

1.	Meeting:	Licensing Board
2.	Date:	16 March 2011
3.	Title:	Licensed Vehicle Specification and Inspection Criteria
4.	Directorate:	Neighbourhood and Adult Services

5. Summary

This report proposes the introduction of a new inspection criteria and licensed vehicle specifications for vehicles licensed for either Hackney Carriage or Private Hire purposes.

6. Recommendations

- That the Licensing Board approve the vehicle specification and inspection process with regard to Rotherham licensed vehicles.
- That the Licensing Board authorise officers to commence a period of appropriate consultation.
- That a further report be presented to the Board as soon as reasonably practical following the consultation and making a recommendation with regard to the introduction of the Vehicle Inspection guidance and Specification Manuals.

7. Proposals and Details

In order to introduce an effective, consistent and transparent approach to licensed vehicle standards and specifications in Rotherham it is proposed that a set of documentation is published that outlines:

- The standards applicable to all licensed vehicles, including the criteria to be considered during a vehicle inspection to establish a vehicle meets the required visual and mechanical conditions for licensing by Rotherham Licensing Authority.
- The specifications that licensed vehicles must meet in order to be considered appropriate as a licensed vehicle by Rotherham Licensing Authority (including requirements in relation to the Equalities Act 2011).
- The Licensing Authority documentation relevant to vehicle inspection process.

Current documentation available for standards and inspections processes has been amassed in a piecemeal way over an extensive time scale. Following an internal review it was concluded that due to the extensive nature and age of the material it was no longer suitable or appropriate to current Taxi and Private Hire Vehicle Licensing: Best Practice Guidance.

Taxi and Private Hire Vehicle Licensing: Best Practice Guidance and legislation gives local authorities discretion over the types of vehicle that can be licensed. It proposes to set down a range of general criteria for vehicles to meet. This is to allow flexibility for new vehicle types/development to be readily taken into account in the future. The Licensing Authority should avoid policies which automatically rule out particular types of vehicle, prescribes only one type, or a restricted number of types of vehicle.

The setting of an age limit beyond which a local authority will not license vehicles is considered arbitrary and inappropriate. However a greater frequency of testing is considered appropriate for older vehicles. Therefore Rotherham licensing authority proposes to maintain the current requirement to test twice-yearly for vehicles more than five years old and once for vehicles under five years old. This date will be from the date of first registration recorded on the vehicles V5 "log-book" issued by the DVLA.

The best practice guidance recommends security measures to protect the driver may be suggested by local licensing authorities but not insisted on. Rotherham licensing authority will continue to look sympathetically on, and encourage, the installation of suitable driver security. Security methods currently include screens between driver and passengers, appropriate CCTV systems, and for the trade to build good links South Yorkshire Police and participate in any crime and disorder reduction partnerships.

Members of the public confuse private hire vehicles with hackney carriage vehicles and fail to realise that private hire vehicles are not available for immediate hire and cannot be hailed. The guidance will distinguish between the two types of vehicle as required by the Local Government (Miscellaneous Provisions) Act 1976.

Finally the guidance will tackle modern environmental considerations by appropriate licensing of vehicles and amendments to inspections standards to take account of environmental policies and legislation. The guidance will also maintain appropriate flexibility to accommodate future vehicle development and legislative change.

Information supplied by the Bramley Depot relating to vehicles inspected since January 2007 indicated a 51.1% initial failure rate on all vehicles presented for inspections. Of these failing vehicles over 91% were vehicles aged over 5 years old, historical information and records kept by Bramley indicate these figures to be indicative of a consistent theme for vehicle testing over a period of approximately 10 years.

The proposed licensed vehicle inspection and specification manual is attached to this report as Appendix A.

8. Finance

We do not envisage any financial implications to the council as a result of these proposals.

9. Risks and Uncertainties

A failure to allow an application on any specifically restricting grounds with no flexibility within the policy could lead to the judicial review of the authority's policy and procedures through the County Courts. The Authority will consider the impact of grand-farther rights of currently licensed proprietors when implementing any policy change.

The council recognises that there is likely to be considerable interest in such a manual from members of the licensed trade. It is therefore considered that a period of consultation takes place in order to allow the licensed trade the opportunity to comment on the proposals.

10. Policy and Performance Agenda Implications

The deliver of its statutory functions including appropriate and proportionate licensing and enforcement process and practices is consistent with the Corporate Plan's cross cutting themes of sustainable development and fairness. It also ensures that the Council continues to maintain and support the deliver of safe and sustainable communities in Rotherham.

11. Background Papers and Consultation

Background Papers:

Local Government (Miscellaneous Provisions) Act 1976

Department for Transport - Taxi and Private Hire Vehicle Licensing: Best Practice Guidance

Public Carriage Office Vehicle Inspection Manual

Consultation with Mr Craig Simpson – Transport Manager – Bramley Depot

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