

## 6 AMENDMENT AND ADDITION OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS: LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, TOWN POLICE CLAUSES ACT 1847

REPORT BY: Head of Environmental Health and Trading Standards

### Purpose

1. To consider implementing revised vehicle licence conditions due to abuse of the current; private hire and hackney carriage vehicle conditions.

### Legal Background

2. Under the terms of the Local Government (Miscellaneous Provisions) Act 1976 s 47 (Private Hire Vehicle), Town Police Clauses Act 1847 s 42 (Hackney Carriage), local authorities may make reasonable conditions for the regulation of both hackney carriages and private hire vehicles.
3. Any person aggrieved by any conditions, which have been imposed, has a right of appeal to the Magistrates Court.

### Background

4. The licence conditions were last reviewed in April 2007 following full consultation.

The Licensing Section has received a number of complaints from members of the trade regarding the following matters: -

**Complaint:** Operators are purchasing Wheel Chair accessible vehicles which are under five years of age. They are then replacing these vehicles with much older vehicles very soon after. The original vehicle is then being sold or used again to purchase another plate.

**Comment:** There used to be a condition where any replacement vehicle had to be the same or higher standard both in age and vehicle type, this was removed following the consultation at the recommendation of the Steering Group; who felt it was too restrictive. The Licensing Section agreed to do this but advised them if the system was abused the condition would need to be reconsidered.

**Complaint:** Wheelchair accessible vehicles are being tested with a full capacity of eight seats, which means that the rear row of seats have to be removed to accommodate a wheelchair.

### Current and Proposed conditions

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Current Condition	Proposed Condition
1.2 New condition to be added	1.2 Once a vehicle has been issued with a <b>hackney carriage</b> licence

			the vehicle cannot be re-used to get a new licence plate within Herefordshire.
2.3	New condition to be added	2.3	Once a vehicle has been issued with a <b>private hire</b> licence the vehicle cannot be re-used to get another licence plate within Herefordshire.
3.3b	The replacement vehicle shall be less than 8 years of age for a non wheel chair access vehicle and less than 15 years old for a disabled access vehicle.	3.3b	The replacement vehicle shall be no more than 2 years older than the outgoing vehicle, and have at least 30,000 less miles on the clock. All vehicles must be replaced at 8 years for non wheel chair and 15 years for wheel chair access vehicles.
20.11	Wheelchair accessible hackney carriages must remain wheelchair accessible at all times when plying for hire.	20.11	Wheelchair accessible hackney carriages must remain wheelchair accessible at all times.
20.12	New condition	20.12	Any wheelchair provision will be counted as a permanent passenger seat and this will be marked on the licence plate.

## Issues

6. Only wheelchair accessible vehicles, which are under 5 years of age, can get a new hackney carriage plate. The reason that we allowed this increase in numbers was to provide a better service to disabled users. Many of these vehicles are not being used with disabled access, but are being used predominantly for larger groups of passengers mainly for migrant farm workers based around the county. This is impacting on the rest of the trade who are running their vehicles with a reduced number of seats as they are maintaining the wheelchair accessibility, causing unfair advantage to parts of the trade.
7. The newer vehicles are being replaced in some cases with significantly older and poorer conditions vehicles, which reduce the quality of the fleet.
8. It is clear from government guidance that older vehicles tend to be more polluting than newer ones, and this has been proven by air quality modelling undertaken for the Council. Therefore, as many taxis and private hire vehicles frequent the air quality management areas in Hereford City, Bargates in Leominster and the A40 near Ross-on-Wye it is essential to encourage less polluting vehicles.

## RECOMMENDATION

**THAT** the proposed amended and new conditions, as set out in this report, be adopted.