

- 1.2 At the meeting held on 19 October 2010, this Committee considered the existing policy. Despite a recommendation from officers to completely de-restrict the number of licences but only issue new licences to purpose built wheelchair accessible vehicles meeting certain conditions, the Committee instead opted to make available from 1 January 2011 a further five additional licences subject to the conditions set out in Annex 1 attached to this report.

2 Background

- 2.1 As at the date of writing this report none of these further five licences has been issued despite officers receiving a number of informal enquiries regarding the matter. Although it is not possible to say categorically, anecdotal evidence suggests that the primary reason for none of the licences being issued is the high cost associated with purchasing a vehicle that would meet the conditions set out in Annex 1. In 2010 officers believed that these conditions were the most appropriate in affording an opportunity to any person wishing to embark upon a career in the hackney carriage trade whilst maintaining high vehicle quality standards. However, with the benefit of hindsight it is apparent that these conditions are onerous and possibly preventing access into the trade and thus restricting provision to the public.
- 2.2 In addition, the Borough Council continues to receive complaints about the unavailability of wheelchair accessible vehicles and in particular for the Romsey area where currently there are no such licensed vehicles. At present a Romsey resident is dependant upon using a wheelchair accessible vehicle from Andover or an adjoining council area e.g. Eastleigh or Southampton.
- 2.3 In view of this officers feel now is an appropriate time to review the current policy and consider a change to the conditions attached to the issue of the five extra licences with a view to ensuring that where possible the Borough Council is providing a fair opportunity for those wishing to license such a vehicle. Whilst there are issues associated with this recommendation it is important to make decisions that's should be approached in the interests of the travelling public as a whole.

3 Corporate Objectives and Priorities

- 3.1 None; the licensing of hackney carriages is a statutory function of the Borough Council.

4 Consultations/Communications

- 4.1 Test Valley Taxi Association has been provided with a copy of this report and any response will be reported verbally at the meeting. The Council's Vehicle Inspector (Environmental Services Transport Manager) has been consulted upon this change and is in support of the proposed changes.

5 Options

- 5.1 The Borough Council could maintain the status quo but for the reasons already mentioned officers no longer feel this is appropriate. Officers consider it necessary to review the conditions attached to the issue of the additional five hackney carriage licences with a view to ensuring that they are not acting as a bar to potential licence applicants but at the same time keeping the conditions at a level which will maintain high vehicle standards. Members are reminded that public safety is the primary licensing test not that of employment or business related issues. Equally, it must be considered that taxis provide transport for many members of the public who may not have any safe alternative means of transport available to them.

6 Option Appraisal

- 6.1 Addressing the conditions attached at Annex A to this report, officers have reviewed conditions 2, 3 and 4 relating to vehicle type approval, vehicle age and side loading capability with a view to considering if any one of these conditions is acting as a bar to potential licence applicants.
- 6.2 That part of condition 4 relating to side access was implemented at the suggestion of advice from the Spinal Injuries Association who believes that side loading should be the standard adopted as the safest method of accessing taxis from taxi ranks and the street. There are a number of reasons for this. Being seated in the centre of a taxi is probably safer than being seated at the very rear of a vehicle and on looking at the majority of accessible taxis it is apparent that they have centre divisions which would provide passenger protection in the event of a side impact. Most rear loading taxis leave the wheelchair passenger right at the back of the vehicle in the rear impact zone. The need to have an alternative exit in the event of an accident is paramount and a side loading vehicle will always offer the passenger the opportunity to exit the vehicle from the other side in the event of an emergency. In the case of a rear loading vehicle, where the rear doors or tailgate are damaged, this would be impossible and it could be argued in the case of a public service vehicle is unacceptable. Accordingly it is proposed that this condition be retained.
- 6.3 Next, officers considered condition 2 relating to European Whole Vehicle Type Approval (EWVTA). The European Community provides a "type approval" system for the production of motor vehicles which is a legally binding set of regulations that vehicle manufacturers must meet. All vehicles from major manufacturers initially start with EWVTA; taxis are tested to M1 standard which is the standard for passenger carrying vehicles able to carry up to eight passengers. Examples of purpose built taxis with EWVTA include the traditional London style taxis such as the Fairway, TX and FX built by London Taxis International and the Metrocab. Vehicles which start as a basic motor vehicle but are then converted to being wheelchair accessible can be re-tested to obtain EWVTA and examples of such vehicles include the Citroen Eurotaxi, Fiat TW200 range, Peugeot E7, Volkswagen Eurocab and the Mercedes Benz M8 and Vito.

- 6.4 Converted vehicles which are not re-tested for EWVTA would instead be tested to either the European Community Small Series Type Approval (ECSSTA), National (UK) Small Series Type Approval (NSSTA previously known as UK Low Volume Type Approval) or Individual Vehicle Approval (IVA previously known as Single Vehicle Approval) standards set by the Vehicle and Operator Services Agency (VOSA). The differences between the type approvals are the EWVTA is a Europe wide scheme applying to all EC member states. The issuing of this approval will involve a prototype of the complete vehicle being inspected to check that its specifications match those contained in all the separate 48 EC directives. To be granted EWVTA, converted vehicles would be tested to the same M1 standard following the conversion including a crash test.
- 6.5 ECSSTA has been created for low volume car producers. Like EWVTA, ECSSTA will allow Europe wide sales but with technical and administrative requirements that are more adapted to smaller businesses. Manufacturers are limited to 1000 vehicles per type per year that can be produced in the whole of the European Union.
- 6.6 NSSTA is subject only to UK directives and allows manufacturers to produce a limited number (up to 500) of vehicles per calendar year. This standard applies to vehicles which are converted but testing will take place only on vehicle parts which have been adjusted and not all parts of the EWVTA. Also the NSSTA vehicles will not be crash tested following conversion. Vehicles subject to the IVA approval process will be subject to even less stringent checks and IVA is the most likely route for those manufacturing or importing single vehicles or very small numbers of vehicles. By way of an example, vehicles subject to the IVA standard will not be subject to a test of matters relating to door latches and hinges, mirror components, indirect vision, interior fittings, seat strength, installation of lights, forward vision, wheel guards, safety glass and tyres. Vehicles tested to EWVTA, ECSSTA and NSSTA will have to comply with all these matters.
- 6.7 The Borough Council has already received an informal request to review the requirement for EWVTA to apply on the five additional licences and to accept vehicles which have been subject to the IVA process. Whilst the Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guidance suggests that local authorities should accept any one of the four type approvals, officers argue that any vehicle utilising one of the additional five licences is being used for public service as a taxi and thus should meet the higher levels of type approval which are EWVTA, ECSSTA and NSSTA. Consequently it is recommended that condition 2 be revised to allow licences to be issued to vehicles holding European Whole Vehicle Type Approval, European Community Small Series Type Approval or National Small Series Type Approval.

- 6.8 This leaves condition 3 which requires any vehicle to be no more than 12 months old when first presented for licensing. At the time the conditions were adopted this particular condition was felt to be appropriate and was modelled on a condition used by Eastbourne Borough Council. However, anecdotal evidence by way of informal conversations between officers and potential applicants for the additional five licences suggests that this particular condition is preventing potential applicants from applying for a licence as a significant financial investment is needed to purchase a vehicle less than one year old. It is suggested that amending this condition to require a vehicle to be no more than three years old when first licensed would encourage more potential applicants.
- 6.9 As an example a new Peugeot E7 modern-style hackney carriage costs £23,995 (as at February 2012). However, a similar second hand vehicle on a 09 plate (i.e. slightly less than three years old) is available for £17,995 i.e. a reduction of £6,000 or 25%. It is likely that similar reductions would be available on other makes and models of purpose built and EWVTA converted taxi vehicles. In the current economic situation such a reduction may make the difference between a potential applicant considering applying for a licence and actually being able to afford to do so. Accordingly it is recommended that condition 3 attached to the grant of the additional five hackney carriage licences be amended to state that vehicles first presented for licensing must be not more than three years old from the date of first registration.

7 Resource Implications

- 7.1 There are no direct resource implications as a result of the proposed recommendation.

8 Legal Implications

- 8.1 There are no specific implications as a result of the proposed recommendation. The Borough Council still maintains a policy of restricting licence numbers and this will need to be reviewed if all five additional licences are issued.

9 Equality Issues

- 9.1 An Equalities Impact Assessment (EQIA) has not been undertaken as the proposed recommendation does not represent a significant policy change thus the EQIA initial screening undertaken when this matter was last considered in October 2010 still applies.

10 Other Issues

- 10.1 Community Safety – none specific although licensing of hackney carriages reduces the potential for illegal plying for hire by unlicensed vehicles and also licensed private hire vehicles.

- 10.2 Environmental Health/Sustainability Issues – the provision of hackney carriages may lead to slightly less reliance upon private motor vehicles, although the effects are more difficult to quantify.
- 10.3 Property Issues – none.
- 10.4 Wards/Communities Affected – none directly but indirectly the whole Borough and particularly Romsey and the surrounding environs where a need for wheelchair accessible vehicles has been identified.

11 Conclusion

- 11.1 The Borough Council continues to be in the minority of local authorities that restricts the number of hackney carriage licences with 35 vehicles currently licensed and a further five licences available for wheelchair accessible vehicles meeting certain conditions. Although these five licences have been available since January 2011 none has been issued. Evidence suggests that the conditions requiring vehicles to be of a specific type approval and also no less than one year old when first licensed are onerous and discouraging potential applicants. Thus it is proposed that these conditions be altered to require vehicles to be no more than three years old when first licensed and of any type approval standard other than Individual Vehicle Approval.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Reports to Licensing Committee 17 October 2006, 15 July 2009 and 19 October 2010			
Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guidance February 2010			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
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