



EXECUTIVE MEMBER BRIEFING PAPER

TO: Executive Board Member for Environment

FROM: Director of Environment Housing and Neighbourhoods

DATE: 21st November 2012

PORTFOLIOS AFFECTED: Environmental Improvement and Sustainability

WARDS AFFECTED: ALL

TITLE OF BRIEFING PAPER Review of Hackney Carriage Vehicle and Private Hire Vehicle Standards

1 PURPOSE

To inform the Executive Member of the results of the consultation exercises on a review of the Hackney Carriage Vehicle and Private Hire Vehicle Standards

2 RECOMMENDATIONS

That Executive Member makes a decision for any proposed changes to the current standards.

Options for consideration are:

- a) Delimit the currently restricted number of hackney carriages in the fleet
- b) The hackney carriage fleet must be purpose built wheelchair accessible vehicles and black in colour.
- c) Abolish age limits on hackney carriage and private hire vehicles

3 BACKGROUND

This report is a result of on-going consultations with the taxi trade to ensure that Blackburn with Darwen's policies on Hackney Carriage and Private Hire Vehicles are equitable and not subject to legal challenge.

4 RATIONALE

Currently the Law commission are consulting on reforming taxi laws. There is a proposal to take away the powers of Council's on restricting hackney carriage fleets, and additionally, current Government guidance states local authorities should not refuse to licence private hire or hackney

carriage vehicles merely because of their age. Older well maintained vehicles should be allowed to be licensed.

5 KEY ISSUES

a)

Under Section 37 Town Police Clause Act 1847 as amended by section 16 of the Transport Act, local authorities can, but do not have to limit the number of hackney carriage vehicles in its area must however satisfy that there is no "unmet significant demand for the services which is unmet". To meet this requirement local authorities need to evidence there is no unmet demand by undertaking an "unmet demand survey".

The law does not place any requirements on local authorities wishing to remove limits on hackney carriage numbers – they are free to do so at any time.

On 4th January 2012 a letter of consultation was sent to all the hackney carriage trade that are currently licensed in Blackburn with Darwen. The letter detailed two options open to the hackney carriage trade:-

- 1) To delimit the number of hackney carriage vehicles and, allow market forces to determine the number of licences within the borough, or
- 2) To undertake a further survey of unmet demand. This would determine the appropriate number of hackney carriage vehicles for a borough of this size. If this option is chosen then the associated cost with undertaking the survey would be added to the hackney carriage fees, and spread over three years. The average cost of undertaking the surveys by an independent 3rd party is approximately £10,000. This would equate to an average of £50 per vehicle per year. In order for the council to maintain a robust policy this exercise will be undertaken every 3 years.

Of the responses received, the majority chose in favour of option 1. In light of this, the Licensing Committee made a recommendation to delimit the hackney carriage fleet. However prior to the delimitation the committee recommended a further consultation be carried out to determine under what terms and conditions the licences would be issued on. These terms and conditions would relate to ages, types and colours of vehicles.

Two further consultations were undertaken with both sectors of the trade, ie hackney carriage and private hire, and with members of the public. The questions were in relation to the ages of both fleets. Currently private hire vehicles cannot be licensed beyond 10 years and hackney carriage vehicles cannot be licensed beyond 15 years. The current hackney carriage fleet consists of all wheelchair accessible vehicles and the vehicles which are not the traditional London style cabs must be black in colour.

The majority of the responses to the consultations from the trade and members of the public were in favour of allowing older vehicles to continue to be licensed, for the hackney fleet to be maintained as a wheelchair accessible fleet and for the hackney fleet to be black in colour.

In light of the responses the Licensing Committee recommended the options as detailed in section 2 of this report.

The Council would not want to compromise on public safety and so if the age limits were to be abolished a robust system that looked at the maintenance of the private hire and hackney carriage fleets would have to be introduced to ensure only the vehicles that have been well maintained would be allowed to be licensed. The current testing standards are higher than the national

standards for private vehicles. The current standard for vehicles to meet is the national MOT standards and an additional supplementary section covering items which include bodywork, spare tyres, signage and carrying first aid kits. New vehicles up to the 3 years old must undergo one test per year ; vehicles over 3 years of age have to undergo two tests per year.

The Public Protection Service record all the vehicles that fail on safety related items. This information can be used for enforcement activity.

6 POLICY IMPLICATIONS

There are no additional policy implications other than those outlined above.

7 FINANCIAL IMPLICATIONS

At this time there are no perceived financial implications for the Council, however if age limits are abolished the trade would benefit financially in that they would not need to replace their vehicles as often.

8. LEGAL IMPLICATIONS

Theoretical risk of legal challenge if recommendations are not followed.

9. RESOURCE IMPLICATIONS

N/A

10. EQUALITY IMPLICATIONS

An equality impact assessment has been carried out and no negative impacts are predicted.

11. CONSULTATIONS

As detailed in Key Issues, consultations have taken place with the taxi trade via letter to all vehicle owners. A consultation with members of the public has been conducted by undertaking face to face surveys in both Blackburn and Darwen town centres; a focus group held on 11th September with the 50+ partnership where 10 members of the partnership attended the meeting. Additionally 130 questionnaires were sent out to a mailing panel of the 50+ partnership.

The Licensing Committee have been consulted on the proposals and they have made recommendations in light of the results of the consultations.

CONTACT OFFICER: Donna Riding
DATE: 17th October 2012
BACKGROUND PAPER: Licensing Committee reports of February, July and September