

ITEM NO:5

DECISION-MAKER:	LICENSING COMMITTEE		
SUBJECT:	HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE AND DRIVER CONDITIONS.		
DATE OF DECISION:	6 May 2009		
REPORT OF:	SOLICITOR TO THE COUNCIL		
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STATEMENT OF CONFIDENTIALITY

None

SUMMARY

Members are asked to consider the following additional conditions some of which are consistent with Department for Transport best practice and are believed to be necessary to maintain and improve the standard of both drivers and vehicles.

The vehicle condition revisions flow from the report on Unmet Demand previously considered by the Committee.

- (i) Basic Skills Assessment for all new drivers prior to issue of any licence and the B Tech qualification for Transporting Passengers by Taxi and Private Hire to be passed within the first six months of being licensed for all new drivers. B Tech to be passed within next three years for all existing drivers.
- (ii) Driving assessments for all new drivers and existing drivers in exceptional circumstances.
- (iii) Engine sizes. Remove the 1598cc requirement and amend to 68bhp or equivalent power output.
- (iv) Testing of vehicles. To require all vehicles licensed by the Council to undergo a VOSA MoT test six months after its compliance test or six months before renewal of its licence if it was a brand new vehicle at first licensing
- (v) All vehicles to be maintained in their original specification for the duration of any licence issued.
- (vi) Digital Cameras. As crime and safety are both Government and Council priorities it is proposed that all vehicles are fitted with digital cameras as soon as possible and in any case at the time the current licensed vehicle is replaced.

RECOMMENDATIONS:

- (i) To approve the above additional and/or revised conditions on the basis that they will improve the quality of both vehicles and drivers.
- (ii) That the Solicitor to the Council approve the final wording of those conditions.

REASONS FOR REPORT RECOMMENDATIONS

1. There is an ongoing requirement to ensure that licensed vehicles and driver standards are kept at the highest level. The suite of revised conditions as proposed will significantly improve both areas.

CONSULTATION

2. (i) Consultation was undertaken with Southampton Hackney Association. The TGW Union representatives have indicated that they will present their replies to the Committee on the day. Their responses are attached at Appendix 1.
(ii) The Licensing Section wrote to all drivers and proprietors with details of the proposals. 41 responses were received and a brief synopsis of those responses is attached at Appendix 2. Additionally, as is now standard practice, the same documents were placed on the Licensing noticeboard on the dedicated public webpage on Cityweb. (A copy of these documents is available in the members' rooms).

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. The revision of any conditions is discretionary. Officers believe they are appropriate for the reasons given hence their recommendation to the Committee.

DETAIL

Basic Skills Assessment for new drivers and B Tech Qualification

4. For some considerable time there has been a view from the trade that many new applicants for Hackney and Private Hire drivers licences have insufficient basic skills (reading, writing and basic communication skills) to carry out their role. By introducing a Basic Skills Assessment for new drivers failings in their skills can be identified and therefore addressed positively through relevant training. That training will in most cases attract external funding and therefore will be free to the applicant.
5. The B Tech qualification is a recognised certificate course which provides the underpinning knowledge for the Road Passenger Vehicle Driving NVQ which is itself an industry recognised qualification. Funding for the NVQ is currently available through Train to Gain and therefore provided the driver meets the relevant criteria then the qualification should be cost neutral.
6. Standards within the trade are currently poor overall and the Licensing team is regularly contacted by the public in this regard. By insisting on the basic skills and B Tech qualification drivers will have a certified knowledge base covering seven major areas as follows:
7.
 - Customer service
 - Equal Opportunities
 - Disability awareness
 - Taxi and Private Hire regulation
 - Taxi and Private Hire safety
 - Carriage of luggage and parcels
 - Basic topography and route planning.

Driving assessments for HCD and PHD applicants.

8. On 23rd August 2006 a report was considered by the Licensing (General) Sub-committee in relation to applicants for HCD and PHD licences to undergo a driving assessment with an Approved Driving Instructor in order to assess their capabilities as drivers. This report was approved in principle with a resolution to consult with the trade and a further detailed report to be submitted to this Committee.
9. The trade has been consulted with and it is agreed that in line with the original report new applicants undergo an assessment prior to the granting of any licence, also that should existing drivers be disqualified under the totting-up procedure or appear before the Committee because of complaints about their driving then they should also be assessed before re-instatement of their licence.
10. To this end, two experienced Driving Instructors have been identified and a procedure devised to incorporate these assessments into the application procedure and the Committee procedure for existing drivers. The protocol to be adopted will ensure that the system is fair and allow for further consideration should there be any conflict between the applicant and the assessor.

Vehicle specifications (Engine Power).

11. Since conditions for vehicles were last considered there have been numerous improvements to engines, their efficiency and EU directives in relation to emissions. The current standard for Southampton Licensed vehicles is that the engine size should be no less than 1598 cc. This is an outdated condition and many vehicles are now produced with smaller engines (between 1200 and 1600 cc) which have power output more than sufficient to allow them to operate as Hackney Carriage and Private Hire Vehicles. An investigation into suitable vehicles has concluded that if an engine power of 68 bhp or equivalent was adopted then more efficient vehicles could be licensed without compromising their ability to carry out their role. There is also the added benefit that many of these vehicles meet the current Euro 4 emissions standard.

Interim testing of licensed vehicles

12. Southampton licensed Hackney Carriage and Private Hire vehicles are currently required to undergo a compliance test, similar to a VOSA MoT test, each year prior to the renewal of the vehicle licence. This test is to ensure that the vehicles are mechanically sound. Many vehicles licensed by the council cover in excess of 50,000 miles each year and on an increasing number of occasions vehicles are being submitted for testing in a very poor condition and in some cases in a condition that leads to the suspension of the licence. A recent check of all cars tested from 1st January 2009 until mid April 2009 reveals that of 341 vehicles tested 194 failed to meet the required standards at the first test. This could be for as little as a bulb not working to major defects such as steering brakes and suspension. It is also a matter of fact that at least 10 vehicles have been suspended with immediate effect by the Licensing Manager following tests as they were dangerous and unsafe to be used on the public highway.

13. Many of the cars licensed are domestic vehicles that in normal circumstances would cover between 12000 and 15000 miles a year over a variety of road conditions. A domestic vehicle requires a VOSA MoT test after three years, in normal circumstances after about 40,000 miles, whereas a Hackney Carriage or Private Hire Vehicle tends to operate in a defined area with a great many “stop-start” journeys across all sorts of road surfaces with numerous traffic calming measures. Licensed vehicles which are brand new at the time of first licensing do not have to undergo a compliance test however they may have already completed in the region of 50,000 miles before they are due a test and it is possible they may have had minimum maintenance.
14. Records show significant mileages on vehicles currently being used. Some examples taken from MOT records are as follows:-
 2003 plates- 273,566miles - 232,111miles – 330,125 miles and a 2002 plate 254,960. At least 50% of vehicles have more than 100,000 miles on the clock.
15. It is for that reason that officers ask members to consider the implementation of an interim VOSA MoT test to be carried out six months after the compliance test or, for vehicles not tested at first licensing six months before their first renewal, to ensure that vehicles are mechanically sound.
16. Consultation has been undertaken with all proprietors with the following result (Please see appendix 3)
17. Trade representatives have asked that these tests are carried out within the city to ensure a consistent approach to testing. Their responses are attached at Appendix 2.

Vehicle specification (visual effect)

18. Over recent years there has been a marked improvement in the standard of vehicles licensed as Hackney Carriages and Private Hire vehicles by Southampton City Council. However there has recently been a tendency for drivers to remove wheel trims and to exchange alloy wheels for steel wheels because of maintenance costs and the cost of run flat tyres. This leaves a number of cars running around with dirty matt black wheels with no wheel trims. These vehicles look scruffy and have the effect of reducing the visual standard of the fleet. A number of vehicles have also had makeshift screens fitted and having an ‘original specification’ condition would help to control unauthorised alterations to licensed vehicles.

Digital Cameras.

19. The Council has for some time been fitting digital cameras to licensed vehicles as part of its strategic approach to reducing crime and disorder and improving driver safety. These cameras have been part funded by contribution from various agencies as part of the Safe City Partnership. To date there are about 110 licensed vehicles with cameras fitted where the proprietor has contributed in the region of £150 plus a fitting charge to obtain the device. The cameras have in the past cost about £625 per unit therefore contribution of about £475 has been obtained from other sources.

20. There is currently only one make of camera approved as fit for purpose which has a specification which meets the police standards for evidence and the images are of a standard suitable to make identification possible. Through negotiation Licensing have managed to secure these cameras at a price of £550 plus VAT. There is a significant cost implication in order to roll this very important safety measure out across the whole fleet. Accordingly, it may take a few years to ensure full coverage depending on external funding streams available as it cannot be funded solely from the Licensing budget.
21. The camera currently available has not only digital image technology but also a voice recording facility. The camera is activated in a number of ways, by the internal light, the meter and also by a panic button. The storage device is a secure hard disc which is only accessible via approved secure software held by the Licensing team and Hampshire Constabulary. No one else has the ability to view any images.
22. Some proprietors have suggested that this is another case of 'Big Brother'. This is simply untrue. What the trade and members can be assured of is that images will only be downloaded where a crime report has been made to the police involving the relevant vehicle or that a member of the public has a specific and recorded complaint against the driver of a specific vehicle.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

23. The only item that will require capital expenditure from the Licensing budget will be the purchase of the CCTV cameras. It is estimated that this can be funded from the Licensing budget over a period of time. External funding will continue to be actively sought where appropriate.

Revenue

24. None. The administration of these new matters will be dealt with as part of the normal business of the Licensing function.

Property

25. No implications

Other

26. None

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

27. Town Police Causes Act 1847 and Local Government (Miscellaneous Provisions) Act 1976

Other Legal Implications:

28. None

POLICY FRAMEWORK IMPLICATIONS

29. None

SUPPORTING DOCUMENTATION

Appendices

1.	Trade Group Consultation
2.	Synopsis of consultation documents

Documents In Members' Rooms

1.	N/A
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Background Documents

Title of Background Paper(s)

Relevant Paragraph of the
Access to Information
Procedure Rules / Schedule
12A allowing document to be
Exempt/Confidential (if
applicable)

1.	Bundle of consultation document replies	Licensing Offices, Southbrook Rise
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Background documents available for inspection at: N/A

FORWARD PLAN No: N/A **KEY DECISION?** N/A

WARDS/COMMUNITIES AFFECTED:	None
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