

6. Application by the Mid Sussex Taxi Association to amend the Taxi Licensing Policy

REPORT OF: Tom Clark, Head of Regulatory Services

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Wards Affected: ALL

Key Decision No

Report to: Scrutiny Committee for Community, Housing and Planning
on the 29 June 2017

Purpose Of Report

1. To provide information in order that the Committee can assess an application by the Licensed Hackney and Private Hire trade to amend Mid Sussex District Council's Taxi Licensing Policy.

Summary

2. On 1st October 2012 Mid Sussex District Council introduced a Taxi Licensing Policy. It was revised and re adopted in 2015. Section 4 of the policy introduces, with effect from 1st October 2017, a restriction on the age of a vehicle (10 years old) being licensed as a hackney carriage or private hire vehicle and from 1st October 2022 the introduction of 'White only' licensed hackney carriage vehicles. The Policy in 2012 and in 2015 was adopted following extensive consultation.
 3. The Taxi Association for the Mid Sussex area has formally written to the Chair of the Licensing Committee requesting amendments to these provisions and will address the Committee in person along with two colleagues at the discretion on the Committee Chairman.
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Background

4. The Taxi Licensing Policy sought to ensure that members of the public have access to an effective, professional and safe hackney carriage and private hire service in Mid Sussex. In formulating the draft policy we compiled the existing conditions attaching to licences and reviewed a number of national and local policies and conditions.
5. In drafting the Policy the Licensing Team undertook some initial consultation with the trade on the main changes proposed these included the introduction of a livery, an age restriction on vehicles and additional testing of vehicles over a certain age.
5. At the consultation phase we wrote to all of the Mid Sussex licensed Hackney Carriage drivers, Private Hire drivers and Private Hire Operators informing them of the draft policy and inviting them to comment.
6. In March 2012, following the consultation of the policy, the Licensing Committee considered the policy again and the trade were invited to attend

and present. The outcome of the meeting was a full endorsement of the policy and a recommendation that it was presented to the Better Services Advisory Group.

- 7 Included in Section 4 of the draft Policy was a proposal to limit the age of vehicles to be licensed. It proposed that from the 1st October 2017 we would not licence any vehicle over the age of ten years from its initial DVLA registration. It also proposed, with effect from 1st October 2022, that all hackney carriage vehicles will be white in colour.
- 8 We received one hundred and eight responses during the consultation period regarding this section of the policy of which forty seven were against the proposal.
- 9 The policy was adopted by Council in July 2012 with effect from the 1st October 2012
- 10 The final wording of Section 4.2 in the Policy is as follows;

Livery

From 1st October 2022 the Council will require all licensed Hackney Carriage vehicles to be the colour white.

This would require that all Hackney carriage vehicles would be white and marked with the Mid Sussex District Council logo, and that, to distinguish them from private hire vehicles, the latter could not be white. The purpose of this proposal is to help protect the public. At present it is difficult for the public to distinguish between the two types of vehicles. If a member of the public inadvertently uses a private hire vehicle that has not been pre-booked the vehicle is not insured. The distinction would also help the Council in its role of enforcing licence conditions and identifying out of area licensed hackney vehicles operating in our district, an issue that the Hackney Carriage trade has often raised.

Vehicle age restrictions

From 1st October 2017 the Council will not license any vehicle over 10 years of age from the date of initial DVLA registration.

Whilst it is recognised that all licensed vehicles require regular maintenance it is accepted that the older a vehicle the more wear and tear it will have and the frequency of maintenance needs to be increased. It is also recognised that newer cars have improved safety features. Restricting the licensable age allows for a more modern fleet with greater safety features and reduces the likelihood of badly maintained vehicles.

- 11 The policy was reviewed and re adopted after full consultation in November 2015.
- 12 The Mid Sussex Taxi Association (MSTA) contacted the Council in February 2017 about the forthcoming policy implementation for age related vehicles. As a result of discussion and consultation with their members they have presented two petitions to the Chair of the Licensing Committee to request amendments to Section 4.2 of the Policy.

- 13 The first petition relates to the age limit for licensed vehicles. The second petition concerns vehicle livery.
- 14 Their member's consultation document is appended. It gives reasons to amend the Policy and makes a number of suggestions going forward. Paragraphs 4.8 - 4.9 of this report are a precis of the concerns raised as an addendum to the petitions and relate to both petitions.
- 15 They cite the following reasons for a change in financial circumstances:
- a) Uncertainty following the EU referendum vote in 2017.
 - b) Likelihood of restrictions on diesel cars
 - c) Ongoing Rail dispute
 - d) Taxi Deregulation Act 2015 which has lawfully allowed a number of out of town private hire vehicles into the MSDC area,
 - e) The twice annual vehicle fitness test was originally brought in to ensure no need for an upper age limit.
 - f) Rail Station Permits have increased in price by 34% during the last two years.
- 16 They propose the following:
- a) MSDC proposals are deferred for two years in line with negotiations for the withdrawal of the UK from the EU.
 - b) Age limit increased to Fifteen years, with an extra fitness test between years 10-15
 - c) No vehicle newly licensed within the two year deferment should have been registered before 1st January 2006.
 - d) Proposal of a thirty day window for drivers to repair small dents and scratches.
 - e) Remove the need for Hackney Carriages to be White (this is due to take effect from 1st October 2022). Hackney Vehicles to be identified by use of the MSDC logo on magnetic signs.
- 17 The council licences 154 Hackney and 227 Private Hire vehicles. A total of 381 vehicles.
- 18 Petition One has 90 signatories against the proposal for age restricted vehicles (this affects all 381 vehicles). 73 of these are vehicle licence holders whilst 17 hold driver licences only.
- 19 Petition Two (only affecting the 154 hackney carriages) has a total of 80 signatories against the proposal for 'white vehicles only'. 65 of these are vehicle licence holders and 15 hold driver licences only.
- 20 All the signatories are MSDC licence holders.

Policy Context

- 21 This report directly relates to the Mid Sussex District Council Taxi Licensing Policy

Background Papers

Mid Sussex Taxi Association Members Consultation
Taxi Licensing Policy