

## HACKNEY CARRIAGE AND PRIVATE HIRE REVIEW OF CONDITIONS AND POLICIES

**Table 2: Issues requiring further work or agreed lead-in period**

No.	Issue	Benefit of change	Community response	Trade response	Cost to applicant/licensee	Officer response/comment	Panel response	Council Resource implications	Panel Recommendations	Recm'd Implmtn. Date
32	<p><b>DRESS CODE</b> Question 1: Are you in favour of a dress code?</p> <p>Dress Code. To be agreed - e.g. smart/smart casual, no skimpy shorts.</p>	More professional appearance.	<p>Yes 8 No 3 No comment 2</p> <p>As proposed: No shorts other than tailored, no string vests, no builder's bum! Not casual, badge with name etc. White shirt dark trousers. Short sleeved cotton shirt, open neck and dark trousers. Smart and clean dress, badge on front of shirt so passengers can see it. Smart and respectable drivers will be fine. Smart casual (uniformed?) (comment x 2). Smart shirt with ID logo. Suit trousers and jacket.</p>	<p>Yes 28 No 7 No comment 1</p> <p>No shorts but smart casual (comment x3). Shirt and tie, blazer for executive work. Shirts with collars, no jeans, t-shirts, trainers, only smart shorts (comment x2). Smart casual (comment x 10). Smart casual, shorts ok (comment x 2). Smart shorts and shirts (comment x 3). Smart shorts and t-shirt (comment x 6). Smart shorts in hot weather. Trousers and shirt. White shirt and smart trousers. No tie unless it is a clip-on. No ties. To be left as personal choice providing it is legally decent.</p>	Negligible.	<p>Current condition requires that the driver shall "at all times be clean and respectable in his/her dress and person".</p> <p>General agreement from questionnaires that 'smart' clothing is required. This is open to interpretation.</p> <p>Officers' suggestion for consideration:</p> <p>Men: Shirt with collar (long-sleeve, short-sleeved, sports or polo). Smart trousers or tailored shorts. Dark jacket/jersey.</p> <p>Women: Shirt/blouse. Smart trousers or skirt or tailored shorts. Dark jacket/jersey.</p>	Further consideration to be given to this item.	None.		
33 34	<p><b>AGE OF VEHICLES</b> Question 4: Do you agree that vehicles should be less than 3 years old when first licensed?</p> <p>(a) Age of vehicles To be less than 3 years old when vehicle licensed for the first time.</p> <p>(b) Vehicles will be licensed up to a maximum age of 6 years taken from the date of first registration. Older exceptional vehicles may be considered taking account of specification and condition.</p>	<p>(a) There is minimal benefit to the public by reducing from 4 years to 3 years the age of vehicle at first licence.</p> <p>(b) Fleet will comprise newer vehicles. Older vehicles will not be sold on for other drivers to use.</p>	<p>Yes 11 No 1 No comment 1</p> <p>None.</p>	<p>Yes 6 No 29 No comment 1</p> <p>(a) 4 years (comment x 3). 4 years subject to vehicle condition (comment x 14). 6 years. Minimum 5 years. None. Subject to vehicle condition. Under 4 years subject to vehicle condition (comment x 7).</p> <p>(b) 10 years. 4 years. 7 years subject to condition. 8 years. None (comment x 4). None, subject to officer's discretion, can already inspect 3 times a year (comment x 21). As long as in good condition, modern cars last longer but still in good condition. Some vehicles are immaculate when ten years old. Require exceptions for certain types of vehicles (comment x 2). Financing replacement vehicles is increasingly more difficult. Support the maintenance of high standards. Could older cars be used for short periods by new entrants to reduce their overheads?</p>	<p>Purchase price of 3-year-old vehicle is greater than that of 4-year-old vehicle.</p> <p>Some owners will need to replace vehicles more frequently.</p> <p>Currently (at 19.1.05) only 29% of licensed HC and PHV are over 4 years old.</p>	<p>Trade against changes to reduce initial age and against a max. age but customers in favour. However, we are aiming to improve standards. We could compromise by keeping the current 'under 4 years at first licence', but impose a max. age to be agreed, e.g. 6 years, i.e. if vehicle is less than 6 years old at time of re-licensing this upper age limit would mean that some cars would be almost 7 years old at the end of their licence period.</p> <p>Currently we have 39 out of 410 vehicles over 7 years old (some of these will be exceptional vehicles – which will continue to have exemptions).</p> <p>The Office of Fair Trading Report stated that 45% of LAs that had responded to the OFT survey stipulate a maximum age, average limit 9 years.</p>	Further consideration to be given to this item.	None.		

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				MOT to be taken twice a year on vehicles over 4 years old (comment x 18). New vehicles last longer. Should depend on vehicle condition. Should judge vehicles individually (comment x 3). A similar problem emerges with the proposed vehicle age restrictions. These proposals will increase the cost of providing vehicles by 40% at best, and if drivers elect to purchase 3 year old cars, by 50% - costs which would have to be passed on to the customer. This proposal will be more likely to reduce the quality of vehicles, as drivers will have no option but to select cheap, less comfortable models.		Exceptional vehicles could include a London-type taxi, wheelchair accessible vehicles, stretch limousines, and high specification executive vehicles.				
35	CONTINUOUS LICENSING Continuous licensing Licences for vehicles over 3 years old which are not renewed before expiry will be considered as a first application and are unlikely to be granted a licence.	To ensure that all unlicensed vehicles are treated the same, whether or not they had previously been licensed as HC or PH vehicle.	None	None	None.	CROSS REFERENCE TO ITEMS 33 AND 34.  <b>The Panel is requested to refer to Nos. 33 and 34 - decision on maximum age of vehicle on first licensing will be the same as when continuous licensing requirements apply.</b>		None.		
36	DRIVING TEST Driving Standards Agency (DSA): Hackney Carriage Private Hire Test Assessment (HCPHTA)  Question 2: Are you in favour of <b>new</b> drivers having to undertake the test?  Are you in favour of <b>existing</b> drivers having to undertake the test?  Driving ability All drivers will be required to undertake and pass the HCPHTA at their own expense. The test includes a Wheelchair Exercise for wheelchair-accessible vehicles. With effect from (date to be agreed, e.g. 1.7.05) new applicants will be required to undertake and pass the test. With effect from (date to be agreed, e.g. renewal of driver licences after 1.7.06) all existing licensed Hackney Carriage and Private Hire drivers will be required to undertake and pass the test before their licences are renewed. Bona fide members of the Institute of Advance Motorists to be exempt	Public safety – incompetent applicants would not be licensed.	Yes 12 No 0 No comment 1  Yes 11 No 1 No comment 1	Yes 33 No 3 No comment 0  Yes 2 No 33 No comment 1  Too expensive. Existing drivers only if ability in doubt, e.g. if customer complaints, excessive number of accidents, penalty points (comment x 21). Is DVLA test not sufficient? Pointless and waste of time and money (comment x 2). No evidence that existing drivers are bad. Rely on customer feedback. Should be funded by Council (comment x 2).  Inappropriate to make every driver take test when there is no evidence that there is a safety concern resulting from his driving.  When the DVLC changes rules the change is not retrospective. It applies to all new applicants and the existing licences continue to be unaffected unless there is evidence to show change is needed. This evidence should be applied on an individual case-by-case basis and within the officers' discretion within clearly defined parameters. The benefit of making every existing driver take a further test is illusory. The costs will be substantial and out of balance with the benefit.  In addition, Darlington Magistrates' Court has held that the Council was unreasonable in not granting a licence to a driver who refused to take	£80.00 + plus cost of professional instruction	This test is being introduced by other local councils and is considered good practice. However, the following extract is taken from Local Authority Licensing & Registration (August 2004) "More than 25 authorities are known to require applicants to take the HCPHTA. The move has proved controversial in some areas and there has been at least one successful challenge before the magistrates. It is understood that this was brought on the basis that the test is detrimental to public safety since it may encourage unlicensed drivers and a possible shortage of taxis."  There is general agreement from the consultation that HCPHTA should be undertaken for new applicants. The suggested start date may be too soon as we have to liaise with DSA on their availability to carry out testing in this area. Trade response very much against requiring test for existing drivers. A possible compromise would be that new drivers take the test, and that existing drivers only do so following serious motoring convictions, or 9 points on DVLA licence.  <b>The Darlington case referred to by R&amp;B Taxi Association may relate to an unreasonable procedure i.e. policy not being introduced correctly and therefore warrants further investigation before commenting on the relevance.</b>	<b>Decision of Hackney Carriages Review Panel (meeting on 15.7.04): not to pursue this issue further at this stage of the review, as significant further investigation would be required.</b>  <b>However, it was noted that should a driver have a misdemeanour or a serious conviction e.g. 9 points, that their licence should not be reissued without a DSA test being passed.</b>	Officer time to set up scheme to liaise with DSA to ensure that HCPHTA can be undertaken locally.		

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	from the requirement to pass the HCPHTA.			this controversial test as recently as July 2004. There may be an argument to make new drivers take the test to establish they have the skills already evinced by the existing fleet.		<b>Officers strongly recommend delaying a decision on this item.</b>				
37	<p><b>CLOCK-CALENDAR METERS</b> Question 7: Do you agree with the suggestion that all taxis (and private hire vehicles where meters are fitted) should have clock-calendar meters fitted?</p> <p>If yes, do you agree that existing taxis (and private hire cars where applicable) should have clock-calendar meters fitted during the year commencing 1.7.06?</p> <p>Licensed HCs Nos. 76 and above must be provided with PCO-approved (Public Carriage Office) clock-calendar meters on first issue of licence.</p> <p>Licensed HCs Nos. 1-75 must be provided with PCO-approved clock-calendar meters on renewal of licence after 1.7.06.</p> <p>If a taximeter is fitted to a PH vehicle then it must have been tested and approved by or on behalf of the Council.</p>	For the benefit of the customer - To ensure the correct meter tariff is automatically used for the time of day, day of week, Bank Holiday, Christmas and New Year.	<p>Yes 11 No 1 No comment 1</p> <p>Yes 11 No 1 No comment 1</p>	<p>Yes 28 No 8 No comment 0</p> <p>Yes 10 No 25 No comment 1</p> <p>Change of meter type would be better on change of vehicle (comment x 16). Not convinced that this will have desired effect. Or soon after if vehicle change imminent. Public should be charged the same with whoever they travel. Tamper proof auto-timing system advised.</p> <p>It seems that an assumption has been made that either the existing or the new applicant drivers of metered taxis will, given the opportunity, cheat the public. There is no evidence for this. In any event change of meter to an automated clock calendar type needs to be approached with care. Some makes are not accurate timekeepers and are cumbersome to adjust when the clocks move back/forward. Also if batteries have to be disconnected during servicing this will necessitate resetting and possibly resealing by licensing officers. Again there is a substantial cost implication to be considered. It may be that a better means of controlling any potential abuse would be the employment of an independent investigation agency as has been done in Renfrewshire. This new type of meter would do nothing to combat abuse where drivers do not switch on the meter at all.</p>	£265 - £310 per vehicle.	<p>New condition to ensure all meters automatically change tariff at the appropriate time and day to match the fare table. PCO-approved meters are tamper-proof.</p> <p>Clock calendar meters (CCM) cost between £265-310 for the meter and fitting. Existing meters can be offered as part exchange. CCM automatically adjust to BST, and do not require resetting if the car battery is disconnected during servicing. The CCM will automatically change to the next tariff during a journey - to the advantage of the driver. The Council currently deals with 4 different types of meters and seals.</p> <p>General agreement with fitting clock-calendar meters, but trade do not agree with suggested start date. They suggest that meter could be changed when vehicle is changed although this will mean that some old meters could continue to be used for 6 years (or longer if a maximum vehicle age is not implemented or if a different maximum age is specified).</p>	<p><b>Decision of Hackney Carriages Review Panel (meeting on 15.7.04):</b></p> <p><b>This issue be supported for consideration as an immediate implementation area.</b></p> <p><b>The Panel are requested to consider whether the implementation date should be delayed.</b></p>	Officer time required to obtain details of appropriate meters and liaise with PCO and meter manufacturers.  Perhaps start date should be delayed.		
38, 39	<p><b>VEHICLE INSPECTIONS</b> Question 10: Do you agree that there should be 3 inspections each year for vehicles over 6 years of age?</p>	If older vehicles are accepted for licensing then more frequent inspections should ensure better standards.	<p>Yes 11 No 1 No comment 1</p>	<p>Yes 6 No 29 No comment 1</p>	<p>Cost of additional MOT is £42 (at 25.1.05)</p> <p>Licence fee will be increased to cover officer time for additional (third) inspection.</p>	<p>CROSS REFERENCE ITEMS 33 AND 34, TABLE 1</p> <p>The 3 annual inspections year will be for any exceptional vehicle which is accepted for licensing over the maximum age (of 6 years?) depending on the Panel's decision regarding maximum age of vehicles.</p>				

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	<p>(a) Annual inspection and MOT (or certificate of mechanical fitness) at licensing of vehicles less than 3 years old.</p> <p>(b) Two inspections and two MOTs (or certificates of mechanical fitness) per year to be provided for vehicles which are over 3 years old at licence renewal. Inspections to be 6 months apart.</p> <p>(c) Three inspections and three MOTs (or certificates of mechanical fitness) per year to be provided if a vehicle over 6 years old is accepted for re-licensing. Inspections to be 4 months apart. Increased licence fee to be payable for vehicles requiring 3 inspections</p>		<p>I suggest that no taxi be older than 6 years.</p> <p>I think 2 inspections are adequate.</p> <p>2 MOTs for vehicles 0-4 years and 3 MOTs a year for older vehicles.</p> <p>2 MOTs, 3 would be excessive except for older vehicles that are permitted as exceptions.</p> <p>2 MOTs – no change to existing arrangements</p>	<p>(c) 2 inspections a year regardless of age (comment x 2). 2 inspections more than enough (comment x 3). At officer's discretion. Every 15,000 miles. Some vehicles are past it by then. 2 MOTs for vehicles over 5 years old, 3 MOTs for vehicles aged 7-10 years, no vehicles older than 10 years.</p> <p>The changes in frequency of inspection of exceptional cars will add costs of operation and will have no positive effect at all as the officers have the discretion to call for up to 3 inspections per year of any licensed vehicle under the present arrangements</p>		<p>(a) Currently 2 inspections per year are required for vehicles over 4 years of age.</p> <p>(b) New policy to have safer, newer licensed vehicles. Currently vehicles are accepted for first licensing up to 4 years of age and 2 inspections per year are required for vehicles over 4 years old.</p> <p>(c) New policy to ensure that if exceptional older vehicles are licensed, then they meet required safety standards.</p> <p>If a max age limit of 6 years is introduced, then very few vehicles will be affected. However, if a higher max. age or no age limit at all is in force then this requirement to have 3 inspections per year will be more relevant – and may also encourage vehicles to be changed before they reach 6 years.</p> <p>Legislation permits a maximum of 3 inspections per year.</p>		More officer type spent on additional inspections.		
40	<p>HC Plate Nos. 1-53 and 61-70. Any type of vehicle (saloon, estate, people carrier, London-type taxi, wheelchair-accessible vehicle), which complies with Council conditions.</p> <p>HC Plate Nos. 54-60 and 71-75. Must be wheelchair accessible (i.e. capable of carrying a person seated in a wheelchair).</p>	No change.				SEE TABLE 4: "Policies and conditions for new licences for hackney carriages Nos. 76 and above and wheelchair accessibility requirements for other hackney carriages."				
41	<p>PRIVATE HIRE OPERATORS Question 14: Are you in favour of CRB Standard Disclosures being obtained for Private Hire Operator applicants?</p> <p>With effect from (date to be agreed e.g. 1.7.05) Criminal Record Bureau Standard Disclosure checks will be carried out on new applicants and applications for renewal of Private Hire Operator</p>	Unsuitable applicants would not be licensed as Private Hire Operators.	<p>Yes 12 No 0 No comment 1</p>	<p>Yes 34 No 2 No comment 0</p> <p>At least Enhanced, same as taxi drivers (comment x 2) Cannot believe this is not already in place.</p>	The cost of a Standard Disclosure (currently £28) to be added to application fee plus an appropriate administration fee.	<p>Amended policy. The Council does not currently carry out CRB checks on applicants for operator licences but S.55 of the Act requires the Council to be satisfied that the applicant is a fit and proper person to hold an operator's licence. The CRB check is one way of establishing whether an applicant is a proper person. The cost of the check (currently £28) would be passed on to the applicant in addition to application fee.</p> <p><b>This policy would be subject to CRB agreeing to carry out the checks on Private Hire</b></p>	<p><b>Decision of Hackney Carriages Review Panel (meeting on 15.7.04):</b></p> <p><b>This issue be supported for consideration as an immediate implementation area.</b></p> <p><b>The Panel are requested to consider whether the implementation date should be delayed.</b></p>	Minimal, as there would be very few additional CRB checks needed. Additional time to process CRB application and check form for accuracy.		

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	<p>Licences and at 3-yearly intervals thereafter.</p> <p>Applicants for Private Hire Operator licences who are licensed as HC or PH drivers will be exempt from this requirement, as they will have already obtained a CRB Enhanced Disclosure.</p>					<p><b>Operators.</b> Standard Disclosure would be most appropriate for an operator who, unlike a driver, will not be working alone with children or vulnerable adults. Subject to CRB agreement, currently 6 operators would be affected as all the others have PH driver licences and therefore have already obtained CRB Enhanced Disclosures.</p>				