

General Licensing
Committee

Lynda Eastwood

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18 April 2024

To All Members of the General Licensing
Committee,
Internal and External Circulation and
Press

Dear Councillor,

Re: General Licensing Committee Agenda - Monday, 22nd April, 2024

Further to the compilation of the above General Licensing Committee Agenda, please find enclosed the following report which was detailed to follow on your Agenda:

Agenda Item 5. Hackney Carriage and Private Hire Vehicle Licensing: Best Practice Guidance: (Pages 1 - 20)

Please accept my apologies for any inconvenience caused.

Yours sincerely,

Lynda Eastwood

Democratic Services Officer

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REPORT TO:	GENERAL LICENSING COMMITTEE
DATE:	22 APRIL 2024
SUBJECT:	HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE
PURPOSE:	To update the Committee of the changes to the Department for Transport's Best Practice Licensing Guidance.
REPORT OF:	Group Manager Public Protection.
REPORT AUTHOR:	Mr Adrian Twiddy (Principal Licensing Officer).
EXEMPT REPORT?	NO

SUMMARY

On 17 November 2023 the Department for Transport (DfT) issued updated Best Practice Guidance for Local Authorities on the subject of hackney carriage (taxi) and private hire vehicle licensing. This Report advises the Committee on the new guidance document and indicates the changes that have been made by the DfT.

RECOMMENDATIONS

That the Committee:

- Note the updated Department for Transport (DfT) Best Practice Guidance.
- Amend the Council's current hackney carriage and private hire vehicle licensing policy in line with the recommendations set out in **Appendix B** of this Report.
- Instruct Officers to provide any further reports to the Committee where aspects of the guidance may necessitate a further review of local licensing practices.

REASONS FOR RECOMMENDATIONS

To ensure, where as much as possible, local licensing practices reflect the current best practice guidance.

OTHER OPTIONS CONSIDERED

Not Applicable.

1. BACKGROUND

- 1.1. The primary role of the Council in relation to hackney carriage and private hire licensing is the protection, safety and wellbeing of the public.

2. REPORT

- 2.1. The Department for Transport (DfT) issued best practice guidance on taxi and private hire vehicle licensing in 2006 to assist local authorities who have responsibility for the regulation of this sector. There was then an update to the guidance in 2010. In 2022/2023, the DfT issued draft updated guidance and consulted with stakeholders on the proposed changes. The final version of the updated best practice guidance on taxi and private hire vehicle licensing was published on 17 November 2023.
- 2.2. The Policing and Crime Act 2017 enables the Secretary of State to issue guidance to Licensing Authorities as to how their licensing functions under taxi and private hire vehicle licensing may be exercised to protect children and vulnerable individuals from harm.
- 2.3. In 2020, the Government issued, for the first time, Statutory Taxi and Private Hire Vehicle Standards to safeguard the most vulnerable in society. These standards also created measures to protect the safety of all passengers. Licensing Authorities must by law give due regard to the Statutory Standards when setting their taxi and private hire vehicle licensing policies and procedures.
- 2.4. The new 2023 Best Practice Guidance complements the Statutory Standards, covering a range of issues outside the remit of the Statutory Standards. It is the responsibility of individual Licensing Authorities to make decisions on their own policies and procedures, by applying relevant law along with any other guidance and considerations. The Best Practice Guidance is intended to assist Licensing Authorities, but remains only guidance, and is not intended to provide a definitive statement of the law.
- 2.5. The Best Practice Guidance does not seek to cover the whole range of possible licensing requirements. Instead, it seeks to concentrate on those issues that have caused difficulty in the past or that seem of particular significance.
- 2.6. The Best Practice Guidance makes a number of recommendations around such issues as promoting accessibility, enforcement, licence holder requirements, vehicle suitability and tinted windows.
- 2.7. A review of the updated Best Practice Guidance guidelines has been provided by Officers (in a brief summary) as set out in **Appendix A** to this Report. The table at **Appendix A** includes proposals around the next steps – however, the table is by no means an exhaustive list and there will be other work required.

2.8. There are three specific items in the guidance which, in the opinion of the Officers, the Council may wish / need to review as a matter of urgency. The matters are tinted windows in licensed vehicle, fire extinguishers in licensed vehicles and the carrying of children in vehicles. The detailed issues, regarding these three matters, are set out in **Appendix B** of this Report together with Officer recommendations on the possible way forward.

3. CONCLUSION

3.1. The Taxi & Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities is not statutory, so the Council is not obliged to make changes to its licensing policy nor specifically adopt the guidance.

3.2. However, the view of Officers is that the Authority should look to ensure that as much as possible local licensing practices reflect the current best practice guidance.

EXPECTED BENEFITS TO THE PARTNERSHIP

Not Applicable.

IMPLICATIONS

SOUTH AND EAST LINCOLNSHIRE COUNCIL'S PARTNERSHIP

None.

CORPORATE PRIORITIES

The licensing and compliance role of the Council is important in improving the health, safety, security and welfare of the district's residents, visitors and business community.

STAFFING

None.

WORKFORCE CAPACITY IMPLICATIONS

None.

CONSTITUTIONAL AND LEGAL IMPLICATIONS

None other than those contained within the Report.

DATA PROTECTION

Not Applicable.

FINANCIAL

There are no direct financial implications arising from this Report.

RISK MANAGEMENT

There is a theoretical risk of civil action against the Council if it is found not to have exercised due diligence in licensing matters.

STAKEHOLDER / CONSULTATION / TIMESCALES

None.

REPUTATION

Having a robust licensing scheme protects public safety and commands the confidence of the public.

CONTRACTS

Not Applicable.

CRIME AND DISORDER

Not Applicable.

EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING

Equality Implications: The Council's taxi and private hire licensing procedures do not have the potential to cause negative impact or discriminate against different groups in the community based on age, disability, gender, race/ethnicity, religion or religious belief (faith), or sexual orientation.

Human Rights: The Licensing Authority must ensure that its decisions can withstand scrutiny by reference to the principle of proportionality, i.e., is the decision / action proportionate to what it wishes to achieve, or, colloquially does the end justify the means.

Safeguarding: Councils must consider the need to protect children and vulnerable adults from harm when undertaking licensing functions.

HEALTH AND WELL BEING

Not Applicable.

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

Not Applicable.

ACRONYMS

DfT – Department for Transport

APPENDICES	
Appendices are listed below and attached to the back of the report:	
APPENDIX A	Review of the DfT Best Practice Guidelines.
APPENDIX B	Items in the Guidance which the Committee May Wish to Review as a Matter of Urgency

BACKGROUND PAPERS

The Department for Transport (DfT) Taxi & Private Hire Vehicle Licensing Best Practice Guidance:

<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance/taxi-and-private-hire-vehicle-licensing-best-practice-guidance-for-licensing-authorities-in-england#driver-licensing>

CHRONOLOGICAL HISTORY OF THIS REPORT

A Report on this item has not been previously considered by the General Licensing Committee.

REPORT APPROVAL

Report author:	Adrian Twiddy (Principal Licensing Officer) Tel. No. 01507 601111 Email: adrian.twiddy@e-lindsey.gov.uk
Signed off by:	Donna Hall (Group Manager Public Protection) Tel. No. 01775 761161 Email: donna.hall@sholland.gov.uk

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Summary of Updated Department for Transport (DfT) Guidance

Taxi and Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities in England (November 2023)

Updated DfT Guidance	Current Practice	Proposed Response
THE ROLE OF LICENSING AUTHORITIES		
<p>1.2 Terminology: One of the overarching objectives of the updated DfT guidance is to provide greater distinction for the public between taxis and private hire vehicles (PHVs) so that the public is increasingly aware of the difference between the two. The guidance indicates that Licensing Authorities should adopt this approach in its communications.</p> <p>Vehicles licensed under Section 37 of the Town Police Clauses Act 1847 are referred to in that legislation as ‘hackney carriages’. This term is also used in older regulations. In more recent legislation the term ‘taxi’ is used.</p>	<p>This Authority’s website, guidance leaflets, licence application forms and policy documents often make use of the term ‘hackney carriage’ rather than ‘taxi’.</p>	<p>As such documents are reviewed and updated the Licensing Team will look to make more extensive use of the term ‘taxi’ rather than ‘hackney carriage’.</p>
<p>3.5 Licensing Policy: The DfT recommends that all Licensing Authorities make publicly available a cohesive policy document that brings together its key information on taxi and private hire vehicle licensing.</p>	<p>This Authority has such a policy document in place. The document is available on the Council’s website at: https://www.e-lindsey.gov.uk/article/5399/Hire-Vehicles</p>	<p>No action required.</p>
<p>4.1 Accessibility Barriers: To mitigate accessibility barriers due consideration should be given to the Public Sector Equality Duty (Section 149 of the Equality Act 2010) when taking decisions concerning the provision of taxi and private hire vehicle services.</p> <p>Licensing Authorities should also:</p>	<p>35% of the taxis (hackney carriages) licensed with this Authority are wheelchair accessible. The vehicles can carry and wheelchair passenger whilst that person is seated in their wheelchair.</p>	<p>The Accessibility Barriers aspect of the DfT Guidelines will be looked at by Officers and reported back in due course to the General Licensing Committee.</p>

<ul style="list-style-type: none"> • Consult with disabled passengers regularly on their experience of using taxi and private hire vehicle services and use the feedback to inform service development. • Incentivise the uptake of wheelchair accessible vehicles. • Consider specifying that wheelchair accessible vehicles should be capable of carrying wheelchairs larger than the reference size. • Work with transport hubs where large numbers of passengers use taxi and private hire services to ensure disabled passengers can access a vehicle safely and easily. • Exercise discretion on application of other vehicle requirements if they would prevent suitable wheelchair accessible vehicles from being brought into service where there is an unmet demand. 		
<p>4.6 Inclusive Service Plan (ISP): Licensing Authorities should develop and maintain an Inclusive Service Plan (ISP), either as a standalone document or as an integral element of a wider strategy. ISPs should be developed collaboratively with organisations representing the interests of disabled people and people with other protected characteristics. ISPs should be updated at least every 5 years.</p>	This Authority does not have an ISP.	The ISP aspect of the DfT Guidelines will be looked at by Officers and reported back in due course to the General Licensing Committee.
ENFORCEMENT		
<p>5.5 Points-Based System: To increase compliance with licensing requirements consideration should be given to operating a points-based system, which allows minor breaches of the rules to be recorded and considered in context, while referring those with persistent or serious breaches to the Licensing Committee.</p>	This Authority operates such a points-based system.	No action required.
DRIVER LICENSING		
<p>6.1 Duration of Driver Licences: The Licensing Authority should set a standard driver licence length of 3 years - any shorter</p>	This Council's Licensing Policy already reflects this requirement.	No action required.

<p> durations should only be issued when the Licensing Authority thinks it is appropriate to do so.</p>		
<p>6.3 Disability Awareness: Drivers should be trained in disability awareness and/or have their knowledge and skills assessed. Drivers should also be encouraged, through targeted and general communications, to uphold the highest standards of customer service.</p>	<p>2009 was the last time that this Authority specifically required all existing licensed drivers to undergo disability awareness training.</p> <p>The Council's current licensing policy encourages drivers to undertake Disability Awareness Training – but does not mandate such a requirement.</p>	<p>The disability awareness aspect of the DfT Guidelines will be looked at by Officers and reported back in due course to the General Licensing Committee.</p>
<p>6.4 Driver Proficiency: Licensing Authorities should require drivers, as professional drivers, to display a higher degree of driving aptitude and diligence.</p> <p>Require drivers to undertake training and/or assessment focussed on attitudes and behaviours such as those provided by IAM Roadsmart at first application and renewal (every 3 years).</p>	<p>The completion of the Lincs Road Safety Partnership Taxi Driver Assessment (or the Blue Lamp Trust Assessment) is a pre-licensing requirement for the grant of a new driver licence with this Authority.</p> <p>Re-assessment is not currently required for a driver licence renewal application with this Authority – apart from drivers aged over 80 years or those existing drivers where substantiated concerns have been raised about their driving ability.</p>	<p>The driver licence renewal aspect of the DfT Guidelines will be looked at by Officers and reported back in due course to the General Licensing Committee.</p>
<p>6.6 Medical and Vision Assessment: Licensing Authorities should apply the DVLA Group 2 Medical Standard. It is the responsibility of licensing authorities to assess the medical information they receive and decide whether a taxi or private hire vehicle licence should be issued.</p>	<p>This Authority operates such a policy requirement.</p>	<p>No action required.</p>
<p>6.11 Topographical Knowledge: Taxi drivers need a good working knowledge of the area for which they are licensed because taxis can be hired immediately, Licensing Authorities should therefore</p>	<p>This Authority's licensing policy indicates that the Council will move towards introducing a Topographical Knowledge for</p>	<p>The Topographical Knowledge aspect of the DfT Guidelines will be looked at by Officers</p>

<p>require prospective taxi drivers to pass a test of local topographical knowledge as a prerequisite to the first grant of a licence.</p> <p>Private hire vehicles are not legally available for immediate hiring. To hire a private hire vehicle the prospective passenger must go through an operator; the operator should gather sufficient information from the passenger to identify the collection and drop-off points, this will enable the driver to check the details of a route before starting a journey and plan or enter it in a navigation system. Given the availability, reliability and ease of use of sat nav systems, Licensing Authorities should not require any topographical knowledge or navigational tests for private hire vehicle drivers.</p>	<p>taxi drivers. However, this part of the policy has yet to be implemented.</p>	<p>and reported back in due course to the General Licensing Committee.</p>
<p>6.12 Intended Use Policy: Holders of taxi vehicle licences are permitted to carry pre-booked fares anywhere in England and Wales. Licensing Authorities should require an applicant for a taxi licence to declare that they intend to work predominately within the Licensing Authority's area.</p>	<p>This Authority operates such an Intended Use Policy requirement.</p>	<p>No action required.</p>
<p>6.13 Vehicle Condition Check: The driver of a vehicle is always legally responsible for its condition while in use. Drivers can be fined up to £2,500, be banned from driving and get three penalty points for driving a vehicle in a dangerous condition.</p> <p>Licensing Authorities should require drivers to conduct a walkaround check as part of a driver's core role.</p> <p>Drivers should be required to retain a vehicle checklist as proof that they have undertaken the required vehicle check. Drivers should be made aware that they may be subject to sanctions if they are unable to produce this or it is clear that while the form has been completed, the check has not. Further sanctions may result against them, as well as vehicle proprietors, if they are</p>	<p>Currently no check list requirement.</p> <p>But this Authority's Penalty Points Scheme does include the provision of penalty points for the following:</p> <ul style="list-style-type: none"> • Unsatisfactory condition of vehicle - interior or exterior. • Using a vehicle with bald or defective tyre(s). 	<p>The Vehicle Check Condition aspect of the DfT Guidelines will be looked at by Officers and reported back in due course to the General Licensing Committee.</p>

<p>found using a defective vehicle, especially if the condition of the vehicle is such that it is obvious no routine checks have occurred over several days.</p> <p>The DfT have provided a model vehicle checklist with the Best Practice Guidance.</p>		
<p>PRIVATE HIRE VEHICLE OPERATOR LICENSING</p>		
<p>7.2 Disability Awareness: The licence holder and all staff in customer facing roles and people managing service delivery should be trained in disability awareness, or have their knowledge and skills assessed, and be encouraged through targeted and general communications to uphold the highest standards of customer service.</p>	<p>The Council's current licensing policy encourages operators to promote Disability Awareness with their staff and within their businesses.</p>	<p>No action required at this time.</p>
<p>VEHICLE LICENSING</p>		
<p>8.4 Vehicle Age Limits: Licensing Authorities should not impose age limits for the licensing of vehicles - instead they should consider more targeted requirements to meet their policy objectives on emissions, safety rating and increasing wheelchair accessible provision where this is low.</p>	<p>This Council has no age requirement on vehicles.</p> <p>Currently the Council does not have a vehicle emission condition for hackney carriage and private hire vehicles.</p> <p>The Climate Team are currently engaging with operators on the subject of carbon reduction.</p>	<p>No action required at this time.</p> <p>If necessary, the results of the Climate Team's engagement can be reported back to the General Licensing Committee.</p>
<p>8.5 Vehicle Safety Ratings: Licensing Authorities should consider the safety benefits to passengers, drivers and pedestrians of vehicles which have received a higher NCAP rating.</p>	<p>This Council has no Euro NCAP licensing requirement.</p>	<p>The merits of a EURO NCAP licensing requirement will be investigated by Officers and reported back in due course to the General Licensing Committee.</p>

<p>8.8. Tinted Windows: The department considers that Licensing Authorities should not require the removal of windows rear of the B-pillar if they have a minimum light transmission of 30% or above. This should maintain passenger confidence whilst ensuring a wide range of vehicles may be licensed.</p>	<p>The guidance suggests that vehicles should allow a minimum of 30% light through the rear windows.</p> <p>This Authority currently requires taxis to allow a minimum of 40% light through the rear windows.</p>	<p>ACTION REQUIRED: It is recommended that:</p> <p>In order to mirror the current DfT best practice the Council’s licensing policy be amended to require taxis to allow a minimum of 30% light through the rear windows.</p>
<p>8.10 Inclusive Vehicle Specifications: The design of non-wheelchair accessible vehicles (WAVs) licensed for use as taxis or private hire vehicles can also have a bearing on their accessibility. This includes ease of access, space available for assistance dogs to remain with their owners, space available for folded mobility aids, etc.</p> <p>The Government’s 2022 Statutory Guidance ‘Access to Taxis and Private Hire Vehicles for Disabled Users’ recommends that WAVs large enough to accommodate a passenger seated in a “reference wheelchair” should be designated formally as being “wheelchair accessible”.</p>	<p>Currently 35 % of the hackney carriage vehicles licensed with this Authority are wheelchair accessible. These are suitable for the purpose of a reference wheelchair and have been formally designated by this Authority as “wheelchair accessible” – see the Council’s website here:</p> <p>https://www.e-lindsey.gov.uk/article/5462/Hire-Vehicles-Equality-Act-2010</p> <p>All the above vehicles are side loading – apart from one vehicle which has been given an exemption from this Council’s normal policy requirement for a side loading vehicle.</p> <p>A side loading hackney carriage may struggle to accommodate larger wheelchairs.</p>	<p>No specific action required at this time.</p>
<p>8.11 Accessibility Equipment: Authorities should consider the benefits of requiring additional accessibility equipment to be provided in vehicles beyond that which might be included in a standard vehicle specification, noting that the benefits to disabled customers in terms of their confidence and willingness to travel cannot always be monetised.</p>	<p>This Council has no ‘additional’ accessibility equipment requirement.</p> <p>This Authority’s licensed Wheelchair Accessible Vehicles are provided with standard anchorages to secure a wheelchair and passenger appropriately.</p>	<p>Where appropriate to consider options for additional accessibility equipment:</p> <p>e.g. Should the Council’s Wheelchair Accessible Vehicle Specification be amended to include a requirement for the vehicle to</p>

		be fitted with an induction loop system (or equivalent).
<p>8.14 Carrying Children: The guidance clarifies that, if the correct car seat is not available, that children must travel in the rear of the vehicle.</p> <p>Children over 3 must use an adult seatbelt and so should always count towards the capacity of the vehicle.</p> <p>Children under 3 do not need to use an adult seatbelt so do not need to count towards the vehicle capacity.</p> <p>Licensing Authorities should provide advice to licensees on its policy on the carriage of children under 3 years to provide certainty in terms of overloading and refusal of carriage in such situations.</p>	<p>This Authority's policy states:</p> <p>A vehicle licence and plate are issued for a maximum number of passengers (regardless of age or size) and one child (regardless of age) will count as one passenger.</p>	<p>ACTION REQUIRED: It is recommended that:</p> <p>In order to provide continued advice to licence holders on its policy on the carriage of children under 3 years - that this Authority reconfirm the following stance:</p> <p>A vehicle licence and plate are issued for a maximum number of passengers (regardless of age or size) and it is this Council's policy that one child (regardless of age) will count as one passenger.</p>
<p>8.15 Personal Security: The personal security of taxi and private hire vehicle drivers and staff must be considered - Licensing Authorities should make available signs or notices which set out not only what passengers can expect from drivers, but also what drivers can expect from passengers who use their service. Sample notices have been provided in the Best Practice Guidance.</p>	<p>This Authority currently has no template notices for vehicles in relation to the expected conduct of passengers.</p>	<p>To investigated by Officers and reported back in due course to the General Licensing Committee.</p>
<p>8.12 Vehicle Identification and Signage: Members of the public can often confuse private hire vehicles with taxis, failing to realise that they are not available for immediate hire and that a private hire vehicle driver can only fulfil pre-booked requests.</p> <p>Licensing Authorities should not permit roof signs of any kind on private hire vehicles and should require all taxis to display a 'taxi' roof sign/box that can be illuminated when available for hire.</p>	<p>This Council has a licence condition that precludes the use of roof signs on private hire vehicles.</p> <p>This Council has a detailed licence condition that requires taxis to be fitted a taxi roof sign/box that can be illuminated when available for hire.</p>	<p>No action required.</p>

<p>8.18 Emergency Equipment: The Highway Code advises that should a vehicle catch fire, the occupants should get out of the vehicle quickly and to a safe place and not to attempt to extinguish a fire in the engine compartment, as opening the bonnet will make the fire flare.</p> <p>The National Fire Chief Council (NFCC) recommends that Licensing Authorities that require fire extinguishers to be provided in vehicles, should ensure that suitable and sufficient training is received by the drivers. The NFCC's advice is that if a Licensing Authority elects not to require drivers to undertake training on the safe way to tackle a vehicle fire, vehicles should not be required to carry fire extinguishers.</p>	<p>This Council's hackney carriage by-laws require all taxis to carry a fire extinguisher in the vehicle.</p> <p>This Council's current licensing conditions require all private hire vehicles to carry a fire extinguisher in the vehicle.</p> <p>The Council's Penalty Point Scheme includes penalty points for not carrying a fire extinguisher in the vehicle.</p>	<p>ACTION REQUIRED: It is recommended that:</p> <ol style="list-style-type: none"> 1. The Licensing Policy be amended to indicate that licensed vehicles are no longer required to carry a fire extinguisher. 2. The Policy to indicate that the Council will not enforce the by-law which requires taxis to carry a fire extinguisher. 3. The standard private hire vehicle licence conditions be amended to remove the requirement for a fire extinguisher. 4. The Penalty Point Scheme be amended to remove the issue of penalty points for not carrying a fire extinguisher in a licensed vehicle.
<p>8.19 Vehicle Testing: Licensing Authorities must only licence vehicles that are safe. It is therefore appropriate and proportionate that authorities require vehicles to pass rigorous safety checks:</p> <ul style="list-style-type: none"> • Frequency of vehicle tests, • Monitoring diligence, • Criteria for tests and, • Number of testing stations. 	<p>This Authority has a detailed and robust policy on the subject of vehicle testing.</p>	<p>No specific action is required at this time.</p> <p>However, Officers will review the issue of the frequency of vehicle tests and report back in due course to the General Licensing Committee.</p>
<p>TAXI FARE RATES</p>		
<p>10.2 Setting Taxi Fare Rates: Maximum fare rates should be designed with a view to practicality and reviewed regularly. Authorities should consider adopting a simple formula for deciding on fare changes as this will increase understanding and improve the transparency of the process for passengers.</p>	<p>This Authority reviews fares on annual basis with proposals for any amendments being brought to the Licensing Committee for consideration.</p>	<p>No action required.</p>

	<p>The Authority's tariff proposals are based on drivers making a fair living balanced against demand and market pressures.</p> <p>When reviewing the fare structure, this Authority looks to ensure customers receive a fair deal whilst ensuring that taxi drivers are able to make a living working in the trade.</p>	
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APPENDIX B**DfT Taxi and Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities in England (November 2023)****Items in the DfT Guidance which the General Licensing Committee May Wish to Review as a Matter of Urgency****Paragraph 8.8 of the DfT Guidance states:****Tinted Windows:**

For most cars on the road today, the minimum light transmission for windscreens is 75% and 70% for front side windows. There are no rules for tinting the windows rear of the B-pillar and vehicles are often manufactured with glass in the rear that is darker than the front, especially in luxury, estate and people carrier style vehicles.

There is a significant cost and inconvenience associated with requiring drivers to replace the standard manufacturer or factory specifications for window glass. Some passengers may feel more comfortable in vehicles that do not have very heavily tinted rear windows but there is a lack of evidence to suggest that these are detrimental to public safety. Balancing these factors, the department considers that licensing authorities should not require the removal of windows rear of the B-pillar if they have a minimum light transmission of 30% or above. This should maintain passenger confidence whilst ensuring a wide range of vehicles may be licensed.

The department recognises that a minimum light transmission of 30% for windows rear of the B-pillar might impact on executive hire vehicles, where passengers demand a higher degree of privacy. Some licensing authorities already grant executive hire vehicles plate exemptions, and they could determine that an exemption from the 30% minimum light transmission level for these vehicles is appropriate. Authorities should be assured that those vehicles are not used for 'normal fares'.

Authorities should carefully consider the views of the public and the trade when considering the acceptance of 'after-market' tinting and should be assured that any after-market window tinting does not negatively affect the safety features of the glass it is applied to.

Current ELDC Situation:

The guidance suggests that licensed vehicles should allow a minimum light transmission of 30% or above through the rear windows.

This Authority currently requires taxis to allow a minimum of 40% light through the rear windows.

RECOMMENDATION TO THE GENERAL LICENSING COMMITTEE:

In order to mirror the current DfT best practice the Council's licensing policy be amended to require taxis to allow a minimum light transmission of 30% or above through the rear windows.

Paragraph 8.14 of the DfT Guidance states:**Carrying Children:**

The safest way for a child to travel by car is in an appropriate car seat. It is however unreasonable and impractical for a taxi or private hire vehicle to carry a range of seats to meet the possible needs of all passengers. If the correct child car seat has not been provided, the law allows children to travel in taxis and private hire vehicles, but only if they travel on a rear seat; children under three can travel in a rear seat without a seat belt, and children who are three or older must wear an adult seat belt.

Children aged 3 and over should always count towards the licensed capacity of the vehicle because if an appropriate car seat is not available, they must wear an adult seat belt. Children under the age of 3 do not need to wear an adult seatbelt when an appropriate car seat is not available, so they do not need to count towards the licensed capacity. Licensing authorities should provide advice to licensees on its policy on the carriage of children under three years to provide certainty in terms of overloading and refusal of carriage in such situations.

Further information on the carriage of children safely in taxis and private hire vehicles has been published by the Royal Society on the Prevention of Accidents (RoSPA) with the support of the Department for Transport. Drivers and operators should be made aware of this guidance to ensure compliance with the law and to protect passengers.

Current ELDC Situation: This Authority's policy states:

A vehicle licence and plate are issued for a maximum number of passengers (regardless of age or size) and one child (regardless of age) will count as one passenger.

RECOMMENDATION TO THE GENERAL LICENSING COMMITTEE:

In order to provide continued advice to licence holders on its policy on the carriage of children under 3 years - that this Authority reconfirm the following stance:

A vehicle licence and plate are issued for a maximum number of passengers (regardless of age or size) and it is this Council's policy that one child (regardless of age) will count as one passenger.

Paragraph 8.18 of the DfT Guidance states:

Emergency Equipment:

The Highway Code advises that should a vehicle catch fire, the occupants should get out of the vehicle quickly and to a safe place and not to attempt to extinguish a fire in the engine compartment, as opening the bonnet will make the fire flare. The National Fire Chief Council (NFCC) recommends that licensing authorities that require fire extinguishers to be provided in vehicles, should ensure that suitable and sufficient training is received by the drivers.

The NFCC's advice is that if a licensing authority elects not to require drivers to undertake training on the safe way to tackle a vehicle fire, vehicles should not be required to carry fire extinguishers and drivers advised to get out and stay out of the vehicle and call 999, rather than attempting to firefight.

Current ELDC Situation: This Council's hackney carriage by-laws require all taxis to carry a fire extinguisher in the vehicle.

This Council's current licensing conditions require all private hire vehicles to carry a fire extinguisher in the vehicle.

The Council's Penalty Point Scheme includes penalty points for not carrying a fire extinguisher in the vehicle.

RECOMMENDATION TO THE GENERAL LICENSING COMMITTEE:

It is recommended that:

1. The Licensing Policy be amended to indicate that licensed vehicles are no longer required to carry a fire extinguisher.
2. The Policy to indicate that the Council will not enforce the by-law which requires taxis to carry a fire extinguisher.
3. The standard private hire vehicle licence conditions be amended to remove the requirement for a fire extinguisher.
4. The Penalty Point Scheme be amended to remove the issue of penalty points for not carrying a fire extinguisher in a licensed vehicle.

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