
THE MAYOR - EXECUTIVE MEMBER FOR ADULT SOCIAL CARE AND PUBLIC PROTECTION

A meeting of the The Mayor - Executive Member for Adult Social Care and Public Protection was held on Wednesday 9 February 2022.

PRESENT: Councillors A Preston (The Mayor) (Chair),

OFFICERS: J McNally, J Hedgley and T Hodgkinson

21/7

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

The Director of Adult Social Care and Healthcare Integration submitted a report the purpose of which was to ask the Mayor Executive Member for Adult Social Care and Public Health to approve two amendments to Middlesbrough's Taxi Licensing Policies & Conditions following numerous requests from the Taxi Trade. The changes related to the permitted vehicle age limit and window tints permitted for Hackney Carriage and Private Hire vehicles licensed by the Council.

It was advised that taxi legislation allowed each local authority to set the standards it required of its drivers, vehicles and operators by imposing local policies and conditions. Therefore, standards could and did vary considerably across England depending on the needs of each district.

There were currently 9 Private Hire Operator licences, 525 private hire vehicles, 240 hackney carriage vehicles, 98 hackney carriage drivers, 586 private hire drivers and 409 combined driver licences issued by Middlesbrough Council.

Middlesbrough Council had imposed an age policy for licensed Hackney Carriage and Private Hire vehicles which was amongst the highest standards of all of the North East local authorities.

The Council's current policy also required window tints for the rear passenger windows in licensed vehicles to conform to specified minimum light transmission levels which was something that was not a requirement for regular motor vehicles under road traffic legislation - Road Vehicles (Construction and Use Regulations).

It was advised that traditionally it had been usual practice for Private Hire Companies to obtain licences for vehicles, drivers and operators from the Local Authority where they were based and where they intended to carry out the majority of their work.

However, in recent years, there had been changes in Taxi legislation which had permitted Private Hire Operators, Vehicle Proprietors and Drivers to obtain licences from other local authorities without ever intending to work in that local authority's area.

In many cases the standards, conditions and policies set by other local authorities were considerably less than their own local authorities. This had resulted in private hire licence holders, who would have ordinarily obtained licences from Middlesbrough Council, obtaining private hire vehicle and driver's licences from Local authorities such as Wolverhampton City Council whilst operating exclusively in Middlesbrough and surrounding areas.

This was not just an issue of concern to Middlesbrough but was an issue concerning many local authorities across the country with Wolverhampton City Council licensed private hire vehicles and drivers operating in many of the major towns and cities in England.

There had been a vehicle age policy in Middlesbrough for over 25 years. The aim of the age policy was to maintain the quality and visual appearance of Middlesbrough's Taxi Fleet. In relation to the safety of vehicles, a stringent taxi vehicle test was carried out annually for

vehicles less than 3 years old and every 6 months for vehicles over 3 years of age by the Council's MOT Testing Station.

Middlesbrough's current age policy only allowed vehicles to be licensed if they were less than 3 years old when first licensed and for them to remain licensed up to 8 years of age (10 years for wheelchair accessible vehicles).

Wolverhampton City Council's Policy allowed vehicles to be licensed up to 12 years of age when first licensed and for them to remain licensed up to 17 years of age. Consequently, they had a significant advantage over Middlesbrough licensed vehicle proprietors and now an increasing number of older private hire vehicles licensed by Wolverhampton City Council were operating in Middlesbrough.

Stockton Council had also suffered a loss of vehicles and drivers to Wolverhampton City Council and had recently amended their vehicle age policy which allowed vehicles to be first licensed up to 5 years of age and allowed them to remain licensed up to 12 years of age, 15 years for wheelchair accessible vehicles.

Members of the Middlesbrough licensed taxi trade had suggested an amendment to the Middlesbrough age policy to allow vehicles to be first licensed up to 5 years of age and for them to remain licensed up to 10 years of age (12 years for wheelchair accessible vehicles).

Officers had considered the proposal put forward by the taxi trade. Vehicles would continue to be rigorously MOT safety tested by the Council's Taxi Testing Station every 6 months (for vehicles over 3 years old). Officers did not believe that the proposed amendment would impact on public safety in any way and they were supportive. Officers believed that amending the age policy would bring parity with other local authorities Taxi Licensing Service and would result in significant cost savings for the trade.

The report detailed that under current legislation, The Road Vehicles (Construction & Use) Regulations 1986, for all vehicles driven in the UK required that the windows on the vehicle allow at least:

- 75 per cent of light through the front windscreen and
- 70 percent of light through the front side windows

The legislation on window tints did not apply to the rear windscreen or rear passenger windows.

Middlesbrough Council's Taxi Policy had included a restriction on the rear window tints in vehicles used for Hackney Carriages and Private Hire vehicles. This policy was introduced primarily for public safety considerations. The Policy imposed a requirement on the rear passenger windows that: "All rear windows of the vehicle should have a minimum of 30% light transmission."

In recent years most vehicle manufacturers had started to introduce privacy glass in the rear passenger windows as standard. Many of these vehicles no longer met the Council's Window Tint Policy and this had led to a number of vehicles failing the Council's Taxi Test. As a result vehicle proprietors have had to invest several hundreds, and in some cases thousands of pounds, to replace glass in vehicles in order for the vehicle to be able to meet the Council's Policy standard.

It was advised that in some instances vehicle proprietors had chosen not to replace glass and had instead chosen to licence these vehicles with Wolverhampton City Council who did not have a Window Tint Policy.

There was no national standard for window tints in Hackney Carriages and Private Hire vehicles in the UK, each local authority could have a different standard.

Other potential options/decisions included:

OPTION 1

The Council could decide to retain both of the existing Policies, however, it was likely that this would lead to more vehicle proprietors choosing to licence their vehicles with other local

09 February 2022

authorities which would lead to a further loss of local control over licensed vehicles operating in Middlesbrough. It would also maintain a significant financial advantage for proprietors licensing their vehicles with Wolverhampton City Council.

ORDERED:-

The two amendments to Middlesbrough's Taxi Licensing Policies & Conditions be approved.

REASONS:-

The decision was supported for the following reasons:

The amendments would provide parity with other Local Authority standards, particularly Wolverhampton City Council.

To assist the Taxi Trade who had suffered financial hardship caused by the Coronavirus pandemic as the proposed amendments would lead to significant financial savings by the trade and would allow licensed vehicles to be operated for longer before needing to be replaced.

By amending both policies it would lead to more licensed vehicles being retained in Middlesbrough giving the Council greater control over the vehicles allowing the Council to maintain a fleet of high quality licensed vehicles.

The decision will come into force after five working days following the day the decision was published unless the decision becomes subject to the call in procedures.