



Planning, Health and Environment Division

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APPENDIX 2.

ENVIRONMENTAL HEALTH & LICENSING MANAGER : M. KAY, D.M.S., M.C.I.E.H.

FROM: Mr. J. Bulmer

MY REF: GJB/HET

YOUR REF:

DATE: 13th March 2007

Dear Addressee

Review of Hackney Carriage and Private Hire Conditions to reflect the Department for Transport's Best Practice Guidance

The Department for Transport has published to Local Authorities a 'Best Practice Guidance' in connection with the operation of Hackney Carriage and Private Hire Vehicles.

The Guidance is not mandatory, and it is up to individual Licensing Authorities to reach their own decision on policy and individual licensing matters.

Before the Council seeks to change any of the Licensing Conditions already contained within its Hackney Carriage Deregulation Plan 2005-2008, it must consult with various persons and representative bodies.

The Council welcomes the 'Guidance' and intends to use the Recommendations in consultation with other agencies, e.g. Police, Health and Safety, Taxi Trade Operators and Drivers, Local Businesses, Residents and User Groups.

It is proposed to consult on the Licensing Conditions contained in *Appendix 1* for a minimum of 12 weeks and the responses will be returned for the information of the Licensing and Environmental Committee.

Please find enclosed Appendix 1 which outlines:

- Reference to the 'Best Practice Guidance'
- Current Licensing Conditions
- Options to change
- Decisions with reasons

The Council is not advocating a total Review of its Current Policy, only those items which seem to be at variance with the 'Best Practice Guidance'.

The document is circulated for the formal consultation of Wyre Forest District Council's stakeholders on how it should proceed, and is a draft document suggesting the Council's proposal for ensuring a balanced approach toward the licensing of Taxis. It is intended as a basis for discussion.



INVESTOR IN PEOPLE

Continued/...

Licensing & Environmental Committee 03/09/07

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Head of Planning, Health and Environment, M. PARKER, B.A.(Hons.), B.T.P., M.R.T.P.I., Dip.Surv.

PLANNING POLICY : REGENERATION : ECONOMIC DEVELOPMENT + TOURISM : CONSERVATION : DEVELOPMENT + BUILDING CONTROL :
ENFORCEMENT : TREES : FOOD + SAFETY : HEALTH + SUSTAINABILITY : HOUSING : LICENSING : POLLUTION CONTROL

Nothing in this draft is to be taken as final, and all matters within it are open for debate, and could be subject to change that reflects comments through the consultation process.

This is your opportunity to comment on the Licensing Conditions in Appendix 1 to ensure that it provides the local balance between the commercial interests of the Taxi Trade and the local communities they serve and impact upon.

The Council seeks the views of all stakeholders within our community and you are invited to make comment on the content of the recommended changes that you feel would promote the protection of the public.

The current Vehicle and Operator Licensing Conditions, Department for Transport's Best Practice Guidance and related documents are on the Council's website at www.wyreforestdc.gov.uk

A 'hard' copy is available from the Licensing Team, Planning, Health and Environment Division, Wyre Forest District Council, Duke House, Clensmore Street, Kidderminster, Worcs. DY10 2JX.

PLEASE NOTE THAT YOUR COMMENTS SHOULD BE RETURNED TO THE COUNCIL BY 15TH JUNE 2007.

Yours faithfully



J. BULMER
Licensing Officer

Enc.

TAXI AND PRIVATE HIRE VEHICLE LICENSING BEST PRACTICE GUIDANCE (BPG) AND CURRENT LICENCE CONDITIONS

| Best Practice Guidance Reference | Current Licensing Conditions | Options to Change (BPG) | Decisions with Reasons |
|---|--|--|--|
| 21. Imported Vehicles – Type Approval Stretch Limousines | 35. All Private Hire Vehicle Conditions apply. All vehicles to have a full Department for Transport type approval | It may be that from time to time a Local Authority will be asked to licence a Taxi or Public Hire Vehicle that has been imported independently. Most registration certificates since late 1998 should indicate the approval status of the vehicle | RECOMMEND THAT: An exception should be made to the policy requiring Stretch Limousines to be red in colour REASON No control over colour during importation |
| 22. Vehicle Testing – Frequency of Tests | 14. Hackney Carriage and Private Hire Vehicles are tested three times per year | Recommends an annual test for all vehicles, with more frequent tests for older vehicles | RECOMMEND THAT: The Council maintains current test requirement to three times per year. REASON Enforcement has shown that even with frequent testing some vehicles are unsafe to be on the road |

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| Best Practice Guidance Reference | Current Licensing Conditions | Options to Change (BPG) | Decisions with Reasons |
|----------------------------------|--|--|--|
| 22. Age Limits for Vehicles | 5. All vehicles, when first submitted for licensing, must be less than 2 years old. The upper age for Hackney Carriage Vehicles will be 10 years unless agreed by the Council who may, on a vehicle by vehicle basis, extend this period beyond 10 years dependent on the condition of the vehicle | It is perfectly possible for an older vehicle to be in good condition. Therefore, the setting of an age limit beyond which a Local Authority will not licence vehicles, may be arbitrary and inappropriate, but a greater frequency of testing may be appropriate for older vehicles, for example, twice yearly tests for vehicles more than five years old | <p>RECOMMEND THAT: Hackney Carriage Vehicles: Maintain the same.</p> <p>REASON The Council already has an opportunity to extend the period of licensing.</p> <p>Private Hire Vehicles: Maintain 7 year licensing</p> |
| 22. Number of Testing Stations | 14. Wyre Forest provides one testing station | There is sometimes a criticism that Local Authorities provide only one testing station for their area (which may be geographically extended). Therefore, is it good practice for Local Authorities to consider having more than one testing station? There could be an advantage in contacting out the testing work, and to different garages. In that way the Licensing Authority can benefit from competition in costs | <p>RECOMMEND THAT: Maintain one testing station.</p> <p>REASON Wyre Forest is a small geographical area. No complaints have been received from the Taxi Trade on the standard of service</p> |

| Best Practice Guidance Reference | Current Licensing Conditions | Options to Change (BPG) | Decisions with Reasons |
|----------------------------------|--|---|---|
| 24. Vehicle Identification | <p>3. The Council's policy requires:</p> <ul style="list-style-type: none"> • Hackney Carriage Vehicles to be silver in colour • To be purpose built • Private Hire Vehicles to be red in colour <p>Both types to display identification decals</p> | <p>Members of the public can often confuse Private Hire Vehicles with Taxis, failing to realise that Private Hire Vehicles are not available for immediate hire and that a Private Hire Vehicle driver cannot be hailed. Therefore, is it important to distinguish between the two types of vehicle?</p> <p>Possible approaches might be:</p> <ul style="list-style-type: none"> • A licence condition that prohibits Public Hire Vehicles from displaying any identification at all apart from the Local Authority licence plate or disc • A licence condition which requires a sign on the vehicle to be in a specified form • A requirement for a roof mounted permanently illuminated sign of a specified size and shape which identifies the operator with a telephone number for booking, and the details of the Licensing Authority | <p>RECOMMEND THAT:</p> <p><i>The Council maintains the current policy.</i></p> <p>REASON</p> <p>Decals would seem to pre-empt need for other vehicle identification for private hire, such as telephone numbers.</p> <p>Different colours distinguish Hackney Carriage Vehicles from Private Hire Vehicles.</p> <p>Overall, would appear to agree with Best Practice Guidance</p> |

| Best Practice Guidance Reference | Current Licensing Conditions | Options to Change (BPG) | Decisions with Reasons |
|------------------------------------|---|---|--|
| 39. Drivers - Duration of Licences | Currently, licence drivers to drive Hackney Carriage Vehicles and Private Hire Vehicles on a dual licence renewed every two years | <p>It is not necessarily good practice to require licences to be renewed annually. This could impose undue burden on drivers and Licensing Authorities alike. Three years is the legal maximum period, and is in general the best approach.</p> <p>An annual licence may be preferred by some drivers. It could be good practice to offer the drivers a choice of an annual licence or a three year licence</p> | <p>RECOMMEND THAT: The Council maintains the two year period of licensing as with 240 drivers.</p> <p>REASON It follows that if many of the drivers changed to one year, it would lead to increased administration costs</p> |
| 45. Medical Criteria | <p>10. Medical checks are made on each driver prior to the initial grant of a driving licence.</p> <p>Group 2 medical standards applied by the DVLA apply.</p> <p>The Group 2 standards preclude the licensing of drivers with insulin treated diabetes</p> | <p>In the latest guidance from the Secretary of State's Honorary Medical Advisory Panel on Diabetes Mellitus and Driving, it is suggested that best practice is to apply the C1 standards to Taxi and Private Hire Vehicle drivers with insulin treated diabetes</p> | <p>RECOMMEND THAT: Apply new changes as related to Diabetes type 1 – insulin dependent drivers</p> <p>REASON Accords with National Guidance</p> |

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| Best Practice Guidance Reference | Current Licensing Conditions | Options to Change (BPG) | Decisions with Reasons |
|----------------------------------|---|--|--|
| 55. Licence Duration - Operators | Renewed annually | <p>A requirement for an annual licence does not seem necessary or appropriate for Private Hire Operators whose involvement with the public is less than direct than a driver (who will be alone with passengers). Indeed a licence period of five years may well be appropriate in the average case.</p> <p>The Authority may wish to offer operators the option of a licence for a shorter period if requested.</p> | <p>RECOMMEND THAT: Move to a five year licence.</p> <p>REASON Charges to be levied on a sliding scale according to the number of vehicles operating within the terms of the licence.</p> |
| Age Limit Drivers | Current policy requires drivers to be aged 21 or over. Drivers of Seventy years of age and over must undertake an annual medical. | Council currently follows group 2 DVLA standards for vocational drivers | <p>RECOMMEND THAT: Remains to DVLA Standards</p> <p>REASON Accords with National Guidance</p> |

NB. Driving Licences from EU and EEA Member States are specified within statutory legislation. No power to change.