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| REPORT OF: | HEAD OF COMMUNITY SAFETY AND ENVIRONMENTAL HEALTH |
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| TO: | REGULATORY COMMITTEE |
| DATE: | 15 JULY 2009 |

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| AGENDA ITEM NO: | 4 | WARD(S) AFFECTED: | N/A |
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| SUBJECT: | REVIEW OF TAXI AND PRIVATE HIRE LICENSING POLICY AND CONDITIONS: Further report requested by the Committee |
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RECOMMENDATIONS:

1. To agree that the current age restrictions are maintained for vehicle licensing applications at first registration.
2. To agree the procedure, as set out in Annex 1, for determining applications to license 'exceptional' vehicles of between four and five years of age on first registration.
3. To delegate authority to the Head of Community Safety and Environmental Health to determine applications for exceptional vehicles up to five years of age at first registration and to amend the Scheme of Delegations within the Constitution accordingly.

SUMMARY

1. At its meeting on 17 June 2009 the Committee agreed changes to its taxi and private hire licensing policy with the exception of applications for vehicles between four and five years of age at first registration which could be considered as so exceptional as to merit waiving its normal policy.
2. The Committee requested Officers to bring back a further report on this particular recommendation.

The Regulatory Committee has authority to determine recommendations 1 and 2 above.

Recommendation 3 stands referred to full Council.

BACKGROUND

1. On 17th June 2009 the Regulatory Committee considered a report recommending changes to policy and conditions with regard to taxi and private hire licensing.

2. These changes were agreed by the Regulatory Committee with the exception of a recommendation that authority be delegated to Council officers to determine applications for the licensing of vehicles of between four and five years of age at first application, where the condition of the vehicle was deemed as being so exceptional as to merit waiving normal policy.
3. Before taking a decision in this respect, the Committee requested a further report setting out clear guidelines and criteria for qualifying the definition of exceptional in these circumstances, including a checklist to be used when inspecting such vehicles.

FACTORS FOR CONSIDERATION

4. The proposed policy regarding exceptional vehicles is attached for consideration at Annex 1.
5. A checklist for use by officers when inspecting exceptional vehicles is attached for consideration at Annex 2.
6. The policy and checklist is designed to be transparent and accountable. In this way, officers will be able to demonstrate clearly that, in their assessment of the vehicle, they have been able to review the points listed and can respond to enquiries on any point when reviewing their decision.
7. Detailed photographs will be kept both for vehicles accepted for licensing and those refused.

RESOURCE IMPLICATIONS

8. No further resource implications have been identified as a result of this amendment to the proposed policy changes.

LEGAL IMPLICATIONS

9. The Local Government (Miscellaneous Provisions) Act 1976 allows any person aggrieved by conditions imposed on a licence granted to them, a right of appeal under sections 47(3) for Hackney Carriages, s48(7) for Private Hire Vehicles, s52(2) for Private Hire Drivers and s55(4) for Private Hire Operators.

STATUTORY POWERS

10. The Local Government (Miscellaneous Provisions) Act 1976 (LG(MP)A 1976) allows Local Authorities to attach such conditions as it considers reasonably necessary to licences for Hackney Carriage Vehicles (s47(1)), Private Hire Vehicles (s48(2)), Private Hire Drivers (s51(2)) and Private Hire Operators (s55(3)).

CONCLUSIONS

11. The Committee is being asked to recommend the changes in policy as shown in Annex 1 to Full Council as part of the Policy Framework.

~~15 July 2009~~

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| Background Papers: | Report to Regulatory Committee 17 June 2009, Review of Taxi and Private Hire Licensing Conditions. |
| | Existing Licensing Policy and Conditions for Private Hire Drivers, Vehicles and Operators |
| | Existing Licensing Policy, Conditions and Byelaws for Hackney Carriage Proprietors and Drivers |

Annex 1 Exceptional Vehicle Age Policy

Annex 2 Vehicle Inspection Report for officer use.

Exceptional Vehicle Age Policy

The following specification is a guide to suggest the type of vehicles over four years old that Reigate and Banstead Borough Council will consider for first time licensing under the officer scheme of delegations.

An “exceptional” vehicle is one where the condition of the components i.e. mechanical, body panels, paint, interior and trim exceed those normally associated with the age of the vehicle. It is essential that the image of an exceptional older vehicle upholds the standards normally set by a much younger vehicle.

General

The criteria detailed below are in addition to all current vehicle test criteria requirements.

A duly authorised officer of the Licensing Authority will undertake an inspection of the vehicle to assess its general condition and appearance in accordance with the criteria detailed below.

A photographic record will be kept for each application.

Inspection Criteria

1. The vehicle will be less than five years old.
2. Vehicles considered by officers must be of ‘executive’ specification or a purpose built taxi or a wheelchair accessible vehicle.
3. Bodywork should be in near perfect condition with no signs of panel age deterioration, dents or any other abrasions that may detract from the overall appearance of the vehicle.
4. Mechanical condition is such that there should be no item that may show age or deterioration.
5. General paint condition should not show signs of fading, discolouration or mismatching and retain a finish generally found on much younger vehicles.
6. Wheels and associated trim should be to the manufacturer’s original specification and free of any scuffing or ‘kerbing’ marks.
7. The exterior trim must be complete.
8. Interior trims, panels, seating and carpets etc should be unmarked and of a condition that is free from frayed, discoloured, faded, torn or missing components.
9. The boot and luggage compartment must be clean, uncluttered and watertight.
10. The passenger compartment should be free from any odours that may cause passenger discomfort.
11. Where fitted, ramps and restraining straps will be complete and serviceable and a demonstration of their safe use will be given to the inspecting officer by the applicant.
12. The applicant will provide a full service history showing the correct service intervals carried out by a competent mechanic and any other remedial work carried out to the vehicle.
13. The applicant will provide the most recent MoT for the vehicle which will be checked using the Vehicle Inspectorate’s online checking service.

Vehicle Inspection Report

Make

Applicant

Model

Address

Date of Registration (from V5)

Mileage

MoT Certificate No.

Contact Number

Expiry date

Under 5 years old

Vehicle Photographed

Exec Purpose built Taxi W.A.V

Boot/luggage compartment

Bodywork free from damage

Free from odour

Paint finish

Ramps (Taxi & WAVs only)

Exterior Trim

Retaining straps (Taxi & WAVs only)

Wheel Condition

Demo of use (Taxi & WAVs only)

Visual Mechanical Inspection

Service History Checked

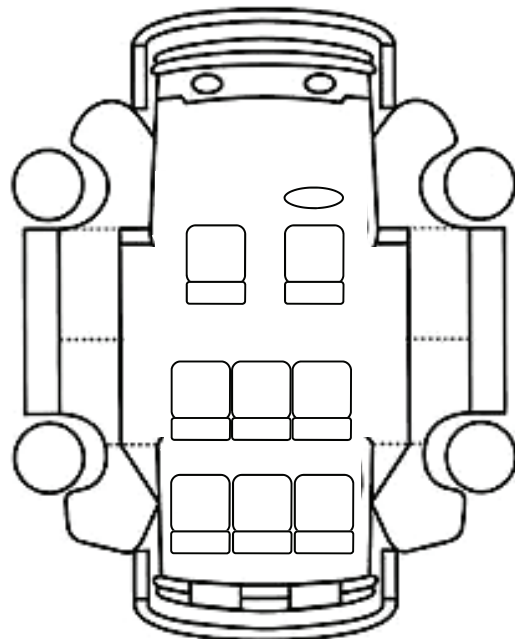
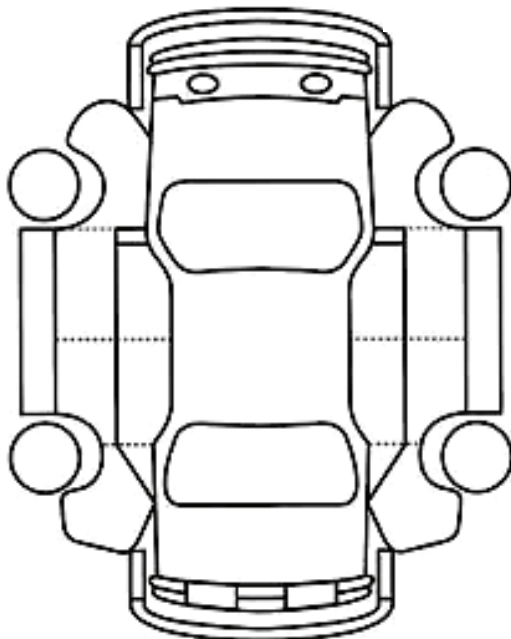
Passenger compartment

MoT Checked

Interior Trim

ACCEPT

REJECT (Attach reasons)



Exterior, show position of marks, bumps, paint defects etc.

Interior, show position of marks, wear, damage etc.

INSPECTING OFFICER _____ Signed _____ Date _____