

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	16 February 2023
Subject:	Amendment to Current Vehicle Requirements for Hackney Carriage (Taxi) and Private Hire Vehicles
Report of:	Licensing Operations and Development Team Leader
Head of Service/Director:	Head of Community Services
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	Three

Executive Summary:

As reported to the Special Licensing Committee on 25 August 2022, an amendment is proposed to the current Hackney Carriage (Taxi) and Private Hire Licensing Policy in relation to vehicle requirements to specify that all converted vehicles which have not been re-categorised on the V5 (vehicle logbook) provide documentation to demonstrate that the vehicle is safe. Members are asked to consider the responses to the 12 week consultation and recommend to the Executive Committee that the amendment be approved.

Recommendation:

To CONSIDER the consultation responses and to RECOMMEND TO THE EXECUTIVE COMMITTEE that the proposed amendment to the Hackney Carriage (Taxi) and Private Hire Licensing Policy, as set out at Paragraph 2.8 of the report, be APPROVED.

Financial Implications:

A Basic IVA costs £256.78. This cost will be paid by the customer directly to the Driver and Vehicle Standards Agency (DVSA).

Legal Implications:

Tewkesbury Borough Council may set its own standards for vehicle licensing. Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states:

'Provided that a district council shall not grant such a licence unless they are satisfied that the vehicle is:

- (i) suitable in type, size and design for use as a private hire vehicle;
- (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
- (iii) in a suitable mechanical condition;
- (iv) safe; and
- (v) comfortable;

Consultations must be carried out fairly and the recommended consultation period is 12 weeks.

Any comments must be considered by the Licensing Committee prior to referring to Executive Committee for adoption.

Licence holders have the right of appeal should any licence be suspended or revoked to the Magistrates Court.

Environmental and Sustainability Implications:

None arising directly from this report.

Resource Implications (including impact on equalities):

None.

Safeguarding Implications:

Tewkesbury Borough Council must be satisfied that the vehicles that the Council licences are fit for use and do not jeopardise the safety of any passengers or drivers.

Impact on the Customer:

None.

1.0 INTRODUCTION

1.1 Tewkesbury Borough Council is responsible for licensing taxi and private Hire vehicles. As part of its Hackney Carriage (Taxi) and Private Hire Licensing Policy, the Council sets out requirements for vehicle licences.

1.2 Currently, there is no requirement in the policy with regards to converted vehicles whereas a majority of Councils set out a requirement that converted vehicles are tested to Driver and Vehicle Standards Agency (DVSA) standards to ensure public safety. This is usually by obtaining a Basic Individual Vehicle Approval (IVA) test at a DVSA approved test station.

1.3 Vehicles are usually converted from N1 category (goods vehicles) to passenger vehicles (M1).

1.4 Due to the size of these vehicles, they are usually used to carry wheelchairs, vulnerable adults and school children.

2.0 BACKGROUND

2.1 As reported to a Special meeting of the Licensing Committee on 25 August 2022, in Autumn 2021, it was discovered by the Interim Licensing Team Leader that a number of licensed private hire vehicles were N1 category vehicles. This can be seen on the V5 (logbook).

2.2 All licence holders were written to in October 2021 informing them that there was a requirement to obtain updated V5s (logbooks) to demonstrate that the conversions were safe and complied with M1 standards.

- 2.3 There were representations made by the trade which stated that the Driver and Vehicle Licensing Agency (DVLA) was reluctant to update V5s and that this request could not be met.
- 2.4 A further letter was sent requesting that licence holders with N1 vehicles obtained a Basic IVA to demonstrate that the vehicle was safely converted and that public safety was not compromised. Licence holders were given a period of six months to comply with this requirement. Again, the trade disagreed with this requirement which resulted in the Licensing Team obtaining Counsel advice on the matter.
- 2.5 Counsel advice was clear in that the Council should satisfy itself as quickly as possible that the vehicles were safe for use, whilst also updating its policy so that the requirement must be adhered to when licensing vehicles.
- 2.6 Throughout June/July 2022, all relevant vehicles were tested to a Basic IVA standard using the test checklist issued by the DVSA. These tests were conducted by a local garage which satisfied the Council of its competence. All 53 vehicles were tested; one operator (Tim's Transport) obtained Basic IVA's for all of its private hire vehicles prior to the original deadline.

3.0 **PROPOSED AMENDMENT TO HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE LICENSING POLICY**

- 3.1 Following the Special Licensing Committee meeting in August, a 12 week consultation was undertaken with all licence holders and Gloucestershire County Council during which one representation was received from GO Transport, attached at **Appendix B**. This sought clarification which was provided by the Licensing Operations and Development Team Leader and a further response was received from GO Transport, attached at **Appendix C**.

- 3.2 Further to the consultation, it is proposed to include the following requirement in the Hackney Carriage (Taxi) and Private Hire Licensing Policy:

A vehicle that has been converted since manufacture, for example, many wheelchair accessible vehicles, must provide one of the following M1 approvals following conversion:

- *European Whole Vehicle Type approval (ECWVTA)*
- *UK Low volume approval (UKLVTA)*
- *UK Individual Vehicle Approval (IVA)*
- *Certificate of Initial Fitness (COIF)*
- *UK Voluntary Standard Individual Vehicle Approval*

Vehicles converted from vans which have a type approval other than M1 will not be acceptable unless they are presented with approved M1 certification for the resultant vehicle.

Please note that to achieve Voluntary Standard Individual Vehicle Approval VOSA are likely to require valid certification that all alterations such as seat fitting and tracking are M1 compliant. There is information about voluntary approvals on the Government's website. <https://www.gov.uk/vehicle-approval/voluntary-approval>

Where a wheelchair accessible vehicle has been converted by a bona fide converter, and the vehicle has then been registered with DVLA after conversion, the Council will accept that this vehicle will have passed appropriate approval in order to be registered and so the vehicle will be accepted for licensing without need for further documentation unless it appears that further conversions have been made to the vehicle following

registration.

For vehicles that have been converted and currently licensed with Tewkesbury Borough Council, an IVA will be required by 30 April 2023.

3.3 This wording follows best practice and also replicates the requirement of other Gloucestershire licensing authorities.

3.4 A copy of the current Hackney Carriage (Taxi) and Private Hire Licensing Policy is attached at **Appendix A** and it is proposed that updated wording would be inserted on Page 20 following the 'Maximum age of vehicles' paragraph.

3.5 The Licensing Committee is asked to consider the consultation responses and recommend to the Executive Committee that the proposed amendment be approved.

4.0 CONSULTATION

4.1 A 12 week consultation was carried out with all licence holders and Gloucestershire County Council between 12 September and 4 December 2022.

4.2 One representation was received from GO Transport (Appendix B). This response sought clarification which was provided by the Licensing Operations and Development Team Leader and a further response was received from GO Transport (Appendix C).

5.0 ASSOCIATED RISKS

5.1 Should the vehicles not obtain Basic IVAs, the Council cannot be satisfied that the vehicles comply with DVSA standards. (The garage test carried out in June/July 2022 was not carried out by a DVSA registered test station).

5.2 To continue licensing N1 category vehicles jeopardises public safety.

6.0 MONITORING

6.1 Subject to approval by the Executive Committee, the Licensing Operations and Development Team Leader will ensure that the list of vehicles is monitored and suspension notices are drafted for 1 May 2023.

6.2 The Head of Community Services, Environmental Health Manager, Gloucestershire County Council and the Licensing Committee will receive an update on 1 May 2023 of any suspension notices issued.

7.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES

7.1 The Council's Corporate Plan.

Tewkesbury Borough Council's Hackney Carriage (Taxi) and Private Hire Licensing Policy – March 2022

Background Papers: [Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance \(March 2010\)](#)

Contact Officer: Michelle Bignell, Licensing Operations and Development Team Leader
michelle.bignell@tewkesbury.gov.uk

Appendices: Appendix A – Current Hackney Carriage (Taxi) and Private Hire Licensing Policy
Appendix B – Consultation response from GO Transport
Appendix C – Follow-up response from GO Transport