

# TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Executive Committee
<b>Date of Meeting:</b>	1 March 2023
<b>Subject:</b>	Amendment to Current Vehicle Requirements for Hackney Carriage (Taxi) and Private Hire Vehicles
<b>Report of:</b>	Licensing Operations and Development Team Leader
<b>Head of Service/Director:</b>	Head of Community Services
<b>Lead Member:</b>	Lead Member for Clean and Green Environment
<b>Number of Appendices:</b>	Three

## **Executive Summary:**

To consider an amendment 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.

To adopt the updated Vehicle Requirements for Hackney Carriage (Taxi) and Private Hire Vehicles Policy agreed by the Licensing Committee at its meeting on 16 February 2023.

## **Recommendation:**

- 1. That the amendment to the Hackney Carriage (Taxi) and Private Hire Licensing Policy as set out at paragraph 2.3 of this report, in relation to vehicle requirements be ADOPTED.**
- 2. That the revised Hackney Carriage (Taxi) and Private Hire Licensing Policy attached at Appendix C, incorporating the revised wording which the Licensing Committee agreed at its meeting on 16 February 2023, be ADOPTED.**

## **Financial Implications:**

None.

## **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:

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

(v) comfortable.

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

All comments were 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.

**Resource Implications (including impact on equalities):**

None.

**Safeguarding Implications:**

None.

**Impact on the Customer:**

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

## 1.0 INTRODUCTION

- 1.1 The Licensing Committee resolved to approve the amendment to the Hackney Carriage (Taxi) and Private Hire Licensing Policy at its meeting on 16 February 2023.
- 1.2 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).
- 1.3 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. 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.
- 1.4 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.
- 1.5 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.

1.6 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 its private hire vehicles prior to the original deadline.

## 2.0 PROPOSED CHANGES TO CURRENT POLICY REQUIREMENTS

2.1 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 A**. 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 B**.

2.2 Further to the consultation and approval by the Licensing Committee, it is proposed to include the following requirement in the Hackney Carriage (Taxi) and Private Hire Licensing Policy:

2.3 *Where a wheelchair accessible vehicle has been converted by a bona fide converter **before** first registration, and the vehicle has then been registered with DVLA after conversion, the Council will accept that this vehicle will have passed the 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.*

*Where a wheelchair accessible vehicle has been converted **after** first registration, e.g. from a van (N1 or N2 category shown on V5C), the applicant must provide the following M1 approval (where there are 8 or fewer passenger seats) following conversion:*

- UK Voluntary Individual Vehicle Approval (Normal or Basic IVA accepted)

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

*Acceptable forms of approval for wheelchair accessible vehicles converted before registration include GB whole vehicle type approval (GB WVTA), EU whole vehicle type approval (ECWVTA/EUWVTA), UK(NI) whole vehicle type approval (UK(NI) WVTA), UK(NI) National Small Series type approval (UK(NI) NSSTA), GB Small series type approval (GB SSTA), and Individual Vehicle Approval (IVA).*

2.4 This wording follows best practice and has been approved by the Department for Transport.

2.5 The Licensing Committee **RESOLVED** to recommend that the proposed amendment be approved by the Executive Committee at its meeting on 16 February 2023.

2.6 A draft policy (showing the additional wording on page 20) is attached at **Appendix C**.

## 3.0 CONSULTATION

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

3.2 One representation was received from GO Transport (Appendix A). 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 B).

#### **4.0 ASSOCIATED RISKS**

- 4.1** The Licensing Authority has a responsibility to ensure that all vehicles licensed as hackney carriage and private hire vehicles are in a suitable mechanical condition and safe to transport passengers. Obtaining a basic IVA for converted vehicles assures the Licensing Authority that the vehicle is safe and suitable for licensing.

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).

To continue licensing N1 category vehicles jeopardises public safety.

#### **5.0 MONITORING**

- 5.1** The licensing team will record IVA's received on relevant vehicles. Those that have not been received by 30 April 2023 will be suspended.

#### **6.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES**

- 6.1** The Council's Corporate Plan.

---

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

[Agenda and Minutes of the Licensing Committee, 25 August 2022](#)

[Agenda for Licensing Committee on Thursday, 16 February 2023, 2:30 pm - Tewkesbury Borough Council](#)

**Contact Officer:** Licensing Operations and Development Team Leader  
[Michelle.bignell@tewkesbury.gov.uk](mailto:Michelle.bignell@tewkesbury.gov.uk)

**Appendices:** A – Consultation response from GO Transport.  
B – Follow-up response from GO Transport.  
C – draft Hackney Carriage and Private Hire Licensing Policy.