taxis or PHVs has been unduly constrained by onerous licensing conditions, then that person's safety might be put at risk by having to wait on late-night streets for a taxi or PHV to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.

10. Local licensing authorities will, therefore, want to be sure that each of their various licensing requirements is in proportion to the risk it aims to address; or, to put it another way, whether the cost of a requirement in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public, for example through increased safety. This is not to propose that a detailed, quantitative, cost-benefit assessment should be made in each case; but it is to urge local licensing authorities to look carefully at the costs – financial or otherwise – imposed by each of their licensing policies. It is suggested they should ask themselves whether those costs are really commensurate with the benefits a policy is meant to achieve.

SCOPE OF THE GUIDANCE

11. This guidance deliberately does not seek to cover the whole range of possible licensing requirements. Instead it seeks to concentrate only on those issues that have caused difficulty in the past or that seem of particular significance. Nor for the most part does the guidance seek to set out the law on taxi and PHV licensing, which for England and Wales contains many complexities. Local licensing authorities will appreciate that it is for them to seek their own legal advice.

CONSULTATION AT THE LOCAL LEVEL

12. It is good practice for local authorities to consult about any significant proposed changes in licensing rules. Such consultation should include not only the taxi and PHV trades but also groups likely to be the trades' customers. Examples are groups representing disabled people, or Chambers of Commerce, organisations with a wider transport interest (eg the Campaign for Better Transport and other transport providers), womens' groups or local traders.

ACCESSIBILITY

13. The Minister of State for Transport has now announced the way forward on accessibility for taxis and PHVs. His statement can be viewed on the Department's website at: <http://www.dft.gov.uk/press/speechesstatements/statements/accesstotaxis>. The Department will be taking forward demonstration schemes in three local authority areas to research the needs of people with disabilities in order to produce guidance about the most appropriate provision. In the meantime, the Department recognises that some local licensing authorities will want to make progress on enhancing accessible taxi provision and the guidance outlined below constitutes the Department's advice on how this might be achieved in advance of the comprehensive and dedicated guidance which will arise from the demonstration schemes.

14. Different accessibility considerations apply between taxis and PHVs. Taxis can be hired on the spot, in the street or at a rank, by the customer dealing directly with a driver. PHVs can only be booked through an operator. It is important that a disabled person should be able to hire a taxi on the spot with the minimum delay or inconvenience, and having accessible taxis available helps to make that possible. For PHVs, it may be more appropriate for a local authority to license any type of saloon car, noting that some PHV operators offer accessible vehicles in their fleet. The Department has produced a leaflet on the ergonomic requirements for accessible taxis that is available from: <http://www.dft.gov.uk/transportforyou/access/taxis/pubs/research>

15. The Department is aware that, in some cases, taxi drivers are reluctant to pick up disabled people. This may be because drivers are unsure about how to deal with disabled people, they believe it will take longer for disabled people to get in and out of the taxi and so they may lose other fares, or they are unsure about insurance arrangements if anything goes wrong. It should be remembered that this is no excuse for refusing to pick up disabled people and that the taxi industry has a duty to provide a service to disabled people in the same way as it provides a service to any other passenger. Licensing authorities should do what they can to work with operators, drivers and trade bodies in their area to improve drivers' awareness of the needs of disabled people, encourage them to overcome any reluctance or bad practice, and to improve their abilities and confidence. Local licensing authorities should also encourage their drivers to undertake disability awareness training, perhaps as part of the course mentioned in the training section of this guidance that is available through Go-Skills.

16. In relation to enforcement, licensing authorities will know that section 36 of the Disability Discrimination Act 1995 (DDA) was partially commenced by enactment of the Local Transport Act 2008. The duties contained in this section of the DDA apply only to those vehicles deemed accessible by the local authority being used on "taxibus" services. This applies to both hackney carriages and private hire vehicles.

17. Section 36 imposes certain duties on drivers of "taxibuses" to provide assistance to people in wheelchairs, to carry them in safety and not to charge extra for doing so. Failure to abide by these duties could lead to prosecution through a Magistrates' court and a maximum fine of £1,000.

18. Local authorities can take action against non-taxibus drivers who do not abide by their duties under section 36 of the DDA (see below). This could involve for example using licence conditions to implement training requirements or, ultimately, powers to suspend or revoke licences. Some local authorities use points systems and will take certain enforcement actions should drivers accumulate a certain number of points

19. There are plans to modify section 36 of the DDA. The Local Transport Act 2008 applied the duties to assist disabled passengers to drivers of taxis and PHVs whilst being used to provide local services. The Equality Bill which is currently on its passage through Parliament would extend the duties to drivers of taxis and PHVs whilst operating conventional services using wheelchair accessible vehicles. Licensing authorities will be informed if the change is enacted and Regulations will have to be made to deal with exemptions from the duties for drivers who are unable, on medical grounds to fulfil the duties.

Duties to carry assistance dogs

20. Since 31 March 2001, licensed taxi drivers in England and Wales have been under a duty (under section 37 of the DDA) to carry guide, hearing and other prescribed assistance dogs in their taxis without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply to their licensing authority for an exemption from the duty on medical grounds. Any other driver who fails to comply with the duty could be prosecuted through a Magistrates' court and is liable to a fine of up to £1,000. Similar duties covering PHV operators and drivers have been in force since 31 March 2004.

21. Enforcement of this duty is the responsibility of local licensing authorities. It is therefore for authorities to decide whether breaches should be pursued through the courts or considered as part of the licensing enforcement regime, having regard to guidance issued by the Department.

<http://www.dft.gov.uk/transportforyou/access/taxis/pubs/taxis/carriageofassistancedogsinta6154?page=2>

Duties under the Part 3 of the DDA

22. The Disability Discrimination Act 2005 amended the DDA 1995 and lifted the exemption in Part 3 of that Act for operators of transport vehicles. Regulations applying Part 3 to vehicles used to provide public transport services, including taxis and PHVs, hire services and breakdown services came into force on 4 December 2006. Taxi drivers now have a duty to ensure disabled people are not discriminated against or treated less favourably. In order to meet these new duties, licensing authorities are required to review any practices, policies and procedures that make it impossible or unreasonably difficult for a disabled person to use their services.

23. The Disability Rights Commission, before it was incorporated into the Equality and Human Rights Commission, produced a Code of Practice to explain the Part 3 duties for the transport industry; this is available at http://www.equalityhumanrights.com/uploaded_files/code_of_practice_provision_and_use_of_transport_vehicles_dda.pdf. There is an expectation that Part 3 duties also now demand new skills and training; this is available through GoSkills, the sector skills council for road passenger transport. Go-Skills has also produced a DVD about assisting disabled passengers. Further details are provided in the training section of this guidance.

24. Local Authorities may wish to consider how to use available courses to reinforce the duties drivers are required to discharge under section 3 of DDA, and also to promote customer service standards for example through GoSkills.

25. In addition recognition has been made of a requirement of basic skills prior to undertaking any formal training. On-line tools are available to assess this requirement prior to undertaking formal training.

VEHICLES

Specification Of Vehicle Types That May Be Licensed

26. The legislation gives local authorities a wide range of discretion over the types of vehicle that they can license as taxis or PHVs. Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.

27. Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, local authorities might usefully set down a range of general criteria, leaving it open to the taxi and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way there can be flexibility for new vehicle types to be readily taken into account.

28. It is suggested that local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the Department believes authorities should be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. But of course the purpose-built vehicles are amongst those which a local authority could be expected to license. Similarly, it may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers).

29. The owners and drivers of vehicles may want to make appropriate adaptations to their vehicles to help improve the personal security of the drivers. Licensing authorities should look favourably on such adaptations, but, as mentioned in paragraph 35 below, they may wish to ensure that modifications are present when the vehicle is tested and not made after the testing stage.

Tinted windows

30. The minimum light transmission for glass in front of, and to the side of, the driver is 70%. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in estate and people carrier style vehicles. When licensing vehicles, authorities should be mindful of this as well as the large costs and inconvenience associated with changing glass that conforms to both Type Approval and Construction and Use Regulations.

Imported vehicles: type approval (see also “stretched limousines”, paras 40-44 below)

31. It may be that from time to time a local authority will be asked to license as a taxi or PHV a vehicle that has been imported independently (that is, by somebody other than the manufacturer). Such a vehicle might meet the local authority's criteria for licensing, but the local authority may nonetheless be uncertain about the wider rules for foreign vehicles being used in the UK. Such vehicles will be subject to the 'type approval' rules. For

passenger cars up to 10 years old at the time of first GB registration, this means meeting the technical standards of either:

- a European Whole Vehicle Type approval;
- a British National Type approval; or
- a Individual Vehicle Approval.

Most registration certificates issued since late 1998 should indicate the approval status of the vehicle. The technical standards applied (and the safety and environmental risks covered) under each of the above are proportionate to the number of vehicles entering service. Further information about these requirements and the procedures for licensing and registering imported vehicles can be seen at

www.businesslink.gov.uk/vehicleapprovalschemes

Vehicle Testing

32. There is considerable variation between local licensing authorities on vehicle testing, including the related question of age limits. The following can be regarded as best practice:

- **Frequency Of Tests.** The legal requirement is that all taxis should be subject to an MOT test or its equivalent once a year. For PHVs the requirement is for an annual test after the vehicle is three years old. An annual test for licensed vehicles of whatever age (that is, including vehicles that are less than three years old) seems appropriate in most cases, unless local conditions suggest that more frequent tests are necessary. However, more frequent tests may be appropriate for older vehicles (see 'age limits' below). 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. This finding, perhaps suggests that emissions testing should be carried out on ad hoc basis and more frequently than the full vehicle test.
- **Criteria For Tests.** Similarly, for mechanical matters it seems appropriate to apply the same criteria as those for the MOT test to taxis and PHVs*. The MOT test on vehicles first used after 31 March 1987 includes checking of all seat belts. However, taxis and PHVs provide a service to the public, so it is also appropriate to set criteria for the internal condition of the vehicle, though these should not be unreasonably onerous.

*A manual outlining the method of testing and reasons for failure of all MOT tested items can be obtained from the Stationary Office see
<http://www.tsoshop.co.uk/bookstore.asp?FO=1159966&Action=Book&From=SearchResults&ProductID=0115525726>

- **Age Limits.** 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.

- **Number Of Testing Stations.** There is sometimes criticism that local authorities provide only one testing centre for their area (which may be geographically extensive). So it is good practice for local authorities to consider having more than one testing station. There could be an advantage in contracting out the testing work, and to different garages. In that way the licensing authority can benefit from competition in costs. (The Vehicle Operators and Standards Agency – VOSA – may be able to assist where there are local difficulties in provision of testing stations.)

33. The Technical Officer Group of the Public Authority Transport Network has produced Best Practice Guidance which focuses on national inspection standards for taxis and PHVs. Local licensing authorities might find it helpful to refer to the testing standards set out in this guidance in carrying out their licensing responsibilities. The PATN can be accessed via the Freight Transport Association.

Personal security

34. The personal security of taxi and PHV drivers and staff needs to be considered. The Crime and Disorder Act 1998 requires local authorities and others to consider crime and disorder reduction while exercising all of their duties. Crime and Disorder Reduction Partnerships are also required to invite public transport providers and operators to participate in the partnerships. Research has shown that anti-social behaviour and crime affects taxi and PHV drivers and control centre staff. It is therefore important that the personal security of these people is considered.

35. The owners and drivers of vehicles will often want to install security measures to protect the driver. Local licensing authorities may not want to insist on such measures, on the grounds that they are best left to the judgement of the owners and drivers themselves. But it is good practice for licensing authorities to look sympathetically on - or actively to encourage - their installation. They could include a screen between driver and passengers, or CCTV. Care however should be taken that security measures within the vehicle do not impede a disabled passenger's ability to communicate with the driver. In addition, licensing authorities may wish to ensure that such modifications are present when the vehicle is tested and not made after the testing stage.

36. There is extensive information on the use of CCTV, including as part of measures to reduce crime, on the Home Office website (e.g. <http://scienceandresearch.homeoffice.gov.uk/hosdb/cctv-imaging-technology/CCTV-and-imaging-publications>) and on the Information Commission's Office website (www.ico.gov.uk). CCTV can be both a deterrent to would-be trouble makers and be a source of evidence in the case of disputes between drivers and passengers and other incidents. There is a variety of funding sources being used for the implementation of security measures for example, from community safety partnerships, local authorities and drivers themselves.

37. Other security measures include guidance, talks by the local police and conflict avoidance training. The Department has recently issued guidance for taxi and PHV drivers to help them improve their personal security. These can be accessed on the Department's website at: <http://www.dft.gov.uk/pgr/crime/taxiphv/>.

In order to emphasise the reciprocal aspect of the taxi/PHV service, licensing authorities might consider drawing up signs or notices which set out not only what passengers can expect from drivers, but also what drivers can expect from passengers who use their service. Annex B contains two samples which are included for illustrative purposes but local authorities are encouraged to formulate their own, in the light of local conditions and circumstances. Licensing authorities may want to encourage the taxi and PHV trades to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships.

Vehicle Identification

38. 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. Possible approaches might be:

- a licence condition that prohibits PHVs from displaying any identification at all apart from the local authority licence plate or disc. The licence plate is a helpful indicator of licensed status and, as such, it helps identification if licence plates are displayed on the front as well as the rear of vehicles. However, requiring some additional clearer form of identification can be seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver; and secondly because it is quite reasonable, and in the interests of the travelling public, for a PHV operator to be able to state on the vehicle the contact details for hiring;
- a licence condition which requires a sign on the vehicle in a specified form. This will often be a sign of a specified size and shape which identifies the operator (with a telephone number for bookings) and the local licensing authority, and which also has some words such as 'pre-booked only'. This approach seems the best practice; it identifies the vehicle as private hire and helps to avoid confusion with a taxi, but also gives useful information to the public wishing to make a booking. It is good practice for vehicle identification for PHVs to include the contact details of the operator.
- Another approach, possibly in conjunction with the previous option, is a requirement for a roof-mounted, permanently illuminated sign with words such as 'pre-booked only'. But it can be argued that any roof-mounted sign, however unambiguous its words, is liable to create confusion with a taxi. So roof-mounted signs on PHVs are not seen as best practice.

Environmental Considerations

39. 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).

Stretched Limousines

40. Local licensing authorities are sometimes asked to license stretched limousines as PHVs. It is suggested that local authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. Indeed, the Department's view is that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle and that any authorities which do adopt such practices are leaving themselves open to legal challenge. A policy of excluding limousines creates an unacceptable risk to the travelling public, as it would inevitably lead to higher levels of unlawful operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators. The Department has now issued guidance on the licensing arrangements for stretched limousines. This can be accessed on the Department's web-site at <http://www.dft.gov.uk/pgr/regional/taxis/stretchlimousines.pdf>.

41. The limousine guidance makes it clear that most operations are likely to fall within the PHV licensing category and not into the small bus category. VOSA will be advising limousine owners that if they intend to provide a private hire service then they should go to the local authority for PHV licences. The Department would expect licensing authorities to assess applications on their merits; and, as necessary, to be proactive in ascertaining whether any limousine operators might already be providing an unlicensed service within their district.

42. Imported stretched limousines were historically checked for compliance with regulations under the Single Vehicle Approval (SVA) inspection regime before they were registered. This is now the Individual Vehicle Approval (IVA) scheme. The IVA test verifies that the converted vehicle is built to certain safety and environmental standards. A licensing authority might wish to confirm that an imported vehicle was indeed tested by VOSA for IVA before being registered and licensed (taxed) by DVLA. This can be done either by checking the V5C (Registration Certificate) of the vehicle, which may refer to IVA under the "Special Note" section; or by writing to VOSA, Ellipse, Padley Road, Swansea, SA1 8AN, including details of the vehicle's make and model, registration number and VIN number.

43. Stretched limousines which clearly have more than 8 passenger seats should not of course be licensed as PHVs because they are outside the licensing regime for PHVs. However, under some circumstances the SVA regime accepted vehicles with space for more than 8 passengers, particularly where the precise number of passenger seats was hard to determine. In these circumstances, if the vehicle had obtained an SVA certificate, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than 8 passengers, bearing in mind that refusal may encourage illegal private hire operation.

44. Many councils are concerned that the size of limousines prevents them being tested in conventional MoT garages. If there is not a suitable MoT testing station in the area then it would be possible to test the vehicle at the local VOSA test stations. The local enforcement office may be able to advise (contact details on <http://www.vosa.gov.uk>).

QUANTITY RESTRICTIONS OF TAXI LICENCES OUTSIDE LONDON

45. The present legal provision on quantity restrictions for taxis outside London is set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused, for the purpose of limiting the number of licensed taxis 'if, but only if, the [local licensing authority] is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet'.

46. Local licensing authorities will be aware that, in the event of a challenge to a decision to refuse a licence, the local authority concerned would have to establish that it had, reasonably, been satisfied that there was no significant unmet demand.

47. Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of the travelling public - that is to say, the people who use taxi services. What benefits or disadvantages arise for them as a result of the continuation of controls; and what benefits or disadvantages would result for the public if the controls were removed? Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?

48. In most cases where quantity restrictions are imposed, vehicle licence plates command a premium, often of tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. This seems very hard to justify.

49. If a local authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey; it will be necessary for the local licensing authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys.

50. As to the conduct of the survey, the Department's letter of 16 June 2004 set out a range of considerations. But key points are:

- **the length of time that would-be customers have to wait at ranks.** However, this alone is an inadequate indicator of demand; also taken into account should be...

- **waiting times for street hailings and for telephone bookings.** But waiting times at ranks or elsewhere do not in themselves satisfactorily resolve the question of unmet demand. It is also desirable to address...
- **latent demand**, for example people who have responded to long waiting times by not even trying to travel by taxi. This can be assessed by surveys of people who do not use taxis, perhaps using stated preference survey techniques.
- **peaked demand.** It is sometimes argued that delays associated only with peaks in demand (such as morning and evening rush hours, or pub closing times) are not 'significant' for the purpose of the Transport Act 1985. The Department does not share that view. Since the peaks in demand are by definition the most popular times for consumers to use taxis, it can be strongly argued that unmet demand at these times should not be ignored. Local authorities might wish to consider when the peaks occur and who is being disadvantaged through restrictions on provision of taxi services.
- **consultation.** As well as statistical surveys, assessment of quantity restrictions should include consultation with all those concerned, including user groups (which should include groups representing people with disabilities, and people such as students or women), the police, hoteliers, operators of pubs and clubs and visitor attractions, and providers of other transport modes (such as train operators, who want taxis available to take passengers to and from stations);
- **publication.** All the evidence gathered in a survey should be published, together with an explanation of what conclusions have been drawn from it and why. If quantity restrictions are to be continued, their benefits to consumers and the reason for the particular level at which the number is set should be set out.
- **financing of surveys.** It is not good practice for surveys to be paid for by the local taxi trade (except through general revenues from licence fees). To do so can call in question the impartiality and objectivity of the survey process.

51. Quite apart from the requirement of the 1985 Act, the Department's letter of 16 June 2004 asked all local licensing authorities that operate quantity restrictions to review their policy and justify it publicly by 31 March 2005 and at least every three years thereafter. The Department also expects the justification for any policy of quantity restrictions to be included in the Local Transport Plan process. A recommended list of questions for local authorities to address when considering quantity controls was attached to the Department's letter. (The questions are listed in Annex A to this Guidance.)

TAXI FARES

52. Local licensing authorities have the power to set taxi fares for journeys within their area, and most do so. (There is no power to set PHV fares.) Fare scales should be designed with a view to practicality. The Department sees it as good practice to review the fare scales at regular intervals, including any graduation of the fare scale by time of day or day of the week. Authorities may wish to consider adopting a simple formula for

deciding on fare revisions as this will increase understanding and improve the transparency of the process. The Department also suggests that in reviewing fares authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers sufficient incentive to provide a service when it is needed. There may well be a case for higher fares at times of higher demand.

53. Taxi fares are a maximum, and in principle are open to downward negotiation between passenger and driver. It is not good practice to encourage such negotiations at ranks, or for on-street hailings; there would be risks of confusion and security problems. But local licensing authorities can usefully make it clear that published fares are a maximum, especially in the context of telephone bookings, where the customer benefits from competition. There is more likely to be a choice of taxi operators for telephone bookings, and there is scope for differentiation of services to the customer's advantage (for example, lower fares off-peak or for pensioners).

54. There is a case for allowing any taxi operators who wish to do so to make it clear – perhaps by advertising on the vehicle – that they charge less than the maximum fare; publicity such as '5% below the metered fare' might be an example.

DRIVERS

Duration Of Licences

55. It is obviously important for safety reasons that drivers should be licensed. But it is not necessarily good practice to require licences to be renewed annually. That can impose an undue burden on drivers and licensing authorities alike. Three years is the legal maximum period and is in general the best approach. One argument against 3-year licences has been that a criminal offence may be committed, and not notified, during the duration of the licence. But this can of course also be the case during the duration of a shorter licence. In relation to this, authorities will wish to note that the Home Office in April 2006 issued revised guidance for police forces on the Notifiable Occupations Scheme. Paragraphs 62-65 below provide further information about this scheme.

56. However, an annual licence may be preferred by some drivers. That may be because they have plans to move to a different job or a different area, or because they cannot easily pay the fee for a three-year licence, if it is larger than the fee for an annual one. So it can be good practice to offer drivers the choice of an annual licence or a three-year licence.

Acceptance of driving licences from other EU member states

57. Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 as enacted stated that an applicant for a taxi or private hire vehicle (PHV) driver's licence must have held a full ordinary GB driving licence for at least 12 months in order to be granted a taxi or PHV driver's licence. This requirement has subsequently been amended since the 1976 Act was passed. The Driving Licences (Community Driving Licence) Regulations 1996 (SI 1996 No 1974) amended sections 51 and 59 of the 1976 Act to allow full driving licences issued by EEA states to count towards the qualification

requirements for the grant of taxi and PHV driver's licences. Since that time, a number of central and eastern European states have joined the EU and the EEA and the Department takes the view that drivers from the Accession States are eligible to acquire a taxi or PHV driver's licence under the 1976 Act if they have held an ordinary driving licence for 12 months which was issued by an acceding State (see section 99A(i) of the Road Traffic Act 1988). To complete the picture, the Deregulation (Taxis and Private Hire Vehicles) Order 1998 (SI 1998 No 1946) gave equal recognition to Northern Ireland driving licences for the purposes of taxi and PHV driver licensing under the 1976 Act (see section 109(i) of the Road Traffic Act 1988, as amended).

Criminal Record Checks

58. A criminal record check is an important safety measure particularly for those working closely with children and the vulnerable. Taxi and PHV drivers can be subject to a Standard Disclosure (and for those working in "Regulated Activity" to an Enhanced Disclosure) through the Criminal Records Bureau. Both levels of Disclosure include details of spent and unspent convictions, cautions reprimands and final warnings. An Enhanced Disclosure may also include any other information held in police records that is considered relevant by the police, for example, details of minor offences, non-conviction information on the Police National Computer such as Fixed Penalty Notices and, in some cases, allegations. An Enhanced Disclosure is for those working in Regulated Activity¹ and the Government has produced guidance in relation to this and the new "Vetting and Barring Scheme" which is available at www.isa.gov.org.uk/default.aspx?page=402. [*The Department will issue further advice as the new SVG scheme develops.*]

59. In considering an individual's criminal record, local licensing authorities will want to consider each case on its merits, but they should take a particularly cautious view of any offences involving violence, and especially sexual attack. In order to achieve consistency, and thus avoid the risk of successful legal challenge, local authorities will doubtless want to have a clear policy for the consideration of criminal records, for example the number of years they will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

60. Local licensing authorities will also want to have a policy on background checks for applicants from elsewhere in the EU and other overseas countries. One approach is to require a certificate of good conduct authenticated by the relevant embassy. The Criminal Records Bureau website (www.crb.gov.uk) gives information about obtaining certificates of good conduct, or similar documents, from a number of countries.

61. It would seem best practice for Criminal Records Bureau disclosures to be sought when a licence is first applied for and then every three years, even if a licence is renewed annually, provided drivers are obliged to report all new convictions and cautions to the licensing authority.

¹ "Regulated Activity" is defined in The Safeguarding Vulnerable Groups Act 2006 (Miscellaneous Provisions) Regulations 2009

Notifiable Occupations Scheme

62. Under this Scheme, when an individual comes to the notice of the police and identifies their occupation as a taxi or PHV driver, the police are requested to notify the appropriate local licensing authority of convictions and any other relevant information that indicates that a person poses a risk to public safety. Most notifications will be made once an individual is convicted however, if there is a sufficient risk, the police will notify the authority immediately.

63. In the absence of a national licensing body for taxi and PHV drivers, notifications are made to the local licensing authority identified on the licence or following interview. However, it is expected that all licensing authorities work together should they ascertain that an individual is operating under a different authority or with a fraudulent licence.

64. The police may occasionally notify licensing authorities of offences committed abroad by an individual however it may not be possible to provide full information.

65. The Notifiable Occupations Scheme is described in Home Office Circular 6/2006 which is available at <http://www.basingstoke.gov.uk/CommitteeDocs/Committees/Licensing/20070710/3%20yr%20licences-update%20on%20hants%20constab%20procedures%20re%20Home%20office%20circ%206;2006-%20Appendix%202.pdf>. Further information can also be obtained from the Criminal Records Team, Joint Public Protection Information Unit, Fifth Floor, Fry Building, 2 Marsham Street, London SW1P 4DF; e-mail Samuel.Wray@homeoffice.gsi.gov.uk.

Immigration checks

66. The Department considers it appropriate for licensing authorities to check on an applicant's right to work before granting a taxi or PHV driver's licence. It is important to note that a Criminal Records Bureau check is not a Right to Work check and any enquires about the immigration status of an individual should be addressed to the Border and Immigration Agency. Further information can be found at www.bia.homeoffice.gov.uk/employingmigrants. More generally, the Border and Immigration Agency's Employers' Helpline (0845 010 6677) can be used by licensing staff to obtain general guidance on immigration documentation, although this Helpline is not able to advise on individual cases. The authority can obtain case specific immigration status information, including whether a licensing applicant is permitted to work or details of work restrictions, from the Evidence and Enquiry Unit, Floor 12, Lunar House, Wellesley Road, Croydon CR9 2BY . Further details on the procedures involved can be obtained by contacting the Unit (020 8196 3011).

Medical fitness

67. 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.

68. It is common for licensing authorities to apply the “Group 2” medical standards – applied by DVLA to the licensing of lorry and bus drivers – to taxi and PHV drivers. This seems best practice. The Group 2 standards preclude the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers with insulin treated diabetes, who can meet a series of medical criteria, to obtain a licence to drive category C1 vehicles (ie 3500-7500 kgs lorries); the position is summarised at Annex C to the Guidance. It is suggested that the best practice is to apply the C1 standards to taxi and PHV drivers with insulin treated diabetes.

Age Limits

69. It does not seem necessary to set a maximum age limit for drivers provided that regular medical checks are made. Nor do minimum age limits, beyond the statutory periods for holding a full driver licence, seem appropriate. Applicants should be assessed on their merits.

Driving Proficiency

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.

Language proficiency

71. Authorities may also wish to consider whether an applicant would have any problems in communicating with customers because of language difficulties.

Other training

72. Whilst the Department has no plans to make training courses or qualifications mandatory, there may well be advantage in encouraging drivers to obtain one of the nationally-recognised vocational qualifications for the taxi and PHV trades. These will cover customer care, including how best to meet the needs of people with disabilities. More information about these qualifications can be obtained from *GoSkills*, the Sector Skills Council for Passenger Transport. *GoSkills* is working on a project funded by the Department to raise standards in the industry and *GoSkills* whilst not a direct training provider, can guide and support licensing authorities through its regional network of Regional Managers.

73. Some licensing authorities have already established training initiatives and others are being developed; it is seen as important to do this in consultation with the local taxi and PHV trades. Training can cover customer care, including how best to meet the needs of people with disabilities and other sections of the community, and also topics such as the relevant legislation, road safety, the use of maps and GPS, the handling of emergencies, and how to defuse difficult situations and manage conflict. Training may also be considered for applicants to enable them to reach an appropriate standard of comprehension, literacy and numeracy. Authorities may wish to note that nationally recognised qualifications and training programmes sometimes have advantages over purely local arrangements (for example, in that the qualification will be more widely recognised).

Contact details are:

GoSkills, Concorde House, Trinity Park, Solihull, Birmingham, B37 7UQ.

Tel: 0121-635-5520

Fax: 0121-635-5521

Website: www.goskills.org

e-mail: info@goskills.org

74. It is also relevant to consider driver training in the context of the 2012 Olympic and Paralympic Games which will take place at a number of venues across the country. One of the key aims of the Games is to “change the experience disabled people have when using public transport during the Games and to leave a legacy of more accessible transport”. The Games provide a unique opportunity for taxi/PHV drivers to demonstrate their disability awareness training, and to ensure all passengers experience the highest quality of service.

Topographical Knowledge

75. Taxi drivers need a good working knowledge of the area for which they are licensed, because taxis can be hired immediately, directly with the driver, at ranks or on the street. So most licensing authorities require would-be taxi-drivers to pass a test of local topographical knowledge as a pre-requisite to the first grant of a licence (though the stringency of the test should reflect the complexity or otherwise of the local geography, in accordance with the principle of ensuring that barriers to entry are not unnecessarily high).

76. However, PHVs are not legally available for immediate hiring in the same way as taxis. To hire a PHV the would-be passenger has to go through an operator, so the driver will have an opportunity to check the details of a route before starting a journey. So it may be unnecessarily burdensome to require a would-be PHV driver to pass the same ‘knowledge’ test as a taxi driver, though it may be thought appropriate to test candidates’ ability to read a map and their knowledge of key places such as main roads and railway stations. The Department is aware of circumstances where, as a result of the repeal of the PHV contract exemption, some people who drive children on school contracts are being deterred from continuing to do so on account of overly burdensome topographical

tests. Local authorities should bear this in mind when assessing applicants' suitability for PHV licences.

PHV OPERATORS

77. The objective in licensing PHV operators is, again, the safety of the public, who will be using operators' premises and vehicles and drivers arranged through them.

Criminal Record Checks

78. PHV operators (as opposed to PHV drivers) are not exceptions to the Rehabilitation of Offenders Act 1974, so Standard or Enhanced disclosures cannot be required as a condition of grant of an operator's licence. But a Basic Disclosure, which will provide details of unspent convictions only, could be seen as appropriate, after such a system has been introduced by the Criminal Records Bureau. No firm date for introduction has yet been set; however, a feasibility study has been completed; the Criminal Records Bureau is undertaking further work in this regard. Overseas applicants may be required to provide a certificate of good conduct from the relevant embassy if they have not been long in this country. Local licensing authorities may want to require a reference, covering for example the applicant's financial record, as well as the checks outlined above.

Record Keeping

79. It is good practice to require operators to keep records of each booking, including the name of the passenger, the destination, the name of the driver, the number of the vehicle and any fare quoted at the time of booking. This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that 6 months is generally appropriate as the length of time that records should be kept.

Insurance

80. It is appropriate for a licensing authority to check that appropriate public liability insurance has been taken out for premises that are open to the public.

Licence Duration

81. A requirement for annual licence renewal does not seem necessary or appropriate for PHV operators, whose involvement with the public is less direct than a driver (who will be alone with passengers). Indeed, a licence period of five years may well be appropriate in the average case. Although the authority may wish to offer operators the option of a licence for a shorter period if requested.

Repeal of the PHV contract exemption

82. Section 53 of the Road Safety Act 2006 repealed the exemption from PHV licensing for vehicles which were used on contracts lasting not less than seven days. The change came into effect in January 2008. A similar change was introduced in respect of London in March 2008. As a result of this change, local licensing authorities are considering a range of vehicles and services in the context of PHV licensing which they had not previously licensed because of the contract exemption.

83. The Department produced a guidance note in November 2007 to assist local licensing authorities, and other stakeholders, in deciding which vehicles should be licensed in the PHV regime and which vehicles fell outside the PHV definition. The note stressed that it was a matter for local licensing authorities to make decisions in the first instance and that, ultimately, the courts were responsible for interpreting the law. However, the guidance was published as a way of assisting people who needed to consider these issues. A copy of the guidance note can be found on the Department's web-site at: <http://www.dft.gov.uk/pgr/regional/taxis/rsa06privatehirevehicles> As a result of a recent report on the impact of the repeal of the PHV contract exemption, the Department will be revising its guidance note to offer a more definite view about which vehicles should be licensed as PHVs. The report is also on the Department's web-site at: <http://www.dft.gov.uk/pgr/regional/taxis/phvcontractexemption/>.

ENFORCEMENT

84. Well-directed enforcement activity by the local licensing authority benefits not only the public but also the responsible people in the taxi and PHV trades. Indeed, it could be argued that the safety of the public depends upon licensing authorities having an effective enforcement mechanism in place. This includes actively seeking out those operators who are evading the licensing system, not just licensing those who come forward seeking the appropriate licences. The resources devoted by licensing authorities to enforcement will vary according to local circumstances, including for example any difficulties with touting by unlicensed drivers and vehicles (a problem in some urban areas). Local authorities will also wish to liaise closely with the police. Multi-agency enforcement exercises (involving, for example, the Benefits Agency) have proved beneficial in some areas.

85. Local licensing authorities often use enforcement staff to check a range of licensed activities (such as market traders) as well as the taxi and PHV trades, to make the best use of staff time. But it is desirable to ensure that taxi and PHV enforcement effort is at least partly directed to the late-night period, when problems such as touting tend most often to arise. In formulating policies to deal with taxi touts, local licensing authorities might wish to be aware that the Sentencing Guidelines Council have, for the first time, included guidance about taxi touting in their latest Guidelines for Magistrates. The Guidelines, which came into effect in August 2008, can be accessed through the SGC's web-site - www.sentencing-guidelines.gov.uk.

86. Some local licensing authorities employ taxi marshals in busy city centres where there are lots of hirings, again perhaps late at night, to help taxi drivers picking up, and would-be passengers queuing for taxis.

87. As part of enforcement, local licensing authorities will often make spot checks, which can lead to their suspending or revoking licences. They will wish to consider carefully which power should best be used for this purpose. They will note, among other things, that section 60 of the Local Government (Miscellaneous Provisions) Act 1976 provides a right of appeal for the licence-holder, whereas section 68, which is also sometimes used, does not; this can complicate any challenge by the licence-holder.

88. Section 52 of the Road Safety Act 2006 amended the Local Government (Miscellaneous Provisions) Act 1976 such that local authorities can now suspend or revoke a taxi or PHV driver's licence with immediate effect on safety grounds. It should be stressed that this power can only be used where safety is the principal reason for suspending or revoking and where the risk justifies such an approach. It is expected that in the majority of cases drivers will continue to work pending appeal and that this power will be used in one-off cases. But the key point is that the law says that the power must be used in cases which can be justified in terms of safety. The Department is not proposing to issue any specific guidance on this issue, preferring to leave it to the discretion of licensing authorities as to when the power should be used.

TAXI ZONES

89. The areas of some local licensing authorities are divided into two or more zones for taxi licensing purposes. Drivers may be licensed to ply for hire in one zone only. Zones may exist for historical reasons, perhaps because of local authority boundary changes.

90. The Department recommends the abolition of zones. That is chiefly for the benefit of the travelling public. Zoning tends to diminish the supply of taxis and the scope for customer choice - for example, if fifty taxis were licensed overall by a local authority, but with only twenty five of them entitled to ply for hire in each of two zones. It can be confusing and frustrating for people wishing to hire a taxi to find that a vehicle licensed by the relevant local authority is nonetheless unable to pick them up (unless pre-booked) because they are in the wrong part of the local authority area. Abolition of zones can also reduce costs for the local authority, for example through simpler administration and enforcement. It can also promote fuel efficiency, because taxis can pick up a passenger anywhere in the local authority area, rather than having to return empty to their licensed zone after dropping a passenger in another zone.

91. It should be noted that the Government has now made a Legislative Reform Order which removed the need for the Secretary of State to approve amalgamation resolutions made by local licensing authorities. The Legislative Reform (Local Authority Consent Requirements)(England and Wales) Order 2008 came into force in October 2008. Although these resolutions no longer require the approval of the Secretary of State, the statutory procedure for making them – in paragraph 25 of schedule 14 to the Local Government Act 1972- remains the same.

FLEXIBLE TRANSPORT SERVICES

92. It is possible for taxis and PHVs to provide flexible transport services in a number of different ways. Such services can play a valuable role in meeting a range of transport

needs, especially in rural areas – though potentially in many other places as well. In recent years there has been a significant increase in the provision of flexible services, due partly to the availability of Rural Bus Subsidy Grant and Rural Bus Challenge Support from the Department.

93. The Department encourages local licensing authorities, as a matter of best practice, to play their part in promoting flexible services, so as to increase the availability of transport to the travelling public. This can be done partly by drawing the possibilities to the attention of taxi and PHV trade. It also should be borne in mind that vehicles with a higher seating capacity than the vehicles typically licensed as taxis (for example those with 6, 7 or 8 passenger seats) may be used for flexible services and should be considered for licensing in this context.

94. The main legal provisions under which flexible services can be operated are:

- **Shared taxis and PHVs – advance bookings (section 11, Transport Act 1985)**: licensed taxis and PHVs can provide a service at separate fares for up to eight passengers sharing the vehicle. The operator takes the initiative to match up passengers who book in advance and agree to share the vehicle at separate fares (lower than for a single hiring). An example could be passengers being picked up at home to go to a shopping centre, or returning from the shops to their homes. The operator benefits through increased passenger loadings and total revenues.
- **Shared taxis – immediate hirings (section 10, Transport Act 1985)**: such a scheme is at the initiative of the local licensing authority, which can set up schemes whereby licensed taxis (not PHVs) can be hired at separate fares by up to eight people from ranks or other places that have been designated by the authority. (The authority is required to set up such a scheme if holders of 10% or more of the taxi licences in the area ask for one.) The passengers pay only part of the metered fare, for example in going home after a trip to the local town, and without pre-booking, but the driver receives more than the metered fare.
- **Taxibuses (section 12, Transport Act 1985)**: owners of licensed taxis can apply to the Traffic Commissioner for a ‘restricted public service vehicle (PSV) operator licence’. The taxi owner can then use the vehicle to run a bus service for up to eight passengers. The route must be registered with the Traffic Commissioner and must have at least one stopping place in the area of the local authority that licensed the taxi, though it can go beyond it. The bus service will be eligible for Bus Service Operators Grant (subject to certain conditions) and taxibuses can be used for local authority subsidised bus services. The travelling public have another transport opportunity opened for them, and taxi owners have another business opportunity. The Local Transport Act 2008 contains a provision which allows the owners of PHVs to acquire a special PSV operator licence and register a route with the traffic commissioner. A dedicated leaflet has been sent to licensing authorities to distribute to PHV owners in their area alerting them to this new provision.

95. The Department is very keen to encourage the use of these types of services. More details can be found in the Department’s publication ‘Flexible Transport Services’ which can be accessed at:

<http://www.dft.gov.uk/pgr/regional/buses/bol/flexibletransportservices>

LOCAL TRANSPORT PLANS

96. The Transport Act 2000 as amended by the Transport Act 2008, requires local transport authorities in England outside London to produce and maintain a Local Transport Plan (LTP), having regard to any guidance issued by the Secretary of State. The latest guidance published in July 2009 will cover the next round of LTPs from 2011. LTPs set out the authority's local transport strategies and policies for transport in their area, and an implementation programme. 82 LTPs covering all of England outside London have been produced and cover the period up to 2011. From 2011 local authorities will have greater freedom to prepare their LTPs to align with wider local objectives.

97. All modes of transport including taxi and PHV services have a valuable part to play in overall transport provision, and so local licensing authorities have an input to delivering the LTPs. The key policy themes for such services could be availability and accessibility. LTPs can cover:

- quantity controls, if any, and plans for their review;
- licensing conditions, with a view to safety but also to good supply of taxi and PHV services;
- fares;
- on-street availability, especially through provision of taxi ranks;
- vehicle accessibility for people with disabilities;
- encouragement of flexible services.

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

Useful questions when assessing quantity controls of taxi licences

- Have you considered the Government's view that quantity controls should be removed unless a specific case that such controls benefit the consumer can be made?

Questions relating to the policy of controlling numbers

- Have you recently reviewed the need for your policy of quantity controls?
- What form did the review of your policy of quantity controls take?
- Who was involved in the review?
- What decision was reached about retaining or removing quantity controls?
- Are you satisfied that your policy justifies restricting entry to the trade?
- Are you satisfied that quantity controls do not:
 - reduce the availability of taxis;
 - increase waiting times for consumers;
 - reduce choice and safety for consumers?
- What special circumstances justify retention of quantity controls?
- How does your policy benefit consumers, particularly in remote rural areas?
- How does your policy benefit the trade?
- If you have a local accessibility policy, how does this fit with restricting taxi licences?

Questions relating to setting the number of taxi licences

- When last did you assess unmet demand?
- How is your taxi limit assessed?
- Have you considered latent demand, ie potential consumers who would use taxis if more were available, but currently do not?
- Are you satisfied that your limit is set at the correct level?
- How does the need for adequate taxi ranks affect your policy of quantity controls?

Questions relating to consultation and other public transport service provision

- When consulting, have you included etc
 - all those working in the market;
 - consumer and passenger (including disabled) groups;
 - groups which represent those passengers with special needs;
 - local interest groups, eg hospitals or visitor attractions;
 - the police;
 - a wide range of transport stakeholders eg rail/bus/coach providers and traffic managers?
- Do you receive representations about taxi availability?
- What is the level of service currently available to consumers (including other public transport modes)?

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

Notice for taxi passengers - what you can expect from the taxi trade and what the taxi trade can expect from you

The driver will:

- ***Drive with due care and courtesy towards the passenger and other road users.***
- ***Use the meter within the licensed area, unless the passenger has agreed to hire by time.***
- ***If using the meter, not start the meter until the passenger is seated in the vehicle.***
- ***If travelling outside the licensed area, agree the fare in advance. If no fare has been negotiated in advance for a journey going beyond the licensing area then the driver must adhere to the meter.***
- ***Take the most time-efficient route, bearing in mind likely traffic problems and known diversions, and explain any diversion from the most direct route.***

The passenger will:

- ***Treat the vehicle and driver with respect and obey any notices (e.g. in relation to eating in the vehicle).***
- ***Ensure they have enough money to pay the fare before travelling. If wishing to pay by credit card or to stop on route to use a cash machine, check with the driver before setting off.***
- ***Be aware of the fare on the meter and make the driver aware if it is approaching the limit of their financial resources.***
- ***Be aware that the driver is likely to be restricted by traffic regulations in relation to where s/he can stop the vehicle.***

Notice for PHV passengers - what you can expect from the PHV trade and what the PHV trade can expect from you

The driver will:

- ***Ensure that the passenger has pre-booked and agrees the fare before setting off.***
- ***Drive with due care and courtesy towards the passenger and other road users.***
- ***Take the most time-efficient route, bearing in mind likely traffic problems and known diversions, and explain any diversion from the most direct route.***

The passenger will:

- ***Treat the vehicle and driver with respect and obey any notices (eg. in relation to eating in the vehicle).***
- ***Ensure they have enough money to pay the fare before travelling. If wishing to pay by credit card or to stop on route to use a cash machine, check with the driver before setting off.***
- ***Be aware that the driver is likely to be restricted by traffic regulations in relation to where s/he can stop the vehicle.***

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

Assessing applicants for a taxi or PHV driver licence in accordance with C1 standard

Exceptional circumstances under which DVLA will consider granting licences for vehicles over 3.5 tonnes or with more than 8 passenger seats.

Insulin treated diabetes is a legal bar to driving these vehicles. The exceptional arrangements that were introduced in September 1998 were only in respect of drivers who were employed to drive small lorries between 3.5 tonnes and 7.5 tonnes (category C1). The arrangements mean that those with good diabetic control and who have no significant complications can be treated as "exceptional cases" and may have their application for a licence for category C1 considered. The criteria are

- To have been taking insulin for at least 4 weeks;
- Not to have suffered an episode of hypoglycaemia requiring the assistance of another person whilst driving in the last 12 months;
- To attend an examination by a hospital consultant specialising in the treatment of diabetes at intervals of not more than 12 months and to provide a report from such a consultant in support of the application which confirms a history of responsible diabetic control with a minimal risk of incapacity due to hypoglycaemia;
- To provide evidence of at least twice daily blood glucose monitoring at times when C1 vehicles are being driven (those that have not held C1 entitlement in the preceding 12 months may provide evidence of blood glucose monitoring while driving other vehicles);
- To have no other condition which would render the driver a danger when driving C1 vehicles; and
- To sign an undertaking to comply with the directions of the doctor(s) treating the diabetes and to report immediately to DVLA any significant change in condition.