

<b>TITLE</b>	<b>Criteria Policy For Licensed Vehicles</b>
<b>FOR CONSIDERATION BY</b>	Licensing and Appeals Committee 21 March 2018
<b>WARD</b>	Non-specific
<b>DIRECTOR</b>	Sean Murphy - Public Protection Manager

## **OUTCOME / BENEFITS TO THE COMMUNITY**

It is good practice to keep policies under review and where necessary update them so they better reflect the present need within the local area and national agenda. The amendments proposed to the policy are with a view to improving the quality and overall standard of the vehicles being licensed by the Council, and also allow the licensing of electric vehicles. The other changes proposed seek to provide clarity in respect of tinted windows and wheelchair accessibility to ensure licence holders are clear about the requirements for a vehicle to be suitable for licensing.

## **RECOMMENDATION**

That the Committee agrees:

- i) That a consultation exercise will be carried out with all existing hackney carriage and private hire licence holders and any other interested parties in respect of amendments to the policy containing the criteria for licensed vehicles, and
- ii) That any responses to the consultation will be reported for consideration at a future meeting of the Committee.

## **SUMMARY OF REPORT**

Members of the Committee are asked to consider a consultation exercise in respect of amendments to the policy containing the criteria for licensed vehicles. The proposed changes to the policy can be found at Annex A.

## **Background**

Attached at Annex A are the proposed amendments to the criteria policy for licensed vehicles. In the main these relate to the type of vehicles to be licensed, and the changes seek to provide clarity and ensure a high standard of licensed vehicle to be operated within Wokingham Borough. The amendments are shown in bold italics under the relevant current section.

The aim will be to bring this matter back for further consideration in June, following a consultation with the licensed trade on the proposed changes.

## Analysis of Issues

If the authority does not have a robust policy in place then there is an increased risk of successful challenges to decisions made by the Council.

### FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

*The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.*

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	No impact	N/A	N/A
Next Financial Year (Year 2)	No impact	N/A	N/A
Following Financial Year (Year 3)	No impact	N/A	N/A

#### Other financial information relevant to the Recommendation/Decision

None

#### Cross-Council Implications

There are no implications arising from the recommendation in this report.

#### List of Background Papers

TXD059 Hackney Carriage and Private Hire Licensing Policy

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**Excerpt from TXD059  
Policy in relation to Hackney Carriage and Private Hire Vehicle Licences**

**2.1 General**

No proposed changes

**2.2 Vehicle Standards**

2.2.1 No vehicle shall be licensed unless it;

- i. has undertaken and passed the Hackney Carriage and Private Hire Vehicle Test, at a Wokingham Borough Council nominated garage.
- ii. is right hand drive, except where the vehicle is a stretch limousine
- iii. can carry a minimum of four passengers (excluding the driver)
- iv. has a minimum of four doors for driver and passenger access and egress.
- v. has an engine capacity of 1599cc or above
- vi. provides a clear seat width of at least 16 inches for each passenger
- vii. has a seat depth of at least 17.5 inches
- viii. has a knee space of at least 21.5 inches (measured from the rear of the seat in front to the front of seat)
- ix. has a rear height of at least 30 inches (top of the seat to the roof; measured from the point of contact between the seat cushion and the back of the seat).
- x. has no more than 8 passenger seats (in addition to the driver's seat).
- xi. has provision for every passenger to wear a seat belt. A sign must be displayed inside the vehicle requiring seat belts to be worn.

**Amend to remove from 2.2.1 (iii-x) and replace with the following:**

***From \*date TBC\*, new vehicle licences shall only be issued for vehicles which fall within the following Euro NCAP categories:***

- (i) Large family***
- (ii) Executive***
- (iii) Small MPV (for 4 passengers only)***
- (iv) Large MPV***
- (v) Large Off-Road 4x4***

***Any vehicles which do not fall within the appropriate Euro NCAP may be considered for licensing on a case by case basis. In particular it is envisaged that exceptions could be made for 'green' vehicles such as the Toyota Prius. However these vehicles will only be licensed for an appropriate number of passengers depending on the number of seats and internal dimensions of the vehicle, with a minimum seat width and depth of 16" (41cm) per passenger. It is recommended that prior to purchasing any such vehicle, advice be sought from the Licensing Team.***

2.2.2 Vehicles with tinted windows will be considered, however, the glass on the driver's compartment must satisfy the standards contained in the Road Vehicles (Construction and Use) Regulations 1986.

**Amend to remove and replace with the following:**

***All licensed vehicles (except for private hire vehicles with a dispensation) must meet the following requirements:***

***(i) Light transmitted through the windscreen must be at least 75%***

***(ii) All other windows (both front and rear) must allow at least 70% of light to be transmitted***

***Where currently licensed vehicles have factory tinted/privacy glass fitted and are able to provide documentary evidence of this, they will remain licensed until the vehicle reaches the maximum licensable age in accordance with the existing age of vehicle policy.***

***Where currently licensed vehicles have had a tinted film fitted to the vehicle (i.e. not factory fitted at time of manufacture), they will be required to have the film removed prior to the next vehicle inspection. Failure to do so will result in the vehicle failing the inspection.***

2.2.3 and 2.2.4 No changes proposed

## **2.3 Additional Requirements for Stretch Limousines**

No proposed changes

## **2.4 Insurance**

No proposed changes

## **2.5 Age of vehicles**

2.5.1 and 2.5.2 No proposed changes

2.5.2 When making a Hackney Carriage vehicle licence application, a vehicle must be less than five years old from the date of first registration, unless the application is for the renewal of a licence. No Hackney Carriage vehicle licence will be issued for a vehicle that exceeds 15 years old, from the date of first registration.

**Amend to remove and replace with the following:**

***When making a Hackney Carriage vehicle licence application, a vehicle must be less than five years old from the date of first registration, unless the application is for the renewal of a licence. No Hackney Carriage vehicle licence will be issued for a vehicle that exceeds 10 years old from the date of first registration.***

2.5.3 No proposed changes

**Add new condition 2.5.4 as follows:**

**2.5.4 In cases where a vehicle has done an abnormally low mileage and is in exceptional condition (see below), it may, on application, be granted an extension on the age limit. Any such application must be received in writing by the Licensing Team at least 3 months prior to the date upon which the vehicle reaches its age of vehicle expiry date. The vehicle may be subjected to a visual inspection. The vehicle owner will receive a decision in writing within 10 working days after the inspection. Any extensions granted may be subject to certain conditions.**

**Abnormally Low Mileage**

**The Council will not regard a vehicle as having travelled an abnormally low mileage in the following circumstances:**

- 1. A vehicle intended for normal private use with a mileage in excess of 200,000 miles, or**
- 2. A wheelchair accessible vehicle with a mileage in excess of 300,000 miles, or**
- 3. A private hire vehicle which meets the criteria to be licensed with a dispensation with a mileage in excess of 300,000 miles.**

**Exceptional Condition**

**A vehicle will not be regarded as in “exceptional condition” unless documentary evidence has been presented to the Council that the vehicle has been regularly serviced and maintained in line with the manufacturer’s servicing schedule.**

**When considering the exterior and interior of the vehicle the following matters will be taken into consideration in judging if the condition is exceptional. A single item, depending upon the extent of damage or cosmetic appearance, will not necessarily result in refusal to extend the use of the vehicle but 2 or more items in all areas will require correction, replacement or repair for an extension to be granted.**

**Exterior of vehicle**

- 1. The exterior paintwork on the vehicle should not:**
  - a) shows signs of rusting**
  - b) be faded or show signs of mismatched paint repairs**
  - c) have 5 or more stone chips greater than 2mm in length in any direction**
  - d) have 8 or more stone chips of any size**
  - e) have any scratches, cracks or abrasions where the top layer of paint has been removed.**
- 2. The exterior bodywork of the vehicle should not:**
  - a) have 2 or more dents greater than 10mm in length in any direction**
  - b) have 4 or more dents less than 10mm in length in any direction**
  - c) have fittings that are missing, broken or damaged.**
- 3. Have wheels and wheel trims that have significant damage which detracts from the overall excellent condition of the vehicle.**

4. ***The vehicle must be submitted for inspection in a clean state such that an effective inspection is possible. Should the vehicle be submitted in an unclean state then the application shall be refused.***
5. ***The engine compartment must not be in a dirty condition or have evidence of leaks including water, oil or hydraulic fluids.***

#### ***Interior of vehicle***

6. ***The seating and carpet areas of the vehicle shall not show signs of:***
  - a) ***staining***
  - b) ***damp***
  - c) ***fraying or ripping of the material***
  - d) ***seat covers that are loose or badly fitted.***
7. ***The seats should provide sufficient support for comfortable travel and should not demonstrate excessive compression of the seating area or wear within the support mechanism.***
8. ***Interior panels and fittings within the vehicle should not be damaged nor show excessive wear, or staining.***
9. ***The interior of the vehicle should not have damp or other obnoxious smells.***

#### **2.6 Advertising**

No proposed changes

#### **2.7 Temporary Replacement Vehicles**

No proposed changes

#### **2.8 IVA**

No proposed changes

#### **2.9 Disabled Access**

##### **2.9.1 Vehicle Standards**

A Hackney Carriage Vehicle licence will not be issued (other than by way of renewal) to any vehicle, unless it is accessible for disabled persons. All vehicles subject to a Hackney Carriage Vehicle application and those Private Hire Vehicles which have been adapted or manufactured for disabled access must comply with the following standards in addition to those detailed in the paragraphs above;

- i. The vehicle must be able to accommodate a fully grown adult passenger **whilst seated** in their wheelchair (i.e. there must be adequate headroom for the passenger).

- ii. Seats should not have to be removed to in order to accommodate a wheelchair.
- iii. The ramp(s) must be carried within the vehicle at all times. There should be suitable means of securing the ramp(s) safely away, this should include an adequate locking device to ensure that the ramp(s) do not slip or tilt when they are used.
- iv. There must be a means of securing both the wheelchair and its occupant when the vehicle is in motion.
- v. Seats must be suitable to allow all persons, in particular the elderly and disabled, easy access into and egress out of the vehicle. Additional handholds/grab rails and a portable step should be provided if necessary.

**Amend to add the following to 2.9.1**

***All wheelchair accessible vehicles must be capable of accommodating an adult in a DfT reference wheelchair in the passenger compartment. A wheelchair space shall not be less than—***

- (i) 1300mm measured in the longitudinal plane of the vehicle;***
- (ii) 750mm measured in the transverse plane of the vehicle; and***
- (iii) 1500mm measured vertically from any part of the floor of the wheelchair space;***

***Any entrance or exit which is intended to provide access for a wheelchair user shall have a clear unobstructed width of not less than 800mm.***

**2.9.2 Vehicle Type Approval**

Where a vehicle has been manufactured for disabled access, the applicant will need to provide a VCA certificate confirming that the vehicle has been built in compliance with British Safety and Environmental Standards.

**Amend to remove and replace with the following:**

***All vehicles that are designed to accommodate wheelchair users must have all modifications and adaptations, including all seats, seat belts and anchorages, retested to meet either the European Whole Vehicle Type Approval or the UK Low Volume Type Approval in the M1 category (evidence of this must be produced). Those vehicles which have not been “type approved” to the M1 category (e.g. conversions) must be presented with approved certification that the specific vehicle meets the requirements of that category. Vehicles may be inspected for suitability by an officer. It is recommended that prior to purchasing any new vehicle, advice be sought from the Licensing Team.***

NB A technical specification with regard to the dimensions and standards required of wheelchair accessible vehicles may be introduced by the Department for Transport under the Act at some time in the future.

**Roof Signs**

No proposed changes

**2.10 Dispensation Certificates**

No proposed changes

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