

## **AMENDMENTS TO HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING CRITERIA**

### **Summary**

1. This report requests members to consider amending the council's existing policy for hackney carriage and private hire vehicle inspection requirements in relation to the carrying of a spare wheel.

### **Background**

2. The current inspection for hackney carriage and private hire vehicles is carried out by council employed mechanics at the council workshop at Hazel Court, James Street, York and conforms to the standards of MOT test requirements. In addition there are over 24 conditions of compliance that the council impose. This includes a requirement that a spare wheel must be carried at all times with the appropriate tools to change a wheel.
3. Both hackney carriage and private hire vehicle proprietors have commented on the difficulty of buying new vehicles or adapting vehicles to greener fuels that adhere to the council's current policy. They state that many new vehicles are now being manufactured without spare wheels, instead being supplied with a space-saver tyre or puncture repair kit or vehicles are being manufactured with run flat tyres. In doing so, the vehicle manufacturers must comply with strict safety testing standards (M1 type approval) and therefore we must assume that these alternatives are adequate for emergency situations. Vehicles fitted with run flat tyres have a specially tuned suspension to compensate for the increased tyre rigidity that is a feature of run flat tyres, therefore, this type of tyre cannot be used on vehicles other than those that have been specifically manufactured for use with run flat tyres.
4. A spare tyre is not part of the MOT test, therefore, vehicles can legally be used on a road without a spare tyre. However, it is clear that the alternative type of tyres and repair kits are for emergencies only and must be used only in order to complete a journey and get the vehicle to the nearest repair site. The space-saver tyre and run flat tyres (when punctured) carry limitations on distance and speed. The licence holder must comply precisely with the manufactures' recommendations.

5. Many other local authorities have amended their licence requirements, which were originally similar to York's, in light of the developments within the motor manufacturing industry and the introduction of greener fuels and wheelchair accessible approved conversions.
6. It is therefore proposed to amend the hackney carriage and private hire vehicle licensing criteria and inspection as follows:-
  - The use, in emergencies only, of a space-saver tyre, run flat tyres (when punctured) or puncture repair kit for all vehicles that are manufactured and delivered with such tyres or kits as standard.
  - That in the event of a space-saver tyre, run flat tyres (when punctured) or puncture repair kit being used, it is only to complete a fare and must comply precisely with the manufacturers' recommendations. Any such defective wheel should be replaced before taking another fare to ensure passenger safety.
  - In cases where a rear loading wheelchair accessible conversion or a LPG conversion where the tank occupies the usual site of the spare wheel, is considered suitable, the vehicle should be exempt from the requirement to carry a spare wheel matching those fitted to the vehicle. This would be subject to the vehicle meeting the luggage criteria and being approved by the specialist converters. In these instances an alternative space saver tyre or puncture repair kit must be carried on the vehicle for emergencies.
  - All other licensed vehicles must carry a spare wheel matching those fitted to the vehicle and an appropriate means of changing the wheel.

### **Consultation**

7. **Department for Transport's Best Practice Guidance for Taxi and Private Hire Licensing – Published October 2006**

The Licensing Section has consulted with the Department for Transport's Best Practice Guidance for Taxi and Private Hire Licensing which indicates that licensing authorities should adopt the principle of specifying as many different types of vehicles as possible. It also suggests that careful consideration should be given to any policy which automatically rules out particular types of vehicles. This could give rise to complaints of restrictive practices and possible legal challenges.

8. **York Hackney Carriage Associations**

This matter was discussed at the most recent meeting of the Associations held on 26<sup>th</sup> January 2010. They fully support these proposals, pointing out the fact that many new vehicles suitable for taxi work now come with a space saver tyre or puncture repair kit.

9. **York Private Hire Association**

This matter was discussed at the most recent meeting of the Association held on 26<sup>th</sup> January 2010. They fully support option 2 stating that the authority should adopt these advances in the motor industry. Any policy must highlight the use of a space saver tyre, run flat tyres on specifically manufactured vehicles and puncture repair kits are for emergency use only.

### **Options**

10. Option 1 - To make no changes to the existing policy.

Option 2 - That the hackney carriage and private hire vehicle licence criteria and inspection be amended so as to include the conditions set out at paragraph 6.

### **Analysis**

11. The reasoning and analysis of the proposal has been set out in previous paragraphs. In addition, there are a number of issues why manufacturers are not always supplying a spare wheel. The extra weight affects economy and Co2 emissions which can push the car into a higher tax bracket. No spare tyre equals less cost, weight, cuts down on fuel consumption and gives more luggage space. Manufacturers are saying that not supplying a spare tyre reflects the fact that complete tyre failure or blowouts are very rare on properly maintained and inflated tyres and given the advances in technology, space-saver tyres, run flat tyres and puncture repair kits are adequate.

### **Corporate Priorities**

12. An efficient, high quality, taxi service will reduce the dependence on the private car for short journeys in and around the city contributing to making York a sustainable city.

13. Taxis also remain the key transport out of the city late at night. The safe transportation out of the city of those enjoying the late night economy contributes significantly to the reduction of crime and disorder and anti social behaviour making York a safer city.

### **Implications**

14. **Financial:** None.

**Human Resources (HR):** None.

**Equalities:** None.

**Legal:** Under sections 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976, licensing authorities may attached conditions to the granting of a licence for a hackney carriage or private hire vehicle.

A person who is aggrieved by the amended licence conditions has the option to appeal against them to the local Magistrates' court.

**Crime and Disorder:** To ensure that members of the public are transported safely in appropriately licensed vehicles.

**Information Technology (IT):** None.

**Property:** None.

**Other:** None.

### **Risk Management**

15. In compliance with the Council's risk management strategy any decisions made which are unreasonable or unlawful could be open to legal challenge resulting in loss of image, reputation and potential financial penalty.

In coming to any decision on this matter the Council can minimise risk by ensuring it takes all factors into consideration in coming to it's decision. The decision should be reasonable in the light of the information available.

### **Recommendation**

16. Members are asked to approve Option 2.

### **Contact Details**

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**Report Approved**  **Date** 10.2.2010

**Wards Affected:**

**All**

**For further information please contact the author of the report**

### **Background Papers**

Department for Transport's Best Practice Guidance for Taxi and Private Hire Licensing.

**Annexes** None