

<b>Title of Report:</b>	<b>Hackney Carriage Conditions</b>
<b>Report to be considered by:</b>	Licensing Committee
<b>Date of Meeting:</b>	20th June 2012
<b>Forward Plan Ref:</b>	n/a

**Purpose of Report:** To inform Members of a request from the Taxi/Private Hire Associations to introduce a condition which requires private hire vehicles to have a mechanical inspection, in line with taxis.

**Recommended Action:** To consider the report

**Reason for decision to be taken:** Formal request from the trade

**Other options considered:** None

**Key background documentation:** None

The proposals contained in this report will help to achieve the following Council Strategy priority(ies):

- CSP1 – Caring for and protecting the vulnerable**
- CSP2 – Promoting a vibrant district**
- CSP3 – Improving education**
- CSP4 – Protecting the environment**

The proposals will also help achieve the following Council Strategy principle(s):

- CSP5 - Putting people first**
- CSP6 - Living within our means**
- CSP7 - Empowering people and communities**
- CSP8 - Transforming our services to remain affordable and effective**
- CSP9 - Doing what's important well**

The proposals contained in this report will help to achieve the above Council Strategy priorities and principles by:

<b>Portfolio Member Details</b>	
<b>Name &amp; Telephone No.:</b>	Councillor Hilary Cole - Tel (01635) 248542
<b>E-mail Address:</b>	hcole@westberks.gov.uk
<b>Date Portfolio Member agreed report:</b>	8 June 2012

<b>Contact Officer Details</b>	
<b>Name:</b>	Brian Leahy
<b>Job Title:</b>	Senior Licensing Officer

<b>Tel. No.:</b>	01635 519184
<b>E-mail Address:</b>	bleahy@westberks.gov.uk

## **Implications**

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<b>Policy:</b>	The Council has a policy of applying conditions to taxis and private hire vehicle licences.
<b>Financial:</b>	None
<b>Personnel:</b>	None
<b>Legal/Procurement:</b>	None
<b>Property:</b>	None
<b>Risk Management:</b>	None
<b>Equalities Impact Assessment:</b>	None
<b>Corporate Board's Recommendation:</b>	None Required

## **Executive Summary**

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### **1. Introduction**

- 1.1 Hackney Carriage and Private Hire vehicles are required, by condition, to be mechanically examined as per the Council's Standard Conditions.
- 1.2 A request has been received for the inspection of private hire vehicles to be brought into line with that of hackney carriages.

### **2. Proposals**

- 2.1 If Members agree to add this condition it is proposed that the condition will take effect from 1<sup>st</sup> July 2012.

### **3. Conclusion**

- 3.1 The revised mechanical inspection criterion will have the effect of ensuring that older vehicles presented for licensing have had a recent MOT and thus, the Council can be reasonably assured that the vehicle's mechanical safety meets both the Council's and the public's expectations. (taking into consideration that the MOT confirms only the roadworthiness of the vehicle at the time of the inspection.)

# Executive Report

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## 1. Introduction

- 1.1 Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 gives a provision to the local Authority to attach such conditions, as the Council may believe are necessary, to the grant of a hackney carriage vehicle licence, issued under the Town Police Clauses Act 1847.
- 1.2 Under the present hackney carriage conditions, a vehicle is required to comply with the following condition in respect of vehicle inspections;
  - 1.2.1 Each hackney carriage vehicle presented for licensing must have a valid VOSA MOT if over 1 year from first registration.
  - 1.2.2 A valid MOT must be presented for each renewal of the vehicle licence.
  - 1.2.3 Where a vehicle is up to 6 years old, the VOSA MOT and the Council Test is required for each renewal.
  - 1.2.4 Vehicles from 6 to 8 years old will require an interim VOSA MOT test certificate at the 6 month stage and those over 8 years will require a VOSA MOT test 3 times per year.
  - 1.2.5 A test certificate will be required to be produced from the garage carrying out the test.
- 1.3 Section 48 of the same Act provides for the Council to attach to the grant of a Private Hire vehicle licence such conditions as it believes are necessary.
- 1.4 Under the current private hire conditions, a vehicle is required to be inspected as for hackney carriages, with the exception that the initial VOSA MOT is only required when the vehicle is 3 years old.
- 1.5 A request was made in February 2012 to bring the MOT inspection for private hire in line with the condition for hackney carriages.
- 1.6 This proposal suggests that an MOT inspection be carried out within 4 weeks prior to initial licensing for a used vehicle and for a brand new vehicle, 1 year after first registration of the vehicle. It also suggests that any advisory items shown on the test certificate be dealt with within 7 days or the licence would be suspended until such time as the defects have been repaired/replaced etc.
- 1.7 The suggested benefits of this proposal are that the administrative process would be made simpler by the MOT and renewal of the licence being together, and would also improve safety by making the vehicle better fit for purpose. i.e. inspected from year 1 as opposed to year 3.

## 2. Consultation

- 2.1 The proposal was put out to consultation with the trade in the February 2012 newsletter. The consultation period ran until the 1<sup>st</sup> June 2012, by which time only

one comment had been received, despite over 450 newsletters being sent out to the trade. This one comment was in favour of the proposal.

2.2 The matter was discussed at the taxi and private hire liaison meeting held on the 18<sup>th</sup> May 2012, where it was agreed that the request could be put to Members, without opposition from either the liaison group or those members of each trade who had been consulted.

2.3 A further consideration to this proposal is that the MOT inspection for a used vehicle presented for hackney carriage licensing, should also meet the same standards. i.e. MOT no later than four weeks prior to being licensed.

## Appendices

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Appendix A – Equalities Impact Assessment

Appendix B – Letter from Theale Meter Services

## Consultees

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**Local Stakeholders:** Taxi and private hire licence holders

**Officers Consulted:** Paul Anstey

**Trade Union:** None

## Appendix A

### Equality Impact Assessment – Stage One

<b>Name of item being assessed:</b>	Hackney Carriage Conditions
<b>Version and release date of item (if applicable):</b>	V.1
<b>Owner of item being assessed:</b>	Steve Broughton
<b>Name of assessor:</b>	Brian Leahy
<b>Date of assessment:</b>	11 June 2012

<b>1. What are the main aims of the item?</b>
Taxi condition variation

<b>2. Note which groups may be affected by the item, consider how they may be affected and what sources of information have been used to determine this.</b> (Please demonstrate consideration of all strands – age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation)		
<b>Group</b>	<b>What might be the effect?</b>	<b>Information to support this.</b>

<b>Affected</b>		
N/A		
<b>Further comments relating to the item:</b>		

<b>3. Result</b> (please tick by clicking on relevant box)	
<input type="checkbox"/>	<b>High Relevance</b> - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/>	<b>Medium Relevance</b> - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/>	<b>Low Relevance</b> - This needs to undergo a Stage 2 Equality Impact Assessment
<input checked="" type="checkbox"/>	<b>No Relevance</b> - This <b>does not</b> need to undergo a Stage 2 Equality Impact Assessment

**For items requiring a Stage 2 equality impact assessment, begin the planning of this now, referring to the equality impact assessment guidance and Stage 2 template.**

<b>4. Identify next steps as appropriate:</b>	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	
Stage Two not required:	X

**Name:** Brian Leahy

**Date:** 11 June 2012

## Appendix B

*Taxi Meter Services Est.: 1990*  
Sales & Service to the Taxi & Private Hire Industry  
17 High Street  
Theale  
Reading  
RG7 5AH  
01189302345 / 07795840115  
R J Brown

*Mr. Brian Leahy (Senior Licensing Officer)*  
West Berkshire Council  
Market Street  
Newbury  
Berkshire

12-01-2012

### **RE: Hackney Carriage and Private Hire Vehicle Testing**

Dear Brian,  
Hackney Carriage vehicles have their first MOT (VOSA) 1 Year after first registration of the vehicle.

Private Hire Vehicles have their first MOT (VOSA) 3 Years after first registration of the vehicle.

I believe Private Hire Vehicles should be tested in line with Hackney Carriage Policy, 1 Year after first registration of the vehicle.

To ensure Private Hire Vehicles Licensed by West Berkshire Council (WBC) are fit for purpose. I propose that a condition of licensing would mean that an MOT inspection is carried out within four weeks prior to Initial Licensing for a used vehicle, and a brand new vehicle 1 Year after first registration of the vehicle.

This would mean issuing a VT20/TRE pass document at this time. This would ensure that the MOT would run in tandem with the issue of Vehicle License, This will save officers and admin staff time and money.

If Advisory Items were noted on the VT20/TRE pass document, that a condition of licensing would be that the items should be rectified within SEVEN working days, and the Licensed Proprietor to furnish proof of repairs. This will ensure a vehicle fit for purpose.

Yours sincerely  
Richard Brown  
07795840115 24/7  
E-mail richardjohnbrown@btopenworld.com