

SLOUGH BOROUGH COUNCIL

REPORT TO: Licensing Committee **DATE:** 15th February 2018

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WARD(S): All

PART I **FOR DECISION**

PROPOSAL FOR THE REMOVAL OF MINIMUM SIZES FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES.

1. **Purpose of Report**

The Committee is asked to consider and approve the recommendation that the existing 'Minimum Size of Vehicle' Policy for all licensed hackney carriage and private hire vehicles is rescinded with immediate effect and for Licensing Officers to continue to have discretion in determining the number of passengers a vehicle can be licensed to carry.

2. **Recommendation(s)/Proposed Action**

The Committee is requested;

- a. that the current 'Minimum Size of Vehicle' policy for all licensed hackney carriage and private vehicles be rescinded with immediate effect.
- b. that any size of vehicle can be considered for licensing as either a private hire or hackney carriage vehicle, providing it complies with Slough Borough Council's assisting policies including (but not limited too) the Vehicle Age Policy, Tinted Window Policy and Wheelchair Accessibility Policy.
- c. that Licensing Officers will continue to have the discretion to determine how many adult passengers the vehicle can safely and comfortably carry.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

The report outlines that the original policy on the 'Minimum Size of Vehicle' to be licensed as a hackney carriage or private hire vehicle was approved on 4th November 2009, to give Licensing Officers an industry-wide recognised method of classifying vehicles by size and determining how many passengers the vehicle would be licensed for.

Since that time, and most recently the types, make and models of vehicles on the market has increase greatly providing far more choice of vehicles to be suitably licensed. This also includes low emission and electric vehicles which tend to be smaller than the normal type and size of vehicle currently licensed.

The proposals will therefore greatly increase the number and choice of types of vehicles than can be licensed where there is no size restriction and that the vehicles comply with all other policies including (but not limited too) the Vehicle Age Policy, Tinted Window Policy and Wheelchair Accessibility Policy.

3a. **Slough Joint Wellbeing Strategy Priorities**

The proposals will contribute to the Council’s Low Emission Strategy (LES) in enabling licence holders to licence smaller low emission vehicles and reducing emission levels in Slough and in doing so, will support the Slough Joint Wellbeing Strategy priorities:

Priorities: Increasing life expectancy by focusing on inequalities.

3b. **Five Year Plan Outcomes**

The proposals will contribute significantly to the Five Year Plan with the specific outcomes of:

1. Our children and young people will have the best start in life and opportunities to give them positive lives.
2. Our people will become healthier and will manage their own health, care and support needs.
3. Slough will be an attractive place where people choose to live, work and visit.
4. Slough will attract, retain and grow businesses and investment to provide jobs and opportunities for our residents.

4. **Other Implications**

(a) Financial

There are no financial implications of proposed action.

(b) Risk Management

Recommendation from section 2 above	Risks/Threats/ Opportunities	Current Controls	Using the Risk Management Matrix Score the risk	Future Controls
a. That the current ‘Minimum Size of Vehicle’ policy for all licensed hackney carriage and private vehicles is rescinded with immediate effect.	The current policy on minimum sizes for hackney carriage and private hire vehicles is too prescriptive and limits the number of vehicles on the market that have low emission	None	4	Proposals for low emission standards for all currently licensed and replacement hackney carriage and private hire vehicles have been consulted on and will be put before the Licensing
b. That Any				

<p>size of vehicle can be considered for licensing as either a private hire or hackney vehicle providing it complies with Slough Borough Council's assisting policies including (but not limited too) the Vehicle Age Policy, Tinted Window Policy and Wheelchair Accessibility Policy.</p> <p>c. That Licensing Officers will have the discretion to determine how many adult passengers the vehicle can safely and comfortably carry.</p>	<p>standards. As low emissions are contained in the Council's Low Emission Strategy (LES) the proposal to licence any size of vehicle would promote the take up for and will encourage licence holders to purchase vehicles with low emission levels.</p>			<p>Committee on 6th June 2018. As low emission vehicles tend to be smaller than the current policy these proposals will support the take up of purchasing such vehicles.</p>
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(c) Human Rights Act and Other Legal Implications

1. Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of licence and shall not be deprived of the possession except in the public interest.

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

2. The Local Government (Miscellaneous Provisions) Act 1976, allows the Local Authority to set standards for the granting of taxi and private hire vehicle licenses.

(d) Equalities Impact Assessment

An Equality Impact Assessment has not been conducted at this stage as the proposals will remove the current restriction on only licensing large family saloon

vehicles. By approving the proposals this will allow all drivers to have a greater choice of vehicles on the market to be licensed.

(e) Workforce

None

5. **Supporting Information**

- 5.1 The 'Minimum Size of Vehicle' policy (attached at **Appendix A**) was approved by the Licensing Committee on 4th November 2009 to give Licensing Officers an industry-wide recognised method of classifying vehicles by size and determining how many passengers the vehicle would be licensed for.
- 5.2 Since 2009, the car industry has moved on and the Licensing Team are now formulating a Low Emission Standards Policy to reflect the Councils priority on making Slough a cleaner and greener place to live and work as part of the Council wide Low Emission Strategy (LES).
- 5.3 Low emission vehicles tend to be smaller and generally, do not comply with the current minimum size policy. Rescinding the 'Minimum Size of Vehicle' Policy would allow a wider range and choice of vehicles to be licensed and promote the take up of licensing low emission vehicles.
- 5.4 The current Department for Transport's (DfT) Taxi and Private Hire Licensing – Best Practice Guidance for local authorities on taxi and private hire licensing states the following:

'Specification of Vehicle Types That May Be Licensed

26. The legislation gives local authorities a wide range of discretion over the types of vehicle that they can license as taxis or PHVs. Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.

27. Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, local authorities might usefully set down a range of general criteria, leaving it open to the taxi and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way there can be flexibility for new vehicle types to be readily taken into account.

28. It is suggested that local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the Department believes authorities should be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. But of course the purpose-built vehicles are amongst those which a local authority could be expected to license. Similarly, it may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers).'

Therefore the current SBC policy is too prescriptive and limits the type and size of vehicles which can be licensed that are currently on the market.

- 5.5 Licensing officers will continue to have the discretion to take into account the vehicle size when determining how many adult passengers the vehicle can carry **safely and comfortably**, which is currently the case.
- 5.6 There is now a wide range of low emission/electric vehicles available on the market, however, these vehicles tend to be smaller than the normal family saloon vehicles that are currently licensed. The proposals would allow for smaller vehicles to be licensed, but for the carriage of a fewer number of passengers. An example is that the Licensing team have had a number of enquiries of licensing the Nissan Leaf and other similar sized vehicles which would only be licensed to carry 3 adult passengers taking into account **safety and comfort**.

6. **Comments of Other Committees**

None.

7. **Conclusion**

That the Committee approve:

- a. That the current 'Minimum Size of Vehicle' policy for all licensed hackney carriage and private vehicles be rescinded with immediate effect.
- b. That Any size of vehicle can be considered for licensing as either a private hire or hackney carriage vehicle providing it complies with Slough Borough Council's assisting policies including (but not limited too) the Vehicle Age Policy, Tinted Window Policy and Wheelchair Accessibility Policy.
- c. That Licensing Officers will continue to have the discretion to determine how many adult passengers the vehicle can safely and comfortably carry.

8. **Appendices Attached**

'A' - Current 'Minimum Size of Vehicle' policy

9. **Background Papers**

'1' - Local Government (Miscellaneous Provisions) Act 1976

'2' - Taxi and Private Hire Licensing – Best Practice Guidance

Appendix A

Car Classification				
<u>American English</u>	<u>British English</u>	<u>European Commission classification</u> ^[4]	<u>Euro NCAP</u>	<u>Examples</u>
Mid-size car	Large family car	D-segment	Large family car	Ford Mondeo, Vauxhall Vectra, Toyota Avensis, VW Passat
Entry-level luxury car	Compact executive car			Audi A4, BMW 3 Series, Mercedes C-Class, Volvo S60
Full-size car		E-segment	Executive car	Holden Commodore, Vauxhall Omega, Chrysler 300C
Mid-size luxury car	Executive car			Audi A6, BMW 5 Series, Volvo S80, Jaguar XF, Mercedes E-Class, Lexus GS
Full-size luxury car	Luxury car			F-segment
Compact minivan	Compact MPV, Midi MPV	<u>M-segment</u>	Small MPV	Mazda5, Opel Zafira, Renault Scénic, VW Touran
Minivan	Large MPV		Large MPV	Ford Galaxy, Toyota Previa, Renault Espace, VW Sharan
Mid-size SUV		J-segment**	Large Off-Road 4x4	Mercedes M Class, BMW X5, Jeep Grand Cherokee, VW Touareg,
Full-size SUV	Large 4x4			Cadillac Escalade, Chevrolet Suburban, Range Rover, Toyota Land Cruiser Audi Q7