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| TITLE | Criteria Policy for Licensed Vehicles |
| FOR CONSIDERATION BY | Licensing and Appeals Committee 4 September 2018 |
| WARD | None-specific |
| DIRECTOR | 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 the proposed amendments to the criteria policy for licensing of vehicles as outlined at Annex A, subject to and any further amendments the Committee may wish to make.

SUMMARY OF REPORT

The comments received during the consultation process are attached as annexes to the report, and have been summarised below with officer observations on those comments.

Background

Attached at Annex A is the document which was sent out for consultation, with the proposed amendments shown in bold italics under the relevant current section. In addition, notes from the recent Task and Finish Group have been added to confirm recommendations from the Group.

The responses to the consultation are attached at Annexes B to H. Five of the responses (Annexes B to F) are individual responses from licensed drivers. A response was received from Wokingham Borough Hackney Carriage Association on behalf of their members (approximately 50 licensed drivers) and this is at Annex G. One further response was received from the Environmental Quality Team, which can be found at Annex H.

The key issues highlighted in the responses at Annexes B to G appear to be as outlined in the following table, with officer response to the comments as appropriate in the second column.

| Annex | Comment | Officer response |
|---------------|---|---|
| B | Would like exception made for existing licensed vehicle which has tinted windows and no air conditioning for passenger comfort | |
| C, D, F and H | <p>Against proposed reduction of age limit, existing licensed vehicles should be entitled to remain licensed up to 15 years of age.</p> <p>Mileage checks will encourage mileage tampering.</p> <p>An independent organisation should assess the vehicle for suitability.</p> | <p>The proposed extension to age limits as set out in 2.5.4 seeks to allow extensions where appropriate.</p> <p>Mileages can be recorded on inspections to ensure there is a history and pattern of use, to prevent mileage tampering.</p> <p>Officers will look into the use of an independent organisation to carry out age of vehicle extension inspections, but it should be noted that this may not be viable and may carry an additional cost which would fall on the trade to cover.</p> |
| C | Neighbouring authorities do not have a wheelchair policy | West Berkshire does have a wheelchair accessibility policy along with Bracknell Forest and Reading. According to DfT statistics, 58% of licensed taxis in England were wheelchair accessible at the end of March 2017, and 183 authorities (62%) required wheelchair accessible vehicles in all or part of their fleet. |
| D | Decision made by the Council under s163 of the Equality Act is illegal | This part of the Equality Act is not in force; officers compiling this report are not aware of any suggestion that we are using said provision. |
| D, G | Council should make provision for hybrid and electric vehicles (annex D suggests these cannot take wheelchair users) | It has been noted that electric wheelchair accessible 'TX' vehicles are already in operation in London, and the Nissan eNV-200 is another example of an electric wheelchair accessible vehicle. |
| E | Suggestion that vehicles with M1 certification are suitable for wheelchair access | Definition of category M1 by VCA: Vehicles designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the driver's seat. |

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| <p>E, F and G</p> | <p>Comments on size requirements for wheelchair space</p> | <p>The initial proposed size requirements came from the DfT, in respect of public service vehicles.</p> <p>However following additional research and the comments received, it is proposed to amend the measurements to the following:</p> <p><u>The door shall be of minimum usable dimensions 745mm wide x 1350mm high to gain access to the wheelchair space. The wheelchair space shall be at least 1250mm long x 780mm wide with 1370mm headroom minimum.</u></p> <p>Using the eNV-200 as mentioned above, this has the following specification:</p> <p style="padding-left: 40px;">Entry height: 1418mm Headroom: 1470mm Floor length: 1250mm Door width: N/K Ramp width: 735mm</p> <p>And same for the TX vehicle:</p> <p style="padding-left: 40px;">Entry height: 1370mm Headroom: N/K Floor length: 1280mm Door width: 842mm Ramp width: 714mm</p> |
| <p>E, F</p> | <p>Comments on the proposed list of designated vehicles under the Equality Act 2010</p> | <p>Section 167 of the Act permits authorities to maintain a designated list of wheelchair accessible taxis and PHVs. Whilst authorities are under no specific legal obligation to maintain a list under section 167, the Government recommends strongly that we do so. Without such a list the requirements of section 165 of the Act do not apply, and drivers may continue to refuse the carriage of wheelchair users, fail to provide them with assistance, or to charge them extra. The list will help ensure that passengers in wheelchairs are better informed about the accessibility of the taxi and PHV fleet in their area, confident of receiving the assistance they need to travel safely, and not charged more than a non-wheelchair user for the same journey.</p> |

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| G | Written confirmation of vehicles which meet each Euro NCAP category will be useful | Officers will look to develop this if the policy is introduced. There is a similar document already in use in other local authority areas |
| G | Dispensation vehicles should not be allowed to breach the VOSA guidelines in respect of tinted windows | The proposal for dispensation vehicles to be exempt is only in respect of rear windows – the VOSA guidelines do not cover these windows |
| G | Vehicle type approval – does this affect existing vehicles? | To clarify, this is in respect of new vehicle licences issued and would not be applied retrospectively, and seeks to avoid situations where drivers may purchase an unsuitable vehicle. The policy is flexible to allow other type approvals if the vehicle meets all requirements and has certification to prove the vehicle is fit for purpose |
| G | All new hackney carriages should be wheelchair accessible, have ECWVTA certification and be either hybrid, electric or capable of producing zero emissions | |
| G | All licensed vehicles should be transferable | |
| G | There should be a specific tariff for Henley Regatta | Not relevant to vehicle policy, but officers will consider as a future item |
| G | Smaller engine sizes should be incorporated | This is the reason behind the suggestion to remove vehicle engine size and replace with Euro NCAP categories which denote the size of vehicles deemed appropriate for use as licensed vehicles, to ensure passenger comfort |
| G | Driver appearance and dress code | Not relevant to vehicle policy, but officers will consider as a future item |
| G | Licensed vehicles user surveys | The consultation was added to the Council's portal, no comments were received from the public |

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.

Reasons for considering the report in Part 2

None

List of Background Papers

TXD059 Hackney Carriage and Private Hire Licensing Policy

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| Date 7 August 2018 | Version No. 1.1 |

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

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.

Notes from Task and Finish Group Meeting:

- LD to check whether vehicles in the Business and Family Van class could also be licensed – this would include the V class Mercedes

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.

Notes from Task and Finish Group Meeting:

- To add a note to the policy that any windows or glass replaced on a vehicle must maintain compliance with the above specification

2.5 Age of vehicles

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.

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.*

Notes from Task and Finish Group Meeting:

- Southampton has different age policy for hybrid/electric vehicles – could consider a higher age of vehicle for hybrid and electric vehicles
- Suggest amend the above to remove the mileage requirement and require the driver to have an independent advanced vehicle inspection – such as that carried out by the RAC for £239 – with the cost to be borne by the vehicle proprietor

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.

The door shall be of minimum usable dimensions 745mm wide x 1350mm high to gain access to the wheelchair space. The wheelchair space shall be at least 1250mm long x 780mm wide with at least 1370mm headroom minimum from floor to ceiling.

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.

Notes from Task and Finish Group Meeting:

- LD to investigate possibility of having a specific rank gradient condition
- Amended wording of measurements condition to remove the word ‘headroom’ and replace with ‘floor to ceiling’
- This requirement would come into effect immediately for any new vehicles, and within a certain time period for existing vehicle licences, such as 3 or 5 years.