

Hackney Carriage and Private Hire Policy Consultation Document

Introduction

Blackpool Council is responsible for licensing hackney carriage and private hire vehicles and drivers, in addition to private hire operators.

The original hackney carriage and private hire policy came into force in November 2007. Since that time it has been subject to a number of revisions. In 2010 the Executive suspended the planned reduction in the maximum age of vehicles, ordering a review in 2012. This consultation document seeks views on the maximum age of vehicles as well as a number of other issues.

When formulating this consultation document consideration has also been given to the following:

Law Commission

The Law Commission is currently reviewing taxi and private hire licensing at a national level and has come to the conclusion that existing legislation is outdated and in need of reform. A 12 week consultation period is due to start in April 2012. Draft legislation will follow autumn 2012/Spring 2013.

Since changes to the legislation are expected in 2013/14 Blackpool Council does not intend to make fundamental changes to its policy in the interim period unless they are absolutely necessary.

Best Practice Guidance

When formulating this consultation document the Department for Transport's Best Practice Guidance was taken into account. This guidance is intended to assist licensing authorities however it does recognise that it is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters.

This consultation closes on 4th May 2012.

Comments on this document should be sent to:

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1 Specifications and conditions

It is proposed that paragraph 2.2.3 be expanded to state that there are no standard conditions attached to a hackney carriage licence. The standard conditions on a private hire vehicle licence are to be inserted into Appendix D

The authority maintains a current list of approved vehicles which is currently updated. Some vehicles not on the approved list have been licensed in error. Where this has occurred, vehicle owners will not be required to replace the vehicle immediately, however a precedent will not be set, meaning that when the vehicle is due to for replacement, an alternative vehicle must be sought.

Question

1. Do you agree with the approach to dealing with vehicles that are not on the approved list that have been licensed in error?

2. Accessibility

It is important that disabled people should be able to hire a taxi on the spot with the minimum of delay or inconvenience. The authority is committed to maintaining a mainly accessible hackney carriage fleet. Whilst there are no plans to require all hackney carriages to be wheelchair accessible, consideration is being given to requiring all vehicles licensed to carry more than four passengers to be wheelchair accessible.

Question

- 2(a) Do you agree that all vehicles licensed to carry more than four passengers should be wheelchair accessible? If so should this requirement be extended to private hire vehicles?
- 2(b) Should the Council await the outcome of the Law Commission review before considering changes to its policy on accessible vehicles?

3 Maximum age of vehicles

The existing policy created a scheme whereby the maximum age of vehicles would be reduced so that by September 2013 the maximum age for

- Purpose built/wheelchair accessible vehicles would be 12 years, and
- Non-wheelchair accessible vehicles would be 10 years.

This part of the policy was later suspended pending a further review in 2012 meaning that the maximum age for all vehicles remained at 14 years. It should be noted that it is still possible for vehicles over the maximum permitted age to be licensed if they satisfy the exceptional quality policy.

Best Practice Guidance issued by the Department for Transport reminds Local Authorities that it is perfectly possible for an older vehicle to be in good condition

therefore the setting of an age limit beyond which an authority will not licence a vehicle may be arbitrary and inappropriate.

Blackpool Council is of the opinion that since the original age limit was introduced vehicle standards have improved significantly and therefore the policy of having an age limit will continue. However recognising the Best Practice Guidance, this age limit will continue operate alongside the exceptional quality policy which will allow older vehicles in good condition to remain licensed when they are past the specified maximum age.

The Council now seeks views on whether the age limit should reduction should now be implemented or continue to be held at 14 years

Question

3. Should the maximum age of all vehicles be held at 14 years, or should the age limit be reduced to 10 years (12 for wheelchair accessible vehicles). Please provide evidence to support your opinion

4 Testing of Vehicles

Currently all licensed vehicles are required to be tested as follows:

1 – 5 years old	1 inspection per year
5-10 years old	2 inspections per year
Over 10 years of age	3 inspections per year

The Council has been asked to consider amending the inspection regime to provide an incentive to owners to update their vehicles when they reach 7 years of age. The proposal is for inspections to take place as follows:

1 – 7 years old	1 inspection per year
7 - 14 years old	2 inspections per year
Over 14 years of age	3 inspections per year

Question

- 4(a) is the proposed change to the inspection regime likely to encourage owners to upgrade their vehicles at 7 years old?
- 4(b) what impact (if any) is there likely to be on vehicle standards?

5. Signage and Advertising

It is essential that members of the public should be able to easily identify the difference between a hackney carriage and private hire vehicle. Concerns have been

expressed that companies that are made up solely of private hire vehicles are referring to themselves as taxi companies. The authority have been asked to consider imposing an additional condition on a private hire operator's licence prohibiting the use of the word "taxi" in any form unless the operator has at least two hackney carriage vehicles on its fleet.

Paragraph 2.6.3 of the policy requires every licensed hackney carriage and private hire vehicle to display a "How am I driving" sign clearly visible on the rear of the vehicle.

This scheme has now been running for a number of years. Vehicle owners and licensed drivers have been opposed from the start.

Question

- 5(a) Do you agree that it should be a condition of a private hire operator's licence that the use of the word "taxi" in any form should be prohibited unless the operator has at least two hackney carriage vehicles on its fleet?
- 5(b) What would be the impact on public safety of ending the "How am I Driving" initiative?

6. Appendix A – Vehicle Specification

Some mini-buses only have rear doors on one side of the vehicle. This can create safety issues at some locations, for example outside Funny Girls where passengers are required to exit the vehicle into on-coming traffic. The authority is considering phasing out these vehicles and instead requiring that all vehicles have rear passenger exits on both sides of the vehicle.

Current specifications require that vehicles should have no damage affecting the structural safety of the vehicle and must not have been written off for insurance purposes at any time.

There is in reality a number of different write-off categories:

- Category A – Must be crushed
- Category B - May not be returned to the road although parts re-sold
- Category C – Repairable – usually applies to vehicles with significant structural damage
- Category D – Repairable – minimal damage probably not structural. May have been economic to repair but insurer doesn't want to.
- Category X – very light damage or vehicle is fairly new. Requires minimal repair work.

Question

- 6(a) what would be the impact on the trade of phasing out vehicles with a rear passenger exit on only one side of the vehicle?

6(b) would public safety be compromised if vehicles that had been subject to either Category D or X write off were licensed following a satisfactory vehicle inspection?

Licence plates and stickers – the policy requires both hackney carriage and private hire vehicles to have licence plates securely fixed to the front and rear of the vehicle. This does not reflect the current situation because private hire vehicles are not required to display plates. Some authorities do require private hire vehicles to display licence plates to the front and rear of the vehicle because it makes licensed vehicles more visible and easier to identify. The alternative argument is however that the distinction between hackney carriage and private hire vehicles can be blurred.

Private Hire Vehicle Markings – The only signage permitted on a private hire vehicle is self adhesive identification signs with a small company logo as approved or supplied by the authority indicating that “ Not insured unless pre-booked” must be affixed to the driver’s door and front passenger door panels of the vehicle

Question

6(c) Are some door stickers being used by private hire companies designed to be similar to those used on hackney carriage vehicles? Does the design of some signs lead to possible confusion with hackney carriage vehicles?

6(d) Does the area code on the phone number aid touting?

Meters

Blackpool Council as licensing authority can set the maximum fares to be charged by a hackney carriage. The Council does not have the power to set fares for private hire vehicles.

The Council has been asked to add conditions to the private hire vehicle licence to require meters fitted in private hire vehicles to be calibrated to the Blackpool Council maximum tariff, or if the operator is not willing to do this, to require that the meter be removed. The reason given for this request is that hackney carriage drivers are suffering verbal abuse from passengers who believe that they are being over-charged.

The Council is of the opinion that:

- There is no power to require a private hire vehicle to be fitted with a meter
- If the vehicle is fitted with a meter, there is no power to require it to be calibrated to the Blackpool Council tariff.

Fares for journeys by private hire vehicle are a matter for negotiation between passenger and operator. However the Council believes that where meters are fitted it is important that passengers be aware of the charging scheme and the Council can

check that they are operating correctly. The Council therefore intends to make a condition on a private hire vehicle licence to the effect that where the vehicle is fitted with a meter the scale of charges must be clearly displayed in the passenger compartment. This scale of charges must not bear any local authority logo, and must make it clear that it is the charging scheme applied by the operator.

Question

6(e) Do you agree that the fixing of fares for private hire vehicles is unlawful, if your answer is No, please provide evidence to back up your assertion

6(f) Do you agree with the proposal to add an extra condition to the licence requiring the display of a fare table?

7. Appendix C – Application Procedures

Hackney Carriage Ownership

It has been accepted practice over the years for hackney “plate owners” to rent out their licence to a vehicle owner. Problems then arise because the holder of the licence has little if no control over the maintenance and upkeep of the vehicle. Many licence holders do not see it as their responsibility when in reality it is

In law there is no such entity as a “plate owner”. Blackpool Council licences hackney carriages and hackney carriage drivers. The Council attaches plates to licensed vehicles however these plates remain the property of the Council at all times.

To ensure that applicants are acting in accordance with the law, it will become policy that no new/renewal application for a hackney carriage licence will be considered unless the applicant is either the vehicle owner or joint owner. The applicant must also demonstrate that they have an insurance policy in their name to cover the use of the vehicle as a hackney carriage.

Question

7(a) Do you agree that that vehicle licence holders should own the vehicle and be responsible for insuring the vehicle?

If your answer is No, please explain why

Vehicle Transfers

A proprietor of a licensed hackney carriage or private hire vehicle may transfer their interest in the vehicle to another person but under section 49 of the Local Government (Miscellaneous Provisions) Act 1976, must ensure that the Council is notified of the new proprietor’s name and address within 14 days. The Council requires that applications to transfer a licence must be made on the prescribed application form in accordance with the procedure set out in Appendix C. In particular there is a requirement for both parties to attend the Council’s offices in person, by prior arrangement to sign a declaration in the presence of a licensing officer.

To be inserted into Appendix C

Transfer applications

Both parties will be required to complete the transfer application form and bring with them:

- Evidence that the vehicle is appropriately insured for either public or private hire
- The vehicle registration document issued by DVLA showing the change of ownership (or a “New Keeper Supplement part of the registration document if the applicant is awaiting the full document from the DVLA)
- The current Certificate of Compliance
- The fee

These documents must be brought to the Council Officers by both parties together by prior arrangement. The signing of the transfer form must be carried out in front of a member of the Licensing Team in order to confirm that the present licence holder is aware of the transaction and ensure as far as possible that they are not under duress.

Question

7(b) Do you agree with the proposed procedure?

8. Appendix D

Private Hire Vehicle Licence Conditions

- a. This licence shall remain the property of Blackpool Council.
- b. At all times during the period of this licence there shall be in force in relation to the use of the vehicle as a private hire vehicle, a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988
- c. The proprietor shall notify the Council in writing of any change in his address during the period of this licence within 7 days of such change taking place.
- d. Communication Equipment
 - i) Radio or other data communication equipment must be fitted for use in the communication of bookings from the Private Hire Operators base station and may only operate on the frequency allocated by Ofcom, to the licensed operator to which the vehicle carries out bookings.
 - ii) The radio or other data communication equipment must be fitted in a manner approved by the Council and maintained in a safe condition and in working order at all times

- iii) Where the radio or other data communication equipment is the property of an operator or agent acting for the operator, the equipment must be returned to the operator or agent within 72 hours of ceasing to work for that operator.
 - iv) The carrying or use of scanning equipment is not permitted within a licensed vehicle
- e. Vehicles with Dual fuel or “after market” liquid petroleum gas (LPG) systems must be tested and certified by a recognised Liquid Petroleum Gas Association accredited installer. For vehicles that have an LPG system fitted during the currency of a private hire vehicle licence, they must inform the Licensing Service in writing and produce the above certification within 7 days.
- f. No alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the written approval of the Council
- g. Any damage to the vehicle materially affecting the safety, appearance or performance of the vehicle or the comfort or convenience of passengers shall be reported to the Council as soon as reasonably practicable and in any event within 72 hours of the occurrence of the damage
- h. Immediately upon sustaining any damage which materially affects the safety or performance of the vehicle or comfort or convenience of passengers, the vehicle must be withdrawn from service until an authorised officer has inspected the damage.
- i. The licence disc shall be securely affixed to the near side upper interior of the front windscreen so that the particulars are clearly visible to persons outside the vehicle.
- j. The licence disc shall remain the property of the Council at all times and shall be returned to the Council in the event of the surrender, suspension or revocation of the licence.
- k. The proprietor shall report to the Police and to the Council the loss or damage to the licence disc as soon as the loss or damage becomes known.
- l. A licence in respect of which the fee has been paid either in part or in full by a cheque or credit/debit card shall be of no effect in the event that of that payment being subsequently dishonoured.

Question

- 8. Do you agree that the proposed conditions are suitable and sufficient? Please detail any conditions that you believe should be added or removed from the list together with your reasons.

9. Appendix G - Operator licence conditions

Currently there are a number of conditions attached to a private hire operator's licence.

Prior to each journey the operator is required to enter the following details of each booking into their records:

- Date of booking
- The name of the hirer
- The time of the pick up
- The address of the pick up
- The time at which a driver was allocated to the booking
- The plate number (or other identification) of the vehicle allocated.

The operator shall keep records of the particulars of all private hire vehicles operated by him/her, such details to include:

- Type, make, model, colour and engine size
- The year when the vehicle was first licensed for private hire
- Vehicle registration number
- The number of seats for passengers
- Owners
- Copy of the current insurance certificate
- Whether a meter is fitted
- Private hire vehicle plate number
- A copy of the private hire vehicle licence

The operator shall keep records of the particulars of all drivers of private hire vehicles operated by him/her, such details to include:

- Details as to the drivers of the vehicles and their call signs
- Details of when any new driver begins service
- Details of when any drivers service ceases
- Details of any change of address of any driver in service
- If he/she becomes aware that any driver is suffering from any illness, disability or condition that may affect the driver's ability to safely carry out his/her duties, details of that information
- Expiry date of drivers badge
- A copy of the private hire driver's licence
- A copy of the DVLA licence (card and counterpart)

Questions

9(a) Should operators be required to note the destination at the time of booking?

9(b) Are the existing conditions still fit for purpose or should the Council consider amendments to them?

Summary of questions

1. Do you agree with the approach to dealing with vehicles that are not on the approved list that have been licensed in error?

2(a) Do you agree that all vehicles licensed to carry more than four passengers should be wheelchair accessible? If so should this requirement be extended to private hire vehicles?

2(b) Should the Council await the outcome of the Law Commission review before considering changes to its policy on accessible vehicles?

3. Should the maximum age of all vehicles be held at 14 years, or should the age limit be reduced to 10 years (12 for wheelchair accessible vehicles). Please provide evidence to support your opinion

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4(b) what impact (if any) is there likely to be on vehicle standards?

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6(a) what would be the impact on the trade of phasing out vehicles with a rear passenger exit on only one side of the vehicle?

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6(c) Are some door stickers being used by private hire companies designed to be similar to those used on hackney carriage vehicles? Does the design of some signs lead to possible confusion with hackney carriage vehicles?

- 6(d) Does the area code on the phone number aid touting?
- 6(e) Do you agree that the fixing of fares for private hire vehicles is unlawful, if your answer is No, please provide evidence to back up your assertion
- 6(f) Do you agree with the proposal to add an extra condition to the licence requiring the display of a fare table?

- 7(a) Do you agree that that vehicle licence holders should own the vehicle and be responsible for insuring the vehicle?

If your answer is No, please explain why

- 7(b) Do you agree with the proposed procedure?

- 8. Do you agree that the proposed conditions are suitable and sufficient? Please detail any conditions that you believe should be added or removed from the list together with your reasons.

- 9(a) Should operators be required to note the destination at the time of booking?

- 9(b) Are the existing conditions still fit for purpose or should the Council consider amendments to them?