

# Hackney Carriage Vehicles

(unmet demand survey linked)

## Policy and Conditions of Licensing

Draft Consultation Document

**To be approved & adopted by Stevenage Borough Council**

This document can be revised at any time to reflect Acts of Parliament, new legislation, associated revisions to existing legislation and/or policy changes.

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## Background

Stevenage Borough Council has responsibility for licensing hackney carriage and private hire vehicles, drivers and operators within the district of Stevenage.

### *The Role of Licensing: Policy and Justification*

The aim of local authority in its licensing of the taxi and PHV trades is to protect the public. Stevenage Borough Council is aware that the public should have reasonable access to taxi and PHV services, because of the part they play in local transport provision.

Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting up the cost of operation or otherwise restricting entry to the trade. The Council recognise that too restrictive an approach can work against the public interest and can, indeed, have safety implications.

For example, it is clearly important that somebody using a taxi or PHV to go home alone late at night should be confident that the driver is competent and that the vehicle is safe.

However, if the supply of taxis or PHV's has been unduly constrained by onerous licensing conditions then that person's safety might be put at risk by having to wait on late-night streets for a taxi or PHV to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.

## Introduction

### *Objectives*

In setting out our procedures and conditions of licensing, the Council seeks to promote the following objectives:

- The protection of public health and safety.
- The establishment of a professional and respected hackney carriage and private hire trade.
- Public access to an efficient and effective public transport system.
- The protection of the environment.

The aim of the licensing process, in this context, is to regulate the hackney carriage and private hire trade in order to promote the above objectives, with consideration to licence holders being fit and proper persons.

It is Stevenage Borough Council's wish to facilitate well run and responsible businesses which display sensitivity to the wishes and needs of the general public.

### ***Status***

In exercising its discretion when carrying out its regulatory functions, the Council will have regard to this document and the objectives set out therein.

Notwithstanding the existence of this document and any other relevant Council policy, each application or enforcement measure will be considered on its own merits.

Where it is necessary for the authority to depart from its policies, written reasons will be given for doing so to the licence holder(s), and/or applicant(s).

### ***Implementation***

Upon implementation of this document, the Council expects licence holders to comply with its terms and conditions from its effective date.

### ***Powers and Duties***

These conditions of licensing are written pursuant to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on Stevenage Borough Council the duty to carry out its licensing functions in respect of hackney carriages and private hire vehicles.

## Appendix A

### Hackney Carriage Vehicles (HCV101 and above)

The following specifications and conditions of licence are made by Stevenage Borough Council in pursuance of the powers conferred by Part II of the Local Government (Miscellaneous Provisions) Act 1976 (as amended) to ensure effective regulation of hackney carriage vehicle use and to ensure that proper vehicle and driver standards are maintained, in the interests of public safety.

Possession of this Conditions of Licence document does not guarantee that a hackney carriage vehicle licence is in force for the vehicle nor do they imply that the vehicle is roadworthy or fit for use. The validity of any licence may be confirmed by contacting Stevenage Borough Councils' Licensing Office.

#### DEFINITIONS

In these conditions: -

'the 1976 Act' shall mean the Local Government (Miscellaneous Provisions) Act 1976 (as amended)

'the Council' shall mean Stevenage Borough Council.

'Authorised Officer' shall mean a Licensing Officer authorised in writing by Stevenage Borough Council.

'the hirer' shall mean any person who, from time to time, hires or books the vehicle.

'the licensee' shall mean the person(s) named in the licence.

'the operator' shall mean any person or company or partnership licensed by the Council to operate private hire vehicles.

'the vehicle' shall mean the vehicle named in the licence.

#### GENERAL

All licensed vehicles shall comply, in all respects, with the conditions of licensing set out below. The conditions of licence are supplementary to, and should be read in conjunction with, applicable statutory legislation. The following list is not exhaustive: -

The Town Police Clauses Act 1847 (as amended)

The Local Government (Miscellaneous Provisions) Act 1976 (as amended)

The Road Vehicles (Construction and Use) Regulations 1986 (as amended)

The Equalities Act 2010

## The Road Safety Act 2006

### CONDITIONS OF LICENCE – HCV 101 and above

Any new Hackney Carriage vehicle licences 101 and above will be required to comply with the following:

- 1.1 To be no older than 12 months from date of first registration at the time that a new application is being made.
- 1.2 That the vehicle be of a wheelchair accessible design (ECWVTA – M1 type).
- 1.3 That in accordance with existing WAV provisions, that the vehicle be of a side-loading design that also includes the following facilities;
  - 1.3.1 Hearing loops;
  - 1.3.2 Side step at a height of 150 mm or less;
  - 1.3.3 Be equipped with high visibility hand rails; step edge markings and soft furnishings that have a contrasting colour therein;
  - 1.3.4 Be supported with internal lighting
  - 1.3.5 Lift equipment used to lift persons will be required to have undertaken a thorough examination by a competent person (see Thorough Examination of Lifting Equipment – an employer’s guide, INDG-442, available free from the HSE).
  - 1.3.6 Lifting equipment will be required to be thoroughly tested every 6 months following its initial installation, or refit say following a road traffic collision, or as directed by a competent person, and a LOLER certificate provided to the Licensing department confirming its test has been completed and passed.
- 1.4 Vehicles are to be equipped with an internal CCTV recording system in accordance with the specifications as described in the Hackney Carriage vehicle conditions of licensing.
- 1.5 Have a clear screen separating the driver from the passenger compartment.
- 1.6 Vehicles are to be Euro 5 compliant with regards to vehicle emission standards.
- 1.7 Any change of vehicle application for Hackney Carriage vehicles 101 and above will also need to ensure that they meet the above criteria as a minimum.

For Hackney Carriage vehicles 1-100, the following considerations will also be required to be undertaken by vehicle proprietor(s) for any change of vehicle application that they consider making.

## Disability Access

A fleet should offer a mixed vehicle type so as to cater for all passengers and their needs. Consideration will be given to the vehicle types that meet the needs of all disabled residents of Stevenage, and users of the Hackney Carriage services overall (see *Alma Lunt and Allied Vehicles Limited v Liverpool City Council*).

Stevenage Borough Council will give due consideration to all types of disabled accessibility requirements, including provisions such as swivel seats and hearing loops as an example for its current licensed vehicles 1-70, in addition to and not excluding provisions as to wheelchair accessible vehicles in isolation for vehicle licences 71-100.