

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 25

Brighton & Hove City Council

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| Subject: | Hackney Carriage Vehicle Transfer & Private Hire Door Sign Amendments | | |
| Date of Meeting: | 14 March 2019 | | |
| Report of: | Director of Neighbourhoods, Communities & Housing | | |
| Contact Officer: | Name: <i>Martin Seymour</i> | Tel: 29-6659 | |
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| Wards Affected: | All | | |

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Members are asked to consider that a Hackney Carriage Vehicle is no longer required to become wheelchair accessible following transfer to another person.
- 1.2 Members are also asked to consider whether to approve a generic private hire door sign.

2. RECOMMENDATIONS:

- 2.1 That Members agree to remove the requirement that a Hackney Carriage Vehicle must become wheelchair accessible following transfer to another person but confirm that existing compulsory wheelchair accessible vehicles must remain wheelchair accessible. **and**;
- 2.2 Non-wheelchair accessible vehicle proprietors would have a choice, on transfer, of whether to change the type of vehicle or not. **or**;
- 2.3 Non-wheelchair accessible vehicles must become electric, plug-in hybrid (PHEV) or wheelchair accessible at renewal following transfer.
- 2.4 That Members approve the generic Private Hire door sign as shown in appendix 1.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Current policy requires that any vehicle transferred to another person, including transfer by the proprietor to her/himself and another person, for registration under the Town Police Clauses Act 1847 s42 will be required to become wheelchair accessible at renewal or replacement following transfer. Where the interest of an existing proprietor's hackney carriage vehicle licence registration is amended to a beneficiary

following the death of a proprietor or at the discretion of the Director of Neighbourhoods, Communities & Housing, where the change of registration is required for reasons such as the incapacity of a proprietor or following a legal separation from a partner, and is not for financial gain, the vehicle is exempt from becoming wheelchair accessible at renewal unless previously required by licence conditions.

- 3.2 This policy was adopted following an Equalities Review into Hackney Carriage and Private Hire policies in 2010 and was one measure adopted to boost the number of wheelchair accessible vehicles in the hackney carriage fleet.
- 3.3 This policy has worked very well and has seen the % of wheelchair accessible vehicles in the Hackney Carriage rise from 25% to approximately 50%. The Council recognises the importance of having a mixed fleet as being the best way to provide transport for a range of differently abled passengers. The Hackney Carriage Unmet Demand Survey that reported to committee in November 2018 concluded that 'It appears that the 'best' level of WAV for this area might be 50%, a level the fleet is now currently at, so that the focus of fleet change could now switch to encouraging improved vehicle emissions whilst ensuring the level of achievement on the WAV side remains.'
- 3.4 Where a current vehicle is classed as a 'compulsory wheelchair accessible vehicle' it must remain wheelchair accessible including at transfer. However, other vehicles may become wheelchair accessible or reinstated at the owners choosing.
- 3.5 In November 2017 members adopted policy that Private Hire Vehicles may only be exempt from displaying livery in certain circumstances to ensure a consistent approach is taken to such applications for exemption and that there is a transparent decision making process and to ensure that public safety is not compromised. The Exemption Policy can be found at appendix 1.
- 3.6 The practice of displaying a vehicle plate and door signs is to ensure clear identification of licensed vehicles by licensing officers, police officers and the hiring public. A strict policy in displaying plates can help prevent the highly illegal practice of unlicensed vehicles operating for hire and reward and can also prevent confusion with hackney carriage vehicles.
- 3.7 For vehicles used by the general public, the display of identification plates on a licensed vehicle and of the driver's badge is important in terms of public safety and reassurance. They indicate to the travelling public and to enforcement authorities that prior to being licensed both the vehicle and the driver have been subjected to checks to ensure their (the public's) safety.
- 3.8 As it is now common practice for vehicles to work for two or more operators and this is expected to grow over time a generic door sign has been developed so it can be used where a vehicle is being operated on more than one circuit. (see appendix 1). Proprietors would have the choice of a generic door sign, as shown in appendix 1, or a specific operator's logo or contact number, as is existing.

3.9 Comments received following the Taxi Forum (17 January 2019) are attached to this report. (see appendix 2 & 3).

4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1. This matter of vehicle transfers was discussed at the recent Taxi Forum on the 17th January 2019. There was consensus that “compulsory wheelchair accessible vehicles” should remain wheelchair accessible including at transfer. With regard to other vehicles, GMB and Unite members felt vehicle owners should have the choice, whereas the Private Hire representative felt drivers should have the option to change to either a electric, plug-in hybrid or WAV at renewal following a transfer.

4.2 This matter of private hire door signs was discussed at the recent Taxi Forum on the 17th January 2019. The views put forward were split between in favour of a generic door sign to having a sign with a contact number or operator name.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1. Any costs associated with the introduction of a generic private hire door sign will be met from within existing revenue budgets.

Finance Officer Consulted: Michael Bentley Date: 23/01/2019

Legal Implications:

5.2. The power to attach conditions to Hackney Carriage vehicle licences derives from S47 of the Local Government (Miscellaneous Provisions) Act 1976

Lawyer Consulted: Rebecca Sidell Date: 23/1/2019

Equalities Implications:

5.3 None.

Sustainability Implications:

5.4 None.

Crime & Disorder Implications:

5.5 Contained in the body of the report.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1. Option 1
Do nothing.
- 6.2. Option 2

Remove the requirement for vehicles to become wheelchair accessible on transfer.

Approve a generic Private Hire door sign.

6.3. Option 3

Existing compulsory wheelchair accessible vehicles must remain wheelchair accessible and non-wheelchair accessible vehicles must be changed become electric, plug-in hybrid (PHEV) or wheelchair accessible at renewal following transfer of interest

7. REASONS FOR REPORT RECOMMENDATIONS

7.1. To amend current Policy