

GENERAL PURPOSES AND LICENSING COMMITTEE – 8 MARCH 2013

REVIEW OF TAXI LICENSING POLICY – VEHICLE ENGINE SIZE

1. INTRODUCTION

- 1.1 The purpose of this report is to consider changes to the current policy regarding acceptable vehicle engine sizes for licensed vehicles, as stated in the 'General Conditions of Fitness and Design of Vehicles'.

2. BACKGROUND

- 2.1 This report has been initiated by a request from several taxi proprietors within the trade association and after various discussions with the Council's Transport Manager responsible for Claymeadow Depot, Hounslow. Both parties agree that the current policy on vehicle engine size capacity is outdated, overly restrictive and does not take into consideration developments and advancements in vehicle technology and engine designs such as: 'clean burn' engines; turbo charger; fuel injections systems and other general vehicle improvements.
- 2.2 As with all other areas of its activity, the local authority is entitled to adopt policies in relation to hackney carriage and private hire licensing. Policies are an integral part of the decision making process, informing and guiding the decision makers and providing a valuable aid to consistent decision making. In contrast with more recent licensing regimes under the Licensing Act 2003 and Gambling Act 2005 there is no statutory requirement placed upon the local authority to produce a taxi policy. This policy is created voluntarily by the local authority to assist with consistent decision making. It must be made clear that a policy is not a fetter on the discretion of the local authority. Each case must continue to be judged on its own merits, but this can be done in the light of the policies that are applicable. A policy guides, but does not bind, a local authority.

3. LEGISLATION

- 3.1 A hackney carriage (HC) is defined in Section 38 Town Police Clauses Act 1847(TPCA47) as "*Every wheeled carriage, whatever may be its form or construction, used in standing or plying for hire in any street within the prescribed distance and every carriage standing upon any street within the prescribed distance, having thereon any numbered plate required by this or the special Act to be fixed upon a hackney carriage, or having thereon any plate resembling or intended to resemble any such plate as aforesaid, shall be deemed to be a hackney carriage within the meaning of this Act;*". This definition is used in every piece of legislation since 1847.
- 3.2 The approach to the concept of a hackney carriage is quite different to that applied to private hire vehicles. It is the use of the vehicle that makes it a hackney carriage, as opposed to the appearance,

construction or existence of a licence for private hire vehicles. There is no such thing as a purpose-designed or purpose-built private hire vehicle, unlike a hackney carriage where 'London style' vehicles and similar type versions are available. Private hire vehicles (PHV) come in all shapes and sizes and there is no normal or average vehicle.

3.3 Section 48 of the Local Government Miscellaneous Provisions Act 1976 (LG (MP) A76) lays down certain criteria that have to be satisfied before the district council can licence a vehicle as a private hire vehicle. These being that the vehicle in question is:

- Suitable in type, size and design for use as a PHV;
- Not of such design and appearance as to lead any person to believe that the vehicle is a HC;
- In a suitable mechanical condition;
- Safe; and
- Comfortable.

4. POLICY

4.1 The Council can determine minimum standards for licensed vehicles. The current policy on vehicle engine sizes, as stated in the 'New Forest District Council Statement of Principles Hackney Carriage & Private Hire Licensing' is detailed in table 1 below:

TABLE 1

Part 2 - General Conditions of Fitness and Design of Vehicles

2.1 General

2.1.1 All licensed vehicles must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in general or in particular and in force at the time of licensing and with any retrospective changes introduced during the life of the licence.

2.2 Hackney Carriage & Private Hire Vehicles

2.2.1 A vehicle licence will be granted or renewed only where:-

- If a hackney carriage, a purpose built London FX4 taxi or any four or five door saloon, estate car or "mini-bus" type vehicle with an engine capacity of not less than 1500cc in respect of petrol engines and 1695cc in respect of diesel engines and constructed to carry a minimum of 4 and a maximum of 8 adult passengers;
- If a private hire vehicle, a 4 or 5 door family saloon, estate car or "mini-bus" type vehicle with an engine capacity of not less than 1500cc in respect of petrol engines and 1695cc in respect of diesel engines and constructed to carry a minimum of 4 and a maximum of 8 adult passengers;

Provided:-

- The Licensing Officer is satisfied in relation to the size, design and safety standards of the vehicle.

- 4.2 The current engine size standards, as stated above, have been the policy of this Council for over 20 years. Over the same time period there have been considerable advances in both vehicle designs and engine technology but the standards applied have never been specifically reviewed or scrutinised.

5. CONSIDERATIONS

- 5.1 The taxi trade have indicated that they would like a reduction of the initial entry level set for engine capacity for both petrol and diesel vehicles licensed to carry 4 passengers only. The taxi association believe that this would give their members more choice over a range of suitable vehicles that could be used for taxi work. It could also result in reduced running costs by using more fuel efficient vehicles and the associated lower start up costs, insomuch that generally vehicles with a lower engine capacity are cheaper to buy new, albeit proportionately more expensive when purchased second hand.
- 5.2 Specific references to stating engine sizes within a taxi policy are very limited. Denby 'The Book' (11th Edition 2002) – a licensing guide for taxi officers, inspectors and enforcement officers; offers the following advice stated in table 2 below:

TABLE 2

Engine Size

"The acceleration and braking capabilities should match the engine and carrying capacity of the vehicle. In the past some have set a limit of 350cc per person, but with modern power output this may be reduced by some Councils."

- 5.3 The Council's Transport Manager and vehicle inspectors are of the opinion that brake horse power (bhp) is a far better indicator of vehicle performance and ability to function as a licensed vehicle. They would prefer minimum vehicle specifications to be set using either brake horse power or torque indication levels. However, unlike an engine capacity which is clearly stated in the vehicle registration certificate (V5C) and it is also usually detailed on the vehicle body, brake horse power and torque can only be sourced from vehicle trade related documents or publications.
- 5.4 Table 3 highlights the variances of costs, engine capacity, brake horse power, torque etc using the latest models of the Skoda Octavia as a typical example.

TABLE 3

Model	Price £	Engine	BHP	Torque	MPH	MPG	CO2	PPM
1.2 TSI 105 S	14,030	1197	105	129	119	49.6	134	41
1.2 TSI 105 SE	15,040	1197	105	129	119	49.6	134	43
1.4 80 S	13,280	1390	80	97	107	40.4	167	41
1.4 TSI 122 S	14,565	1390	122	147	126	42.8	154	43
1.4 TSI 122 SE	15,575	1390	122	147	126	42.8	154	45
1.6 TDI 105 S	16,400	1598	105	184	118	62.8	119	42
1.6 TDI 105 SE	17,410	1598	105	184	118	62.8	119	44

1.8 TSI S	21,150	1798	160	184	131	36.2	182	60
2.0 TDI 140 SE	18,650	1968	140	236	129	51.4	145	47

KEY:

BHP = Brake Horse Power

MPH = Top Speed

MPG = Miles per Gallon

CO2 = Co2 Emissions

PPM = pence per mile

- 5.5 Over the last decade the Skoda Octavia has been viewed as the archetypal taxi saloon vehicle. Skoda as a vehicle manufacturer has recently reviewed their model range and now produces a range of smaller capacity sized engines. Due to advances in vehicle technology these latest production models maintain, or even surpass, the performance or previous models which had much larger engine sizes.

6. POLICY GUIDANCE

- 6.1 The relevant sections contained within the Department for Transport (DfT) Best Practice Guidance for taxi licensing is detailed in table 4 below:

TABLE 4

<p>VEHICLES</p> <p>Specification Of Vehicle Types That May Be Licensed</p> <p>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.</p> <p>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.</p>
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7. POLICIES OF OTHER COUNCILS

- 7.1 Table 5 details the policies of other Local Authorities in Hampshire.

TABLE 5

Local Authority:	Policy
Basingstoke	Min. 1600 cc.
Eastleigh	No policy - all applications on individual merits
Fareham	No policy – all applications on individual merits.
Gosport	Min. 1300 cc.
Hart	Min. 1600cc.
Havant	Min. 1400 cc petrol & min. 1600 cc diesel.
I.O.W	No policy - all applications on individual merits.
New Forest	See Table 1.

Portsmouth	No policy – all applications on individual merits.
Rushmoor	No stated policy.
Southampton	Min. 68 bhp.
Test Valley	No stated policy.
Winchester	Min 1600 cc.

7.2 Table 5 above illustrates the various different approaches taken by local authorities in Hampshire, due to the lack of formal guidance or established practice regarding this matter. It is therefore very much up to the discretion of each individual Council to formulate a policy over this issue, as appropriate and relevant to the licensing authority.

8. PROPOSAL

8.1 The following proposal is submitted for the Committee to consider:

‘That paragraph 2.2.1 of New Forest District Council’s Hackney Carriage and Private Hire Licensing Statement of Principles be amended to read as follows:-

2.2.1 A vehicle licence will only be granted or renewed where:-

2.2.1(a)

- If a hackney carriage, the vehicle is a purpose built London FX4 taxi, or any four or five door saloon, estate car or mini-bus type vehicle, with an engine capacity in accordance with the requirements set out in paragraph 2.2.1(b) below;
- If a private hire vehicle, the vehicle is a four or five door saloon, estate car or mini-bus type vehicle, with an engine capacity in accordance with the requirements set out in paragraph 2.2.1(b) below;

2.2.1(b)

- Where a vehicle is licensed to carry a maximum of 4 passengers an engine capacity of not less than 1200cc in respect of a petrol engine and not less than 1400cc in respect of a diesel engine should apply;
- Where a vehicle is licensed to carry 5 to 8 passengers an engine capacity of not less than 1500cc in respect of a petrol engine and not less than 1695 in respect of a diesel engine should apply;

Provided:-

- The Licensing Officer is satisfied in relation to the size, design and safety of the vehicle.’

9. FINANCIAL IMPLICATIONS

9.1 There are no financial implications for the Council.

10. ENVIRONMENTAL IMPLICATIONS

- 10.1 There are no direct environmental implications for the Council arising from this report, other than the benefit of licensing more fuel efficient vehicles.

11. CRIME AND DISORDER IMPLICATIONS

- 11.1 There are no crime and disorder issues arising from this report.

12. CONCLUSION

- 12.1 The aim of local authority licensing of the taxi trade is to protect the public. Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi services by putting up the costs or restricting entry to the trade. Local licensing authorities will, therefore, want to be sure that each of their various licensing requirements is in proportion to the risk it aims to address.

13. RECOMMENDATION

- 13.1 The committee is asked to approve the proposal detailed in paragraph 8.1 of this report.

For Further Information Please Contact:

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Background Papers:

NFDC Taxi Licensing Policy
DfT Best Practice Guidance