

LICENSING COMMITTEE	AGENDA ITEM No. 4
14 NOVEMBER 2013	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr Marco Cereste	
Contact Officer(s):	Licensing Manager Adrian Day Strategic Regulatory Services Manager Peter Gell	Tel. 454437 Tel. 453429

CHANGES IN THE LICENSING POLICY FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING

RECOMMENDATIONS	
FROM : The Licensing Team Licensing Manager Adrian Day	Deadline date : N/A
<p>The Committee is requested to approve the attached draft Conditions of Fitness and adopt these conditions as the "Peterborough Conditions of Fitness for Hackney Carriage Vehicles" as follows:</p> <ol style="list-style-type: none"> 1. To approve the above draft conditions with or without amendments; and 2. To consider the possible exemptions available in relation to condition 13.3 (the requirement for the nearside occasional flip down seat to be of swivel type) as referred to in section 6 of this report and; <ol style="list-style-type: none"> a. Agree the appropriate exemption/s; and b. Depending on the exemptions agreed, set a timeframe / implementation date. 	

1. ORIGIN OF REPORT

- 1.1 This report is of a result of the Licensing Committees decision at a meeting held on Monday 29 July 2013 to approve specific models of the Peugeot E7 as suitable to be licensed as a Hackney Carriage Vehicle in Peterborough.
- 1.2 Following this decision there is a need for the council's Conditions of Fitness to be amended in order for the approved models of the E7 to be licensed.

2. PURPOSE AND REASON FOR REPORT

- 2.1 Following the approval from the licensing committee on 29 July 2013 for specific models of the Peugeot E7 to be licensed as Hackney Carriage Vehicles in Peterborough the existing Conditions of Fitness were amended and named the "Peterborough Conditions of Fitness for Hackney Carriage Vehicles" and are attached in draft form at (**Appendix A**).
- 2.2 In order for the Peugeot E7 to be licensed specific conditions within the existing Conditions of Fitness are required to be amended or removed to enable the vehicle to meet the specification required, the amended draft reflect the necessary changes.
- 2.3 It is essential that all policies are current and fit for purpose in order for any regulation to be effective. Therefore it is good practice to review policies on a regular basis in order for any policy to be appropriate and up to date and fit for purpose.

- 2.4 Officers have taken this opportunity to update the conditions in general to ensure that when adopted the “Peterborough Conditions of Fitness for Hackney Carriage Vehicles” will be appropriate and fit for purpose.
- 2.5 Following the committee’s decision the outcome will form part of the Peterborough City Council’s Taxi and Private Hire Licensing Policy and Guidance document.
- 2.6 This report is for the Committee to consider under its Terms of Reference No. 2.4.1.3 (a) “To exercise the functions of the authority as listed in Schedule 2.4.4, where these are not delegated to officers as listed at section 2.4.3, namely”, “hackney carriage and private hire vehicle licensing”.

3. TIMESCALE

Is this a Major Policy Item /Statutory Plan?	No
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4. BACKGROUND INFORMATION

- 4.1 All councils have different policies in relation to Hackney Carriage and Private Hire Vehicles in order to regulate the service in accordance with local requirements. A policy which is deemed appropriate in one locality may not meet the requirements or expectations within another locality.
- 4.2 It is good practice to review all policies from time to time in order to ensure that the policy adopted remains fit for purpose, takes in to account any changes in legislation, or to consider any other factors that may have an affect on the service to which the policy relates.
- 4.3 Peterborough City Council has various individual policies relating to Taxi and Private Hire Licensing many of which have remained unchanged for many years. Some of the aspects of licensing have been reviewed recently such as the vehicle age policy and the testing requirements for new driver applications.
- 4.4 Officers received a request from Allied Vehicles Ltd to review its policy in relation to the conditions of fitness for hackney carriage vehicles in order for the Peugeot E7 to be considered as suitable and fit for purpose to be licensed as a hackney carriage vehicle in Peterborough.
- 4.5 On 29 July 2013 after consideration the Licensing Committee approved the Peugeot E7 Short Wheel Base (SWB) SE and XS models as suitable to be licensed as Hackney Carriage Vehicles. The committee specified that the E7 must also be fitted with a hearing loop system and that the nearside occasional flip down seat must be of a swivel type to the physically impaired.
- 4.6 In order for the approved Peugeot E7 models to meet the councils criteria for Hackney Carriage Vehicles it is necessary to amend the Current Conditions of Fitness removing or changing those specifications where the E7 cannot comply.
- 4.7 The council originally adopted the Transport for London’s Condition of Fitness, formally known as the Public Carriage Office (PCO), vehicles only equipped with suitable wheelchair facility ramps and securing straps are approved; these vehicles being the LTI TX1, TX2, TX4, the Metro Triple T and the steering rear axle Mercedes-Benz Vito.
- 4.8 The newly drafted “Peterborough Conditions of Fitness for Hackney Carriage Vehicles” reflects the changes required in order to enable the Peugeot E7 to satisfy the criteria required. In addition to this the conditions have been modernised and made appropriate to current regulatory requirements.

- 4.9 In order for a vehicle to be licensed as a Hackney Carriage in Peterborough it has to be of an approved type. Vehicles will need to meet the criteria set out in the “Peterborough Conditions of Fitness for Hackney Carriage Vehicles” and suitably equipped with wheelchair facility ramps and securing straps.

5. RELEVANT CONDITIONS OF FITNESS FOR APPROVAL

- 5.1 The conditions below are those which have been amended in order for the Peugeot E7 to be approved and licensed as a Hackney Carriage Vehicle. The condition number directly relates to the condition number in the newly drafted “Peterborough Conditions of Fitness”

Condition 12.9

Where seats are placed facing each other, there must be a minimum space of 350mm (**previously 425mm**) between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level.

Condition 16.1

The windows should maximise passenger visibility into and out of the vehicle. The top of the window line for front and side windows, when measured vertically to the top of the visible portion of the glass, must not be less than 750mm (**previously 780mm**) on any glass panel forward of or beside the seated passenger. The vertical distance is to be measured from the top of the uncompressed rear forward-facing passenger seat cushion to the first point of totally obscured glass.

Condition 13.2

Occasional seats must be so arranged as to rise automatically when not in use. When not in use, they must not obstruct doorways.

(previously read) Occasional seats must be so arranged as to rise automatically when not in use. They must be placed at least 40mm apart. When not in use, they must not obstruct doorways.

- 5.2 The condition below has been removed as the turning circle requirement no longer exists follow the committees previous decision to approve the Peugeot E7.

“The vehicle must be capable of being turned on either lock so as to proceed in the opposite direction without reversing between two vertical parallel planes not more than 8.535 metres apart”.

6. OCCASIONAL FLIP DOWN SEAT – SWIVEL TYPE

- 6.1 The Licensing Committee’s decision on the 29 July 2013 to approve the Peugeot E7 as suitable to be licensed as a Hackney Carriage Vehicle included the requirement for the vehicle’s nearside occasional flip down seat to be of a swivel type. Therefore an appropriate condition has been added as below;

Condition 13.3

The near-side occasional seat must be of swivel type in order to accommodate the needs of passengers with physical impairments

- 6.2 Occasional flip down swivel type seats are available on both the Peugeot E7 and newer models of the LTI vehicle, however they are not available on the Mercedes-Benz Vito. These are the 3 types of vehicles approved as suitable to be licensed as Hackney carriage Vehicles in Peterborough.
- 6.3 Due to the structural changes required and the costs involved it is unlikely that the Mercedes-Benz Vito will be redesigned to provide this feature as an option in the near future, if at all. There are currently 9 Mercedes-Benz Vito’s licensed as Hackney Carriage Vehicles in Peterborough.

- 6.4 It should be mentioned that many of the currently licensed Hackney Carriage Vehicles do not have the swivel seat fitted and it would be un-realistic to request a retrofit due to cost and practicality.
- 6.5 The committee is therefore requested to consider the above information and if they see fit issue exemptions to condition 13.3 where deemed appropriate or relevant.
- 6.6 The committee may decide to exempt all vehicles from this condition that were licensed prior to the new Conditions of Fitness being adopted, where the swivel seat is not installed. All existing licensed Hackney Carriage Vehicles that do not have a swivel seat will be able to remain in service.
- 6.7 The committee may decide to offer an exemption for the Mercedes-Benz Vito for a specific time frame which would allow time for the manufacturers / suppliers to explore the possibility of providing the swivel seat. If this is the case the committee should agree a timeframe in months.

The committee may decide to offer a permanent exemption which would allow new Mercedes-Benz Vito's to be licensed indefinitely and not comply with the condition; however it should be noted that this decision would most likely be seen as a commercial advantage in favour of Mercedes by the other manufactures / suppliers and therefore this decision may be changed.

The committee may decide not to issue an exemption for the Mercedes-Benz Vito, this would mean that following the adoption of the new Conditions of Fitness newly presented Mercedes-Benz Vito's would no longer be suitable for licensing as a Hackney Carriage Vehicle.

- 6.8 Condition 13.3 including the suggested options for exemptions are listed below, exemption a. relates to existing licensed vehicles, exemption's b. and c. relate to the Mercedes-Benz Vito and should be either or, not both.

Condition 13.3

The near-side occasional seat must be of swivel type in order to accommodate the needs of passengers with physical impairments, unless;

THE FOLLOWING EXEMPTIONS ARE TO BE CONSIDERED BY THE LICENSING COMMITTEE AND WILL BE AMENDED OR DELETED AS APPROPRIATE

- a. *the vehicle was licensed prior to these Conditions of Fitness being adopted and this facility was not installed.*
- b. *the vehicle is newly presented for licensing and this facility is currently not available as an option; where this is the case this condition will not be implemented for [ENTER NUMBER] months, and will apply to all newly presented vehicles for licensing from [ENTER DATE] (allowing manufacturers / suppliers time to comply).*
- c. *the vehicle is newly presented for licensing and this facility is currently not available as an option; where this is the case this condition will not apply.*

7. RISKS

- 7.1 Although there have been no risks identified with the adoption of the "Peterborough Conditions of Fitness for Hackney Carriage Vehicles" in general, it should be noted that particular consideration should be taken by the committee when agreeing any exemptions in relation to condition 13.3; insofar as creating any commercial advantages or disadvantages to vehicle suppliers.

8. ANTICIPATED OUTCOMES

- 8.1 The Licensing Committee to formally adopt the “Peterborough Conditions of Fitness for Hackney Carriage Vehicles” and this will form part of the Taxi and Private Hire Licensing Policy / Guidance document.

9. REASONS FOR RECOMMENDATIONS

- 9.1 To comply with statutory requirements regarding the regular review of licensing policies.
- 9.2 To consider the request received from Allied Vehicles Ltd to review the policy.
- 9.3 To ensure that the policies and procedures continue to be fit for purpose.

10. ALTERNATIVE OPTIONS CONSIDERED

- 10.1 Retain the status quo.

11. IMPLICATIONS

- 11.1 Financial – There are costs associated with undertaking a public consultation exercise, however there are also costs associated where a policy is challenged due to it not being fit for purpose.
- 11.2 Legal – Legal support has been provided by the council’s legal team regarding the provision of advice and guidance on taxi licensing matters and the requirements of the consultation. Some advice has also been provided by counsel.

12. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

The Local Government (Miscellaneous Provisions) Act 1976
The Town and Police Clauses Act 1847
Equality Act 2010

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