

Swindon Borough Council

Private Hire and Hackney Carriage Licensing Sub-Committee

Monday, 1 March 2010

Committee Room 6, Civic Offices, Swindon (Anticipated meeting room)

At 12.15 p.m.

Conservative Councillors

Andy Albinson
Andrew Bennett
Michael Dickinson
Kevin Parry
Eric Shaw
Rex Barnett
(Deputy)
Michael Bray
(Deputy)
Doreen Dart
(Deputy)
Nick Martin
(Deputy)
Vera Tomlinson
(Deputy)

Labour Councillors

Maurice Fanning
Fay Howard
Robert Wright
(Deputy)

Liberal Democrat Councillors

David Wood
(Deputy)

Independent Councillors

Steve Wakefield
(Deputy)

Committee Officer: Shaun Banks (Telephone 01793 463606)

sbanks@swindon.gov.uk

Swindon Borough Council, Civic Offices, Euclid Street, Swindon, SN1 2JH
(Telephone 01793 445500)

AGENDA

1. Apologies for Absence

2. Declarations of Interest

Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.

3. Minutes (Pages 1 - 2)

To receive the minutes of the meeting held on 2nd December 2009.

4. Public Question Time

See explanatory note below. Please phone the Committee Officer whose name and number appears at the top of this agenda if you need further guidance.

5. **Hackney Carriage Saloon Car Licences** (Pages 3 - 8)
6. **Review of Hackney Carriage and Private Hire Driver Knowledge Tests**
(Pages 9 - 16)

Date of Despatch: 18 February 2010

Public Question Time - Swindon Borough Council is committed to increasing its accountability to the public and to promoting active citizenship. Up to 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from members of the public about the work of the Committee (except for confidential matters and specific planning applications). Questions must be relevant, clear and concise. Because of time constraints Public Question Time is not an opportunity to make speeches or statements. Prior notice of a question to the Director of Law and Democratic Services is desirable - particularly if detailed background information is needed.

Access Arrangements – The Venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Clerk above, as soon as possible prior to the date of the meeting.

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING SUB-COMMITTEE

WEDNESDAY, 2 DECEMBER 2009

PRESENT:- Councillors Andy Albinson, Rex Barnett, Andrew Bennett (Chair), Fay Howard, Kevin Parry, Eric Shaw and Rex Barnett.

Apologies for absence were received from Councillors Michael Dickinson and Maurice Fanning.

8. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

9. Minutes

Resolved – That the minutes of the meeting held on 25th November 2009, be confirmed and signed as a correct record.

10. Public Question Time

No public questions were received during the meeting.

11. Exempt Items - Exclusion of Press and Public

That, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred to in Item 7 of the Notice of the Meeting on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Act. (Minute 12 refers.)

12. Appeal against Revocation of Private Hire Driver Licence

The Sub-Committee considered (a) a report of the Group Director, Environment, Regeneration and Community setting out an appeal against the revocation of a Private Hire Drivers Licence, (b) an oral report of the Council's Transport Officer and the Team Manager, Safeguarding and Corporate Parenting, and (c) representations by the appellant, his representative and witness and statements and letters submitted by the applicant in support of his appeal.

Resolved – (1) That the appeal be refused and the driver named in the report be advised of his right to appeal the decision of this Committee to the Swindon Magistrates Court.

(2) That, further to (1) above, and given the on-going concerns of the Sub-Committee about the allegations made against the appellant, the revocation have immediate effect in accordance with subsection 2(B) of section 61 of the Local Government (Miscellaneous Provisions) Act 1976 on the grounds that it was in the interests of public safety.

The Chair reminded the appellant that if felt aggrieved with the decision of the Sub-Committee he had a right of an appeal, which must be made to the Clerk to the

Magistrates Court, Islington Street, Swindon, within twenty-one days of receipt the letter setting out the Sub-Committee's decision.

Hackney Carriage Saloon Car Licences

Hackney Carriage and Private Hire Licensing Sub-Committee **Date:**

Author: **Group Director of Environment, Regeneration and Community**

Parish / Wards Affected: All

Purpose

- To agree a policy regarding the future specification of vehicles eligible to be licensed as Hackney Carriages.

Recommendation

The Sub-Committee is requested to

- Consider the recommendations contained in this report and agree the proposed policy to take effect from the dates stated in the report. The main recommendations are:
- All holders of saloon car Hackney Carriage licences to be required to change their vehicle for one which is wheelchair-accessible.
- Allow all current holders of Hackney Carriage licences to change their vehicle for one which, although not necessarily meeting the requirements of the Metropolitan Conditions of Fitness, is wheelchair-accessible.

1. Reasons

- 1.1 In May 1989 the then Public Works and Services Committee resolved that all new Hackney Carriage licences would only be issued for wheelchair-accessible vehicles which conform to the Metropolitan Conditions of Fitness.
- 1.2 At that time it was agreed that the saloon car licences already in force would be allowed to remain until such time as the part of the Disability Discrimination Act 1995 regarding taxis was implemented. Swindon Borough Council currently licences 43 saloon cars as Hackney Carriages.

2. Detail

- 2.1 Part 3 of the Disability Discrimination Act 1995 gives people with disabilities a “right of access” to goods, services and facilities. There is, however, a specific exemption for some transport services, meaning that none of these provisions currently apply to taxis or private hire vehicles.
- 2.2 Part 5 of the Act allows the Secretary of State to make regulations regarding all new land-based vehicles – trains, buses, coaches and taxis – to be accessible for people with disabilities, including those who need to remain in wheelchairs. Regulations were made in 2004 for trains, buses

Further information on the subject of this report can be obtained from Rod Collett on 466212 or Email rcollett@swindon.gov.uk.

Hackney Carriage Saloon Car Licences

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and coaches, but not for taxis. There are currently no plans to introduce accessibility regulations to private hire vehicles.

- 2.3 Under Part 5 of the Act, taxi drivers now have a duty to ensure people with disabilities are not discriminated against or treated less favourably. In order to meet these new duties, licensing authorities are required to review any practices, policies and procedures that make it impossible or unreasonably difficult for a person with disabilities to use their services.
- 2.4 As stated in 2.2, no regulations have yet been made or developed under Part 5 of the Act relating to licensed taxi vehicles. Making regulations regarding Hackney Carriages has proven to be extremely complex. At the time of the 1995 Act, it was thought that a taxi could be designed to meet the needs of all people with disabilities, including wheelchair users and those with an ambulatory disability. In practice this has presented a significant challenge and is the main reason why the provisions relating to taxis have not been enacted. The Department for Transport has, however, recently consulted stakeholders regarding the possible implementation of Part 5 of the Act in relation to hackney carriage vehicles. The DfT announced in November 2009 that the results of the consultation were inconclusive and further research and consultation is to be undertaken.
- 2.5 Swindon Borough Council currently issues 43 hackney carriage licences for saloon cars. These licences have been allowed to continue while awaiting a decision from the Secretary of State regarding the implementation of the Disability Discrimination Act.
- 2.6 At the time of the Public Works and Services Committee resolution in 1989, the only wheelchair-accessible vehicles available were the traditional "London Cab", manufactured by London Taxis International, and the Metrocab. Both conformed to the Metropolitan Conditions of Fitness. The Metrocab has since ceased production. Last year Mercedes launched the Mercedes Vito Taxi, which also conforms to the Metropolitan Conditions.
- 2.7 There are now several alternative vehicles on the market which are wheelchair-accessible. Although the majority of these vehicles are van conversions, they are fully wheelchair-accessible. They do not, however, conform to the Metropolitan Conditions of Fitness in that they are unable to perform the tight turning circle required as part of these Conditions. Correspondence has been received from Allied Vehicles requesting the Council to consider licensing the Peugeot E7, and their letter is attached at Appendix "A".

Further information on the subject of this report can be obtained from Rod Collett on 466212 or Email rcollett@swindon.gov.uk.

Hackney Carriage Saloon Car Licences

Hackney Carriage and Private Hire Licensing Sub-Committee **Date:**

- 2.8 Whilst the requirement of a tight turning circle would seem sensible for London and major cities, it appears to be something of an anachronism for Swindon as 99% of hackney carriage hirings are either “on the spot” at taxi ranks or are pre-booked. It is proposed, therefore, that if any current “black cab” plate holder wishes to change their vehicle for one which is wheelchair-accessible but does not conform to the Metropolitan Conditions with regard to the turning circle, they be allowed to do so. It is recommended that this should take effect from 1 February 2010.
- 2.9 In regard to the 43 licences for saloon cars currently in force, it appears that any decision by Central Government regarding the implementation of the Disability Discrimination Act 1995 is still some way away. Therefore it may be timely to make decisions now regarding the continued licensing of saloon cars.
- 2.10 It is therefore proposed that all holders of saloon car licences be required to change their vehicle for one which is wheelchair-accessible but which need not conform to the Metropolitan Conditions regarding the turning circle. This change to be made as soon as practicable but in any event no later than 1 April 2015 or at the next change of vehicle, whichever is the earlier.
- 2.11 It is also proposed that the condition which requires any completely new hackney carriage plate to be issued only for a wheelchair-accessible vehicle which conforms to the Metropolitan Conditions of Fitness, remains in force.
- 2.12 Further to the above, it is recommended that the age limit for vehicles which do not conform to the Metropolitan Conditions of Fitness be set at five years, with two extra years granted on annual inspection and six-monthly M.O.T. tests.

Alternative Options

- Continue current practice and allow the current status quo to continue.

Risk Management

Financial and Procurement Implications

- There are no financial or procurement implications for the Council. However there may be financial implications for the holders of the 43 saloon car hackney carriage licences.

Legal / Human Rights Implications

- There are no legal implications to this report. Human Rights have been taken into account in the preparation of this report.

Further information on the subject of this report can be obtained from Rod Collett on 466212 or Email rcollett@swindon.gov.uk.

Hackney Carriage Saloon Car Licences

Hackney Carriage and Private Hire Licensing Sub-Committee **Date:**

Links to Corporate Plans and Policies (in particular to Swindon 2010 Promises)

- A Healthy and Caring Place; An Economically Prosperous Place; An Environmentally Friendly Place; A Safe Place.

Consultees

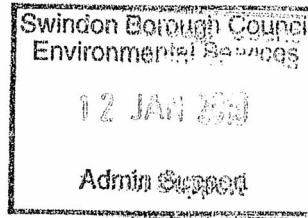
- The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

Background Papers and Appendices

- Appendix "A" – Letter dated 8 January 2010 from Allied Vehicles.

Further information on the subject of this report can be obtained from Rod Collett on 466212 or Email rcollett@swindon.gov.uk.

Mr. R. Collett,
Licensing Manager,
Swindon Borough Council
Premier House,
Station Rd.,
Swindon,
Wiltshire
SN1 1TZ



8 January 2010

Dear Sir,

Re: Allied Vehicles Peugeot E7 Taxicab.

We are applying to license the E7 as a hackney carriage in Swindon and, in connection with that application, request that Swindon's licensing policy be amended to enable this model of taxi to be licensed.

The Peugeot E7 is a fully featured wheelchair accessible taxi of modern design and engineering. It incorporates all necessary taxi features and offers safety and environmental benefits which are not currently available on vehicles which comply with Swindon's present taxi specification.

The E7 is purpose built by Allied Vehicles, in association with Peugeot, and the final assembly is completed at our manufacturing facility in Glasgow. The completed vehicle carries full European Community Whole Vehicle Type Approval which is the "Gold Standard" in certification of motor vehicle safety and environmental performance.

We are pleased to enclose an E7 brochure and a copy of our certificate of "Whole Vehicle Type Approval", together with correspondence from licensing officers regarding the Peugeot E7 and testimonials from both disability groups and the trade.

We are aware that the E7 does not comply with Swindon's current taxi specification, the current specification and policy have been in place, substantially unchanged, for a considerable number of years.

At the time of adoption of the current policy wheelchair accessible alternative taxis like the E7 did not exist.



The E7 has now been developed to offer superior access, comfort and ride quality to all (but in particular mobility impaired) passengers.

The E7 also offers lower costs, greater fuel efficiency and better environmental performance, for the benefit of operators, passengers and residents of Swindon.

In closing I would request that, when the committee meet to consider this application, I may have the opportunity to address the members to present the E7, and to offer to answer any questions which may arise.

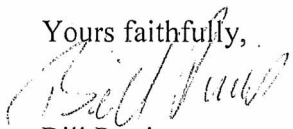
I shall, of course, be pleased to offer any further help or information which you may require, and look forward to hearing from you further as this matter progresses.

Meanwhile, should you wish to contact me by telephone my numbers are;

0141 336 3211

Mobile No. 07966516250

Yours faithfully,



Bill Parris,

National Operations Manager,

Review of Hackney Carriage and Private Hire Driver Knowledge Tests

Private Hire and Hackney Carriage Licensing Sub-Committee Date: _____

Author: Group Director, Environment, Regeneration and Community

Wards Affected: All

Purpose

- To consider amendments to Hackney Carriage and Private Hire Driver Knowledge Tests

Recommendation

The Sub-Committee is asked to: -

- Agree the amendments to Hackney Carriage and Private Hire Driver knowledge tests as set out in the body of the report and introduce, from 1 April 2010, a further section of 10 questions on the Highway Code.

1. Reasons

- 1.1 The requirement for prospective Hackney Carriage drivers to take and pass a test of their knowledge of locations within the Borough, and licence conditions, was introduced in January 2002, with a similar test for private hire drivers being introduced in April 2004.

2. Detail

- 2.1 The current driver test is multiple choice and covers 50 questions in four sections:
 - 2.1.1 Identification of building locations – 15 questions
 - 2.1.2 Identification of road/street locations – 15 questions
 - 2.1.3 Identification of correct and quickest routes to be followed – 10 questions.
 - 2.1.4 Rules and Regulations – 10 questions.
 - 2.1.5 Currently an applicant, in order to pass the test, must score at least 80% on sections 1, 2 and 3, and 100% on section 4.

Further information on the subject of this report can be obtained from Rod Collett on 01793 466212 or e-mail rcollett@swindon.gov.uk.

Review of Hackney Carriage and Private Hire Driver Knowledge Tests

Private Hire and Hackney Carriage Licensing Sub-Committee Date:

- 2.2 Officers have over the past 12 months noticed an increase in the amount of complaints and comments from the general public regarding the perceived lack of roadcraft and driving ability of licensed drivers.
- 2.3 It is proposed to add, from 1 April 2010, a further section of 10 questions, with a pass mark of 80%, on the Highway Code and associated matters. A sample of proposed questions is attached at Appendix "A".

Alternative Options

- The tests would remain as they are at present.

Risk Management

Financial and Procurement Implications

There are no direct financial implications arising from this report. There are no procurement issues arising from this report.

Legal/Human Rights Implications

There are no legal implications to this report. Human Rights have been taken into account in the preparation of this report.

Links to Corporate Plans and Policies (in particular to Swindon 2010 Promises)

A Healthy and Caring Place; An Economically Prosperous Place; An Environmentally Friendly Place; A Safe Place.

Consultees

The Director of Finance (s.151 Officer) and the Director of Law and Democratic Services (Monitoring Officer) are consulted on all reports.

Background Papers and Appendices

- Appendix "A" – Specimen of questions to be asked regarding the Highway Code.

Review of Hackney Carriage and Private Hire Driver Knowledge Tests
Private Hire and Hackney Carriage Licensing Sub-Committee **Date:** _____

Appendix “A” – Specimen of Proposed Additional Quations

1. You are approaching traffic lights that have been green for some time. You should:
 (a) accelerate hard
 (b) maintain your speed
 (c) **be ready to stop**
 (d) brake hard

2. You should only use a mobile phone when:
 (a) receiving a call
 (b) **suitably parked with the engine switched off**
 (c) driving at less than 30mph
 (d) driving an automatic vehicle

3. Your vehicle is fitted with a navigation system. How should you avoid letting this distract you while driving?
 (a) Keep going and input your destination into the system
 (b) Stop immediately to view and use the system
 (c) **Stop in a safe place before using the system**
 (d) Keep going as the system will adjust to your route

4. Tailgating means:
 (a) **Following another vehicle too closely**
 (b) Reversing into a parking space
 (c) Using the rear door of a hatchback car
 (d) Driving with rear fog lights on

5. You are following a vehicle on a wet road. You should leave a time gap of at least:
 (a) Two seconds
 (b) Three seconds
 (c) **Four seconds**
 (d) One second

6. What should you use your horn for?
 (a) To signal your annoyance

Further information on the subject of this report can be obtained from Rod Collett on 01793 466212 or e-mail rcollett@swindon.gov.uk.

Review of Hackney Carriage and Private Hire Driver Knowledge Tests

Private Hire and Hackney Carriage Licensing Sub-Committee Date: _____

- (b) To alert others to your presence
 - (c) To greet other road users
 - (d) To allow you right of way
7. You are driving in traffic at the speed limit for the road. The driver behind is trying to overtake. You should:
- (a) move closer to the car ahead, so the driver behind has no room to overtake
 - (b) wave the driver behind to overtake when it is safe
 - (c) keep a steady course and allow the driver behind to overtake
 - (d) accelerate to get away from the driver behind
8. If your vehicle uses diesel fuel, take extra care when refuelling. Diesel fuel is:
- (a) sticky
 - (b) odourless
 - (c) clear
 - (d) slippery
9. It is essential that tyre pressures are checked regularly. When should this be done?
- (a) after any lengthy journey
 - (b) when tyres are cold
 - (c) when tyres are hot
 - (d) after travelling at high speed
10. You will use more fuel if your tyres are:
- (a) under-inflated
 - (b) of different makes
 - (c) over-inflated
 - (d) new
11. Skidding is mainly caused by:
- (a) the weather
 - (b) the driver
 - (c) the vehicle
 - (d) the road
12. A driver pulls out of a side road in front of you. You have to brake hard. You should:
- (a) ignore the error and stay calm
 - (b) flash your lights to show your annoyance
 - (c) sound your horn

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Review of Hackney Carriage and Private Hire Driver Knowledge Tests

Private Hire and Hackney Carriage Licensing Sub-Committee Date: _____

- (d) overtake as soon as possible
13. A driver's behaviour has annoyed you. It may help if you:
- (a) wind your window down and shout abusive language
 - (b) gesture to them with your hand
 - (c) **stop and take a break**
 - (d) follow their car, flashing your headlights
14. You are turning left into a side road. What hazards should you be especially aware of?
- (a) One-way street
 - (b) **Pedestrians**
 - (c) Traffic Congestion
 - (d) Parked vehicles
15. You see a pedestrian with a dog. The dog has a yellow or burgundy coat. This especially warns you that the pedestrian is:
- (a) elderly
 - (b) colour blind
 - (c) dog training
 - (d) **deaf**
16. You are driving in town. There is a bus at the bus stop on the opposite side of the road. Why should you be careful?
- (a) The bus may have broken down
 - (b) **Pedestrians may come from behind the bus to cross the road**
 - (c) The bus may move off suddenly
 - (d) The bus may remain stationary
17. You are travelling behind a bus that pulls up at a bus stop. What should you do?
- (a) Accelerate past the bus sounding your horn
 - (b) **Watch carefully for pedestrians**
 - (c) Be ready to give way to the bus
 - (d) Pull in closely behind the bus
18. You are travelling in very heavy rain. Your overall stopping distance is likely to be:
- (a) **doubled**
 - (b) up to 10 times greater

Further information on the subject of this report can be obtained from Rod Collett on 01793 466212 or e-mail rcollett@swindon.gov.uk.

Review of Hackney Carriage and Private Hire Driver Knowledge Tests

Private Hire and Hackney Carriage Licensing Sub-Committee Date: _____

- (c) halved
 - (d) no different
19. Which of the following statements describes the correct procedure when approaching a roundabout.
- (a) The broken white line at a roundabout means I must stop and give way to traffic already on the roundabout
 - (b) The broken white line at a roundabout means I must give priority to traffic already on the roundabout
 - (c) The broken white line at a roundabout means I should give way to any traffic approaching from my immediate right
 - (d) I have priority and should ignore traffic already on the roundabout
20. Why is travelling in neutral (coasting) wrong?
- (a) It will cause the car to skid
 - (b) It will make the engine stall
 - (c) The engine will run faster
 - (d) There is no engine braking
21. To correct a rear wheel skid you should:
- (a) not steer at all
 - (b) steer away from it
 - (c) steer into it
 - (d) apply your handbrake
22. You are approaching a busy junction. There are several lanes with road markings. At the last moment you realise you are in the wrong lane. You should:
- (a) continue in the lane you are in
 - (b) force your way into the correct lane
 - (c) stop until the area has cleared
 - (d) use clear signals to cut across
23. You may drive over a footpath:
- (a) to overtake slow moving traffic
 - (b) when the pavement is very wide
 - (c) if no pedestrians are near
 - (d) to get into a property
24. You lose control of the car and damage a garden wall. No-one is around. What should you do?
- (a) Report the incident to the Police within 24 hours

Further information on the subject of this report can be obtained from Rod Collett on 01793 466212 or e-mail rcollett@swindon.gov.uk.

Review of Hackney Carriage and Private Hire Driver Knowledge Tests

Private Hire and Hackney Carriage Licensing Sub-Committee Date: _____

- (b) Go back and speak to the house owner the following day
 - (c) Report the incident to your insurance company when you get home
 - (d) Find someone in the area and tell them about it immediately
25. Who is responsible for ensuring the vehicle is not overloaded?
- (a) the driver of the vehicle
 - (b) the owner of the luggage being carried
 - (c) the licensing authority
 - (d) the private hire operator

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