

# Public Document Pack



## Regulatory Committee

Wednesday, 27 November 2019 6.30 p.m.  
Council Chamber - Town Hall, Runcorn



**Chief Executive**

### **COMMITTEE MEMBERSHIP**

Councillor Pamela Wallace (Chair)
Councillor John Abbott (Vice-Chair)
Councillor Eddie Dourley
Councillor Mike Fry
Councillor Pauline Hignett
Councillor Kath Loftus
Councillor Tony McDermott
Councillor Angela McInerney
Councillor Stef Nelson
Councillor Gareth Stockton
Councillor Kevan Wainwright

*Please contact Gill Ferguson on 0151 511 8059 or e-mail [gill.ferguson@halton.gov.uk](mailto:gill.ferguson@halton.gov.uk) for further information.  
The next meeting of the Committee is on Wednesday, 15 January 2020*

**ITEMS TO BE DEALT WITH  
IN THE PRESENCE OF THE PRESS AND PUBLIC**

**Part I**

<b>Item No.</b>	<b>Page No.</b>
<b>1. MINUTES</b>	<b>1 - 2</b>
<b>2. DECLARATION OF INTEREST</b>	
Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary interests, to leave the meeting during any discussion or voting on the item.	
<b>3. HACKNEY CARRIAGE VEHICLE UNMET DEMAND SURVEY</b>	<b>3 - 5</b>
<b>4. TAXI LICENSING MATTER</b>	<b>6 - 15</b>
<b>5. TAXI LICENSING MATTER</b>	<b>16 - 26</b>

***In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.***

**REGULATORY COMMITTEE**

*At a meeting of the Regulatory Committee on Tuesday, 29 October 2019 in the Boardroom - Municipal Building, Widnes*

Present: Councillors Wallace (Chair), Abbott (Vice-Chair), Dourley, Fry, P. Hignett, K. Loftus, A. McInerney, Nelson and Wainwright

Apologies for Absence: None

Absence declared on Council business: Councillor Tony McDermott

Officers present: K. Cleary, J. Tully, Wheeler and L. Wilson-Lagan

Also in attendance: One member of the public

**ITEMS DEALT WITH  
UNDER DUTIES  
EXERCISABLE BY THE COMMITTEE**

	<i>Action</i>
REG1 MINUTES	
<p>The Minutes of the meeting held on 13<sup>th</sup> March 2019 having been circulated were signed as a correct record.</p>	
REG2 SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985	
<p>The Committee considered:</p>	
<p>(1) Whether Members of the press and public should be excluded from the meeting of the Board during consideration of the following item of business in accordance with Sub-Section 4 of Section 100A of the Local Government Act 1972 because it was likely that, in view of the nature of the business to be considered, exempt information would be disclosed, being information defined in Section 100 (1) and paragraph 3 of Schedule 12A of the Local Government Act 1972; and</p>	
<p>(2) Whether the disclosure of information was in the public interest, whether any relevant exemptions were applicable and whether, when applying the</p>	

public interest test and exemptions, the public interest in maintaining the exemption outweighed that in disclosing the information.

RESOLVED: That as, in all the circumstances of the case, the public interest in maintaining the exemption outweighed that in disclosing the information, members of the press and public be excluded from the meeting during consideration of the following items of business in accordance with Section 100A (4) of the Local Government Act 1972 because it was likely that, in view of the nature of the business, exempt information would be disclosed, being information defined in Section 100 (1) and paragraph 3 of Schedule 12A of the Local Government Act 1972.

REG3 TAXI MATTER

Case No: 723

RESOLVED: That the Committee had found strong grounds for refusing the application but had decided not to refuse the application. Instead, the Committee resolved as follows:

1. Subject to satisfactorily completing the outstanding matters relating to the renewal application (which had been detailed during the hearing) the renewal application be granted but limited to a period of one year;
2. The applicant's Single Status Driver's licence be suspended for a period of one month;
3. The applicant be required to undertake and complete an advanced driving course or driving awareness course.

The details of the above decision were delegated to the Licensing Manager to determine.

The Committee strongly advised the applicant, in his own interests, to seek help for overcoming the effects of his recent bereavements.

The Committee also directed that when the notice of determination had been prepared that it be explained to the applicant in person to ensure that he fully understood what had been decided.

*Meeting ended at 6.20 p.m.*

<b>REPORT:</b>	Regulatory Committee
<b>DATE:</b>	27 November 2019
<b>REPORTING OFFICER:</b>	Strategic Director Enterprise, Community and Resources
<b>PORTFOLIO:</b>	Resources
<b>SUBJECT:</b>	Hackney Carriage Vehicle Unmet Demand Survey
<b>WARDS:</b>	Borough-wide

## **1. PURPOSE OF REPORT**

To update members of the Committee on the progress of the Hackney Carriage Vehicle unmet demand survey.

## **2. RECOMMENDED: That the report be noted.**

## **3. BACKGROUND INFORMATION**

- 3.1 Members may recall that on 28 November 2018 they were asked to determine 3 applications for an additional 13 Hackney Carriage Vehicle licences. The Committee resolved to refuse the applications.
- 3.2 One of the applicants appealed the decision of the Committee to the Crown Court and on 4 July 2019 the Judge at Chester Crown Court determined the following
  - The appeal was allowed
  - Halton Borough Council to carry out a survey within 3 months
  - Halton Borough Council to pay the applicants costs
- 3.3 The Court was not satisfied that there was 'no significant unmet demand'. Equally, it did not decide that there was a significant unmet demand. Consequently, the Court referred the matter back to the Council to undertake an unmet demand survey.
- 3.4 It had been assumed by the applicant that if a significant unmet demand were to be identified any additional HCV Licences would be awarded to the applicant. The Council's representative successfully argued that this would not be the case. There had been two other applicants for additional licences, and as Halton Council does not operate a waiting list numerous others should be allowed an equal opportunity to be considered if additional licences were to be issued.

In other words, should it be found that there is a significant unmet demand the Council will be free to devise its own method for issuing any new plates.

#### **4.0 THE SURVEY**

4.1 Following the decision of the Court a company called Jacobs were engaged to undertake the Hackney Carriage Vehicle unmet demand survey. Work on the survey has commenced and the outcome of the survey will be reported to members as soon as it is finalised.

4.2 Jacobs have advised that the survey will include

- Rank observations
- Public consultation
- Written stakeholder consultation
- Data Analysis
- Final report

#### **5.0 POLICY IMPLICATIONS**

5.0 Policy implications will be dependent on the findings of the unmet demand survey.

#### **6.0 OTHER IMPLICATIONS**

None

#### **7.0 IMPLICATIONS FOR THE COUNCILS PRIORITIES**

7.1 **Children and Young People in Halton**

None

7.2 **Employment Learning and Skills in Halton**

N/A

7.3 **A Healthy Halton**

N/A

7.4 **A Safer Halton**

None

7.5 **Halton's Urban Renewal**

N/A

#### **8. RISK ANALYSIS**

None

**9. EQUALITY AND DIVERSITY ISSUES**

There are no equality or diversity issues related to a review

**10. LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
Crown Court Notification / Correspondence	Municipal Building	Kay Cleary Nick Wheeler

<b>REPORT:</b>	Regulatory Committee
<b>DATE:</b>	27 November 2019
<b>REPORTING OFFICER:</b>	Strategic Director Enterprise, Community and Resources
<b>PORTFOLIO:</b>	Resources
<b>SUBJECT:</b>	Taxi Licensing Matter
<b>WARDS:</b>	Borough-wide

### **1. PURPOSE OF REPORT**

To consider amending the current hackney carriage and private hire vehicle policy in respect of loading wheelchair users from the rear.

### **2. RECOMMENDED**

**That the Executive Board be recommended:**

- 1. To approve the policy changes detailed in this report relating to fully wheelchair accessible rear loading vehicles in respect of hackney carriage vehicles and private hire vehicles;**
- 2. To give the Licensing Manager delegated authority to relax where appropriate for a period of 18 months from the adoption of this policy change The Minimum Usable Luggage Space Requirement in respect of rear loading fully accessible vehicles; and**
- 3. To give the Licensing Manager delegated authority to set out and publish the Council's various policies, terms, conditions and guidance on taxi and private hire matters as the Licensing Manager considers appropriate from time to time**

### **3. INTRODUCTION AND BACKGROUND INFORMATION**

- 3.1 All vehicles licensed by this Authority are able to carry a "standard" wheelchair in a folded up state following the user transferring to a seat in the vehicle.**
- 3.2 This report however refers to vehicles that are able to carry passengers while remaining in their wheelchair, known nationally as Wheelchair Accessible Vehicles or "WAV". This Council has traditionally referred to this category of vehicles as**

“fully” wheelchair compatible since the whole of the fleet is “wheelchair compatible” in the sense that a folding wheelchair can be accommodated with the passenger using the normal seating. National legislation and government targets have moved in the direction of only recognising vehicles as wheelchair accessible if they are “fully” wheelchair accessible.

3.3 As of the date of producing this report Halton Borough Council has the following number of WAV's:

<b>Total</b>	<b>WAV</b>	<b>%</b>
267 hackney carriage vehicles	55	20
109 private hire vehicles	16	14
376 licensed vehicles	71	18

3.4 There is no legal requirement for any specific amount of vehicles to be accessible to wheelchair users. The Equality Act 2010 was written with the intention to amend this, however the section relating to minimum numbers was never enacted.

3.5 Currently, the Council only approves vehicles for licensing as a WAV hackney carriage or WAV private hire vehicle that are permanently adapted/modified to enable a passenger using a standard wheelchair to enter, exit from the side of the vehicle.

3.6 Meetings have been held with representatives of the local trade (Taxi Consultative Group) when the issue of WAV's has been discussed. It is widely accepted by trade representatives that there is a need for additional WAV's in the Halton area in order to be able to meet the growing demand for vehicles that can carry customers who need to be carried while seated in their wheelchair.

3.7 By far the main reason provided by the trade for the reluctance to purchase a WAV under the current policy was the cost of purchase and the cost of maintaining this type of vehicle.

#### **4. POTENTIAL CHANGES**

4.1 Enquiries have been made by the Council's own Transportation Team as to this Authority possibly allowing vehicles to be licensed that can load wheelchair users from the rear of the vehicle. This would allow for a wider range of wheelchair users to be carried, more specifically those that are of a non-standard type to be carried i.e. heavier as well as those that can only be secured in a forward facing position.

4.2 In considering the implications of allowing rear fully loading wheelchair accessible vehicles, officers have identified both the

advantages and disadvantages of licensing rear loading WAV's and have listed them at **Appendix A** of this report.

- 4.3 As can be seen from the points in **Appendix A**, all the disadvantages relate almost specifically to hackney carriages due to the fact that they are available for immediate hire from taxi ranks.
- 4.4 Private Hire vehicle drivers are able to assess where to park when attending a pick-up or drop-off point which would explain why most Local Authorities now licence rear loading WAV's as private hire vehicles.
- 4.5 An argument for allowing rear loading WAV's as hackney carriages in Halton was raised at the Taxi Consultative Group on 10<sup>th</sup> October 2019. This argument was that a large volume of work undertaken by hackney carriages in Halton is from unofficial "taxi ranks" that are located on private land i.e. Asda car park in both Widnes and Runcorn, Hough Green and Widnes railway stations where there is no kerb for a wheelchair user to negotiate.
- 4.6 There is a further issue to consider in terms of the Council's current vehicle policies. Some rear loading vehicles are too small to comply with the Council's Minimum Useable Luggage Space requirements. There may have to be a 'trade-off' between increasing the number of fully wheelchair accessible vehicles and a relaxation of other standards. It is hoped that this will not happen since vehicles that are too small ought not to be attractive to the trade – some of these might only be able to accommodate two passengers. The Committee is asked to recommend that the Licensing Manager be given discretion to relax the Minimum Useable Luggage Space requirement in respect of fully wheelchair accessible vehicles for a period of 18 months to 'test the market'.
- 4.7 At present the following nearby Licensing Authorities do license rear loading vehicles as hackney carriages:
- Cheshire West & Chester
  - St Helens
  - Cheshire East
- 4.8 Knowsley Council have advised that they may be reviewing their own policy on this matter shortly.
- 5. Policy Decision Making**
- 5.1 The Committee is responsible for determining the Council's policies in connection with the grant, variation, suspension or

revocation of licences relating to taxi and private hire (see Terms of Reference of the Regulatory Committee part 17B).

- 5.2 However, the Constitution must now be interpreted in accordance with the case of R (On the application of 007 Stratford Taxis Limited v Stratford on Avon District Council 2011. This Court of Appeal decision interpreted the meaning of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 in respect of matters which must be dealt with by a Council's Executive or by a committee of its council. Essentially, the court held that: (1) it was clear that individual applications relating to taxi matters must be dealt with by the equivalent of this Council's Regulatory Committee and (2) matters calculated to facilitate, or be conducive or incidental to such applications must also be dealt with in the same way but (3) any "plan or strategy" associated with such a function would be an executive function and therefore have to be determined by a council's executive. The Stratford case concerned the introduction of a wheelchair access policy. The decision was taken by the Council's cabinet rather than its Licensing Committee. The challenge from the taxi trade was that the Licensing Committee should have adopted the policy. This element of the challenge was rejected by the court.
- 5.3 Consequently, any decision of the Regulatory Committee relating to policy change will be by recommendation to the Executive Board.
- 5.4 In deciding whether or not to adopt or to recommend the adoption of a policy the following questions should be addressed:
  - 5.4.1 Has proper consultation been undertaken?
  - 5.4.2 Are the proposals necessary and proportionate?
  - 5.4.3 In considering 5.4.2 what is it about any existing policy which has proved deficient or has failed to deal adequately with changes in circumstance?
  - 5.4.4 Notwithstanding the above, the Committee is entitled to determine individual applications on their merits. This means that the Committee could determine the application and/or wait for a change in policy.

## **6. ISSUES ARISING**

It is not envisaged that any current licence-holder would be disadvantaged by the implementation of any of the recommendations made in this report.

## **7. REGULATORS' CODE 2014**

7.1 The Regulators' Code 2014 requires regulators (such as the Council) to take into account a number of factors when introducing new policies.

7.2 For example, paragraph 1.2 of the Code states: "When designing and reviewing policies, operational procedures and practices, regulators should consider how they might support or enable economic growth for compliant businesses and other regulated entities, for example, by considering how they can best:

- understand and minimise negative economic impacts of their regulatory activities;
- minimise the costs of compliance for those they regulate;
- improve confidence in compliance for those they regulate, by providing greater certainty; and
- encourage and promote compliance."

7.3 The Code also states that regulators should base their regulatory activities on risk. In the present case the balancing exercise is to weigh any negative consequences on the taxi trade against the positive consequences on the public who use the services of the trade.

7.4 It is taken as read that unnecessary burdens should never be imposed and that all actions need to be proportionate.

## **8. OPTIONS**

8.1 The options available to the committee are to:

- Recommend the Executive Board to agree to amend the Council's current policy to allow rear loading wheelchair accessible vehicles to be licensed as private hire vehicles
- Recommend the Executive Board to agree to amend the Council's current policy to allow rear loading wheelchair accessible vehicles to be licensed as hackney carriage vehicles
- Reject either or both of the potential amendments

- 8.2 Should the Committee recommend a course of action other than outright rejection of the proposed changes then the existing policy pre-conditions will need to be re-drafted. The Committee would therefore be requested to include within the resolution a delegation of the task of preparing detailed wording and other consequential matters. An illustration of which can be found at **Appendix B**.

## **9. POLICY IMPLICATIONS**

- 9.1 These are set out in the report.

## **10. OTHER IMPLICATIONS**

None

## **11. IMPLICATIONS FOR THE COUNCILS PRIORITIES**

### **11.1 Children and Young People in Halton**

None

### **11.2 Employment Learning and Skills in Halton**

N/A

### **11.3 A Healthy Halton**

N/A

### **11.4 A Safer Halton**

None

### **11.5 Halton's Urban Renewal**

N/A

## **12. RISK ANALYSIS**

There are no associated risks which have been identified with this item.

## **13. EQUALITY AND DIVERSITY ISSUES**

The proposals recommended in this document promote the Council's Primary Transport Strategy No. 13 - Provision for People with Disabilities.

**14. LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

**Document**

Hackney and private hire vehicle licensing pre-conditions

**Place of Inspection**

<https://www3.halton.gov.uk/Pages/business/Licences/Taxis.aspx>

**Contact Officer**

Kay Cleary

## **Advantages of Rear Loading Wheelchair Accessible Vehicles**

- Many wheelchair users use rear loading vehicles in their personal lives (e.g. through the Motability scheme) and will be confident and comfortable using them and this may be their preference
- Easier to load/unload in some locations compared to side loading vehicles (e.g. private driveways and locations where there is no kerb)
- Easier for driver to load as:
  - a) some models can be fitted with an assistance winch
  - b) the angle at which the wheelchair user is loaded is smaller due to the floor in most of these vehicles usually being lower
- No need for driver to turn the wheelchair 90 degrees inside the vehicle which can be difficult for many drivers
- More suitable for some people using larger, heavier electric wheelchairs
- Provides disabled people with an additional transport option when booking (some wheelchair users find the side loading vehicles difficult to access)
- It is hoped (but not guaranteed) that the number of 'fully wheelchair accessible' vehicles in the fleet would be boosted
- Considerably cheaper to purchase from new as prices currently start around £19,000 as opposed to the side loading vehicles that start around from £30,000 to £46,000
- Petrol and hybrid options are available which may be less polluting than diesel variants
- Can carry passengers in a forward facing position which is a requirement for certain specialist wheelchairs. Note that existing 'fully wheelchair accessible' vehicles all carry wheelchairs anchored in a backward facing direction

## **Disadvantages**

- Where there are no dropped kerbs it could be difficult or uncomfortable to move a wheelchair bound passenger off a kerb on to the road
- Loading in the road puts passengers and drivers at greater risk from other road users
- No additional space on most designated hackney carriage stands to accommodate rear loading vehicles (up to 3000mm space is needed for rear loading)
- As rear loading vehicles are cheaper than side loading vehicles, it could result in the entire fleet being rear loading

- In most cases these vehicles are smaller and carry fewer passengers than side loading vehicles
- In pursuing the goal of increasing the number of fully wheelchair accessible vehicles in the fleet, compromises may be needed in relaxing certain standards such as minimum usable luggage space

**Condition modification if rear loading of wheelchairs to be permitted**

Both current hackney carriage and private hire policies referring to the loading of wheelchair users can be found in their respective pre-conditions at 2.1.3(3) and read as follows:

- (3) *A ramp for the loading of a wheelchair and occupant via the nearside passenger door must be carried in the vehicle at all times. The ramp must be of a design that is able to be effectively secured to the vehicle when being used.*

Should either, or both types of licensed vehicle policy be modified then the pre-conditions can be amended to incorporate the text in bold below.

- (3) *A ramp for the loading of a wheelchair and occupant via the nearside passenger door **(or in the case of rear loading fully wheelchair accessible vehicles, via the rear door)** must be carried in the vehicle at all times. The ramp must be of a design that is able to be effectively secured to the vehicle when being used.*

<b>REPORT:</b>	Regulatory Committee
<b>DATE:</b>	27 November 2019
<b>REPORTING OFFICER:</b>	Strategic Director Enterprise, Community and Resources
<b>PORTFOLIO:</b>	Resources
<b>SUBJECT:</b>	Taxi Licensing Matter
<b>WARDS:</b>	Borough-wide

### **1. PURPOSE OF REPORT**

To consider additions/amendments to elements of Taxi Licensing Policy, Single Status Driver's, Hackney Carriage, Private Hire Vehicle and Private Hire Operator's conditions as set out below.

### **2. RECOMMENDED: That the Committee considers the proposals and make appropriate recommendations to the Executive Board.**

### **3. INTRODUCTION AND BACKGROUND INFORMATION**

3.1 During meetings of the Taxi Consultative Group, various changes and additions were tabled for policy changes as well as changes to the Single Status Driver's, Hackney Carriage and Private Hire Vehicle, and Private Hire Operator's conditions as set out below. The group was asked to consult with the taxi trade they represent regarding the proposed changes. The potential changes to existing policy are summarised at section 4 of this report.

3.2 The Committee is responsible for determining the Council's policies in connection with the grant, variation, suspension or revocation of licences relating to taxi and private hire (see Terms of Reference of the Regulatory Committee part 17B).

3.3 However, the Constitution must now be interpreted in accordance with the case of R (On the application of 007 Stratford Taxis Limited v Stratford on Avon District Council 2011. This Court of Appeal decision interpreted the meaning of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 in respect of matters which must be dealt with

by a Council's Executive or by a committee of its council. Essentially, the court held that: (1) it was clear that individual applications relating to taxi matters must be dealt with by the equivalent of this Council's Regulatory Committee and (2) matters calculated to facilitate, or be conducive or incidental to such applications must also be dealt with in the same way but (3) any "plan or strategy" associated with such a function would be an executive function and therefore have to be determined by a council's executive. The Stratford case concerned the introduction of a wheelchair access policy. The decision was taken by the Council's cabinet rather than its Licensing Committee. The challenge from the taxi trade was that the Licensing Committee should have adopted the policy. This element of the challenge was rejected by the court.

3.4 Consequently, any decision of the Regulatory Committee on matters contained in this agenda will be by recommendation to the Executive Board.

3.5 In deciding whether or not to adopt or to recommend the adoption of a policy the following questions should be addressed:

3.5.1 Has proper consultation been undertaken?

3.5.2 Are the proposals necessary and proportionate?

3.5.3 In considering 3.5.2 what is it about any existing policy which has proved deficient or has failed to deal adequately with changes in circumstance?

3.6 The potential policy changes are introduced at section 4 below and analysed at Appendix A below. In summary they deal with the following areas:

- Painting trailers;
- Position of door signs on private hire vehicles;
- Display of table of fares as a single status driver condition;
- Maximum tyre age requirement;
- Insurance condition on vehicle licences;
- Insurance condition on single status drivers' licences.

#### **4. POTENTIAL CHANGES**

**4.1 Consider amending the pre-condition vehicle policy and remove the requirement to paint an approved trailer the same colour as the towing vehicle.**

4.1.1 Currently, trailers may be towed by licensed hackney carriage and private hire vehicles provided they comply with a number

of pre-conditions. One of these pre-conditions is the requirement to paint the trailer to match the towing vehicle.

4.1.2 This requirement has been in place further back than current records are held therefore its purpose can only be assumed to date back to a time when trailers were not mass-manufactured with current lightweight materials.

4.1.3 This pre-condition serves no benefit to the current trade (or the public) and as modern trailers are made from metals, painting would likely affect the re-sale value of the trailer.

**4.2 Consider an amendment to the current private hire vehicle licence conditions in order to specify where on the vehicle Halton borough Council's door signs are to be fitted.**

4.2.1 Private hire vehicle condition 6, bullet point 3 currently states the following:

*“a sign on adhesive plastic of a size colour design and wording approved by the Council shall be required to be positioned on both front doors indicating that the vehicle is a licensed Private Hire Vehicle”.*

4.2.2 This instruction does not clarify where on the front doors these stickers should be fitted. This has resulted in a number of vehicles having these door signs fitted to the lower half of the vehicle doors which are either harder to read or cannot be read due to the curvature of the door.

4.2.3 The door signs are already designed in high visibility colours and as they provide safety information as well as providing the vehicle identification they need to be in a prominent position on the vehicle.

**4.3 Consider removing the single status driver's licence condition requiring the display of a table of fares.**

4.3.1 This condition is a “historical” one which no longer has any relevance to the driver. The requirement to display a table of fares now sits within the hackney carriage vehicle licensing conditions.

**4.4 Consider creating a new hackney carriage and private hire vehicle pre-condition (policy) requiring all licensed vehicles to always be fitted with tyres that are less than 10 years old from the date of manufacture.**

4.4.1 In 2012, a coach transporting young people back from a music festival crashed, causing three people to tragically lose their

lives, and many more to suffer life changing injuries. The crash was caused by a tyre that was 19.5 years old.

Following an inquest into the tragic crash the coroner wrote to the Government appealing for legislation to ban tyres older than 10 years from being used by coaches or mini-busses.

The Department of Transport did not implement this change in legislation but simply amended the safety guidelines of public service vehicles (busses, mini-busses, coaches etc), recommending that tyres over 10 years should not be fitted.

- 4.4.2 It is accepted that one of the biggest factors that adversely affects tyres is the process of ageing. Over time and with 'oxidation' certain rubbers 'work-harden' which leads to rubber stiffening and decreases its integrity.

Because aging substantially decreases the quality, integrity and ultimately the safety of tyres, you would expect there to be laws in place to protect the public.

Vehicle manufacturers make safety recommendations in their handbooks, stating tyres over 10 years old should not be used. Some go as far as saying 6 years is the safe limit.

- 4.4.3 On the sidewall of a tyre you will find the 'Department of Transport code' (DOT code). One of the key pieces of information that can be gained from this is the date the tyre was manufactured.

Since the year 2000, the date section of the code has been made up of 4 numbers. The first two numbers tell you the week and the last two indicate the year the tyre was manufactured. Therefore if a tyre has the code 39/09, this means the tyre was manufactured in the 39th week of the year 2009.

- 4.4.4 Because of the deemed safety implications, a safety campaign was set up by the mother of one of the individuals who died in the coach accident. Further details can be found on the campaign website [www.tyred.org.uk](http://www.tyred.org.uk)

A number of authorities, public bodies and private organisations have given their backing to this campaign of which the Liverpool City Region is one.

- 4.4.5 Hackney carriages and private hire vehicles provide a major contribution to the transport network across the Liverpool City Region (if not the UK), therefore the issue of tyre safety has been discussed by licensing representatives from all 6 Liverpool City Region authorities. During these meetings it was agreed

to recommend a new policy to each licensing committee requiring all hackney carriage and private hire vehicles to be fitted with tyres less than 10 years old at all times.

4.4.6 The test bay at the Council's Lower House Lane depot has been monitoring the age of tyres being used on all licensed vehicles over the past 12 months and have only found 3 vehicles with tyres that exceed 10 years of age. When the owners of these vehicles were made aware of this fact they all chose to replace the tyres at their own discretion.

**4.5 Consider removing a condition for private hire and hackney carriage vehicle licence-holders to hold insurance for their vehicles and for a copy of this insurance to be kept in the vehicle at all times.**

4.5.1 The first part of this condition requiring a vehicle licence-holder to have insurance for their vehicle no longer serves any purpose as national legislation requires appropriate insurance to be held (Road Traffic Act 1988 refers) and drivers not complying with this act can be prosecuted.

4.5.2 The second part of this condition is no longer deemed relevant as again national legislation requires insurance to be provided by a licence-holder upon request which is a considerably more cost effective way of checking on insurance.

4.5.3 There is also an argument that it is no longer environmentally friendly to require all licence-holders to photocopy or print-out their insurance policies especially as most insurance companies now provide digital copies via email.

**4.6 Consider removing a condition requiring single status drivers to keep a copy of their insurance in their vehicle at all times.**

4.6.1 This condition is almost identical to the condition referred to in 4.5 of this report except that it refers to licensed drivers instead of the vehicle licence-holders and does not require drivers to hold relevant insurance.

4.6.2 The points referred to in 4.5.2 and 4.5.3 also apply to this condition.

**5. ISSUES ARISING**

It is not envisaged that any current licence-holder would be disadvantaged by the implementation of any of the recommendations made in this report.

## 6. REGULATORS' CODE 2014

- 6.1 The Regulators' Code 2014 requires regulators (such as the Council) to take into account a number of factors when introducing new policies.
- 6.2 For example, paragraph 1.2 of the Code states: "When designing and reviewing policies, operational procedures and practices, regulators should consider how they might support or enable economic growth for compliant businesses and other regulated entities, for example, by considering how they can best:
- understand and minimise negative economic impacts of their regulatory activities;
  - minimising the costs of compliance for those they regulate;
  - improve confidence in compliance for those they regulate, by providing greater certainty; and
  - encourage and promote compliance."
- 6.3 The Code also states that regulators should base their regulatory activities on risk. In the present case the balancing exercise is to weigh any negative consequences on the taxi trade against the positive consequences on the public who use the services of the trade.
- 6.4 It is taken as read that unnecessary burdens should never be imposed and that all actions need to be proportionate.

## 7. OPTIONS

- 7.1 The options available to the committee are to **recommend**:
- Agreement to some or all of the potential changes or
  - Amendment to some or all of the potential changes or
  - Rejection of the potential changes.
- 7.2 Should the Committee recommend a course of action other than outright rejection of any potential changes existing conditions will need to be altered. The Committee would therefore be requested to include within the resolution a delegation of the task of preparing detailed wording and other consequential matters.

## 8. POLICY IMPLICATIONS

- 8.1 Any changes made would change elements of existing policy and vary Conditions relating to applicants applying to hold

Single Status Driver's, Hackney Carriage & Private Hire, Vehicles and Private Hire Operator's Licences issued by Halton Borough Council.

**9. OTHER IMPLICATIONS**

None

**10. IMPLICATIONS FOR THE COUNCILS PRIORITIES**

**10.1 Children and Young People in Halton**

None

**10.2 Employment Learning and Skills in Halton**

N/A

**10.3 A Healthy Halton**

N/A

**10.4 A Safer Halton**

None

**10.5 Halton's Urban Renewal**

N/A

**11. RISK ANALYSIS**

None

**12. EQUALITY AND DIVERSITY ISSUES**

There are no equality or diversity issues related to a review

**13. LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
1. Taxi Consultative Group Agendas	Licensing Section	Kay Cleary Nick Wheeler
2. Current licence Conditions/policies		

**Proposed changes to elements of policy together with Single Status Drivers, Hackney Carriage, Private Hire Vehicle and Private Hire Operator licence conditions**

<b>Proposal</b>	<b>Mischief being addressed</b>	<b>Arguments in favour of change</b>	<b>Arguments against change</b>	<b>Proportionality</b>	<b>Grandfather rights issues</b>	<b>Proposed Wording of condition</b>
<p>Remove the current requirement to paint an approved trailer the same colour as the towing vehicle.</p> <p><b>(para 4.1 of the report relates)</b></p>	<p>The current pre-condition was approved at a time when the construction of trailers was considerably different i.e. mostly home-made with the main body made from wood. The original reason for the condition was to avoid confusion between hackney carriage and private hire vehicles.</p>	<p>Trailers are now primarily made from various metal elements and do not require painting for protection. The colour of trailers can no longer lead to any confusion as to the type of vehicle involved. There is no safety benefit to painting the trailer in the same colour as the towing vehicle. Requires re-painting every time new towing vehicle purchased (if different colour).Painting may also detract from the eventual sale price of the trailer.</p>	<p>No arguments against have been submitted.</p>	<p>There is no question of proportionality for this amendment. This proposal is a relaxation of current requirements.</p>	<p>Not applicable</p>	<p><b>Vehicle Pre-Condition (Policy)</b></p> <p>Remove HCV condition 2.3.2 and PHV condition 2.4.2</p> <p><i>“Trailers shall be painted the same colour as the towing vehicle.”</i></p>

Proposal	Mischief being addressed	Arguments in favour of change	Arguments against change	Proportionality	Grandfather rights issues	Proposed Wording of condition
<p>To amend the current private hire vehicle condition to specify the location Halton Borough Council door signs are to be fitted on vehicles.</p> <p><b>(para 4.2 of the report relates)</b></p>	<p>The current condition does not specify where on the front doors of the vehicle the HBC signs are to be fitted and have been seen fitted to the lower half of the door which can be hard to read, especially where the door is curved.</p>	<p>Halton Borough Council door signs clearly depict that the vehicle needs to be pre-booked and also provides the licence number of the vehicle. This amendment provides clear instruction for licence-holders fitting the stickers and also means that members of the public can read the content.</p>	<p>No arguments against have been submitted.</p>	<p>There is no perceived question of proportionality relating to this proposal as it is seen to assist the Licensing Section with its primary function of public protection as well as licence-holders with clear instruction on fitting.</p>	<p>Not applicable</p>	<p><b>Vehicle Condition</b></p> <p>Amend PHV condition 6, bullet point 3 to read as follows:</p> <p><i>“a sign on adhesive plastic of a size, colour, design and wording approved by the Council shall be required to be positioned on the upper half of both front doors (i.e. immediately below the windows) indicating that the vehicle is a licensed Private Hire Vehicle”</i></p>
<p>Consider removing the driver condition requiring the display of the table of fares.</p> <p><b>(para 4.3 of the report relates)</b></p>	<p>This is a historical condition that has been superseded by other amendments and is no longer relevant to drivers.</p>	<p>This condition has been moved to cover hackney carriage vehicle licenses as well as a small number (if any) of private hire vehicle licenses.</p>	<p>No arguments against this proposed condition have been received.</p>	<p>There is no perceived question of proportionality relating to this proposal. This proposal is a relaxation of current requirements and avoids duplication.</p>	<p>Not applicable.</p>	<p><b>Driver Condition</b></p> <p>Remove SSD condition 14</p> <p><i>“The holder shall display in a conspicuous place within any licensed hackney carriage or private hire vehicle being driven by the holder a copy of a current Table of Fares issued by the Council.”</i></p>

Proposal	Mischief being addressed	Arguments in favour of change	Arguments against change	Proportionality	Grandfather rights issues	Proposed Wording of condition
<p>Consider creating a new condition requiring all licensed vehicles to only be fitted with tyres that are under 10 years old.</p> <p><b>(para 4.4 of the report relates)</b></p>	<p>Due to a number of reasons, oxidation etc. the older a tyre gets the risk of it failing also increases. Tyres in this age bracket are therefore cheaper to buy which effectively puts profit before safety.</p>	<p>This proposed amendment is being considered by all Liverpool City Region licensing authorities in order to show a unified approach to safety in all licensed vehicles.</p>	<p>No arguments against this proposed condition have been received.</p>	<p>There is no perceived question of proportionality relating to this proposal. This proposal is made on public safety grounds and is consistent with provisions being introduced by other licensing authorities.</p>	<p>Not applicable.</p>	<p><b>Vehicle Pre-Condition (Policy)</b></p> <p>New policy as a pre-condition for licensing</p> <p><i>“Tyres that are 10 years old or over from the date of manufacture must not be fitted to any licensed vehicle or used as a spare/space-saver tyre. This applies to both new and re-treaded tyres.”</i></p>
<p>Consider removing the condition requiring private hire and hackney carriage vehicle licence-holders to hold insurance for their vehicles and to keep a copy in their vehicle.</p> <p><b>(para 4.5 of the report relates)</b></p>	<p>This is a historical licensing condition. If not removed, the second part of this condition would have to be enforced which is neither cost-effective nor relevant.</p>	<p>The first part of this condition requiring the vehicle and driver to be insured is already covered by national legislation and therefore serves no purpose. The requirement to hold a copy of the insurance in the vehicle is also now dated.</p>	<p>No arguments against this proposed condition have been received.</p>	<p>There is no question of proportionality for this amendment. This proposal is a relaxation of current requirements.</p>	<p>Not applicable.</p>	<p><b>Vehicle Condition</b></p> <p>Remove private hire vehicle and hackney carriage vehicle condition 8</p> <p><i>“The licence holder shall ensure that proper insurance is taken out and maintained in his name which must cover all persons holding single status drivers licences who will be driving the vehicle. A copy of the current insurance certificate must be kept in the vehicle at all times.”</i></p>

Proposal	Mischief being addressed	Arguments in favour of change	Arguments against change	Proportionality	Grandfather rights issues	Proposed Wording of condition
<p>Consider removing the condition requiring holders of single status driver's licence to keep a copy of their insurance in their vehicles.</p> <p><b>(para 4.6 of the report relates)</b></p>	<p>If not removed, this condition would have to be enforced which is neither cost-effective nor relevant.</p>	<p>The requirement to hold a copy of the insurance in the vehicle is now dated and unnecessary.</p>	<p>No arguments against this proposed condition have been received.</p>	<p>There is no question of proportionality for this amendment. This proposal is a relaxation of current requirements.</p>	<p>Not applicable.</p>	<p><b>Driver Condition</b></p> <p>Remove single status driver condition 13.</p> <p><i>“The holder shall keep a copy of a current certificate of insurance in the vehicle used by the holder.”</i></p>