

Report of the Strategic Director, Department of Place to the meeting of Regulatory and Appeals Committee to be held on 6th February 2020

AA

Subject:

PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE SPECIFICATION AND 5 STAR BASE AUDIT.

Summary statement:

This report seeks the approval of the Regulatory and Appeals Committee to make changes to the Private Hire and Hackney Carriage Vehicle Specification and to publish the results of Base check Grades.

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Portfolio:

Cllr Sarah Ferriby

Overview & Scrutiny Area:

Regulatory & Appeals

1. SUMMARY

- 1.1 This report seeks the approval of the Regulatory and Appeals Committee to make changes to the Private Hire and Hackney Carriage Vehicle Specification.
- 1.2 This report seeks authority to publish the Annual Base Audit grading in the form of a 5 star rating.

2. BACKGROUND

- 2.1 In accordance with the licensing provisions of the Local Government (Miscellaneous Provisions) Act 1976 Bradford Council produced a Vehicle Specification in August 2013. This document outlines the standards for assessing the suitability of vehicles to be licensed for Private Hire or Hackney Carriage use. The proposal in this report is aimed at ensuring that the travelling public within the Bradford area are provided with Hackney Carriage and Private Hire vehicles that provide a high standard of safety and comfort whilst also considering the impact that such vehicles have on the environment.
- 2.2 Licensing Conditions currently require all Private Hire Operators to pass an annual base audit. During 2019 the Licensing Service worked with Private Hire Operators to develop an audit that includes a scoring system of 1 to 5 stars. This is similar to the scoring system used by food hygiene inspectors. The Licensing Service will be implementing the grading system in 2020 and intend to introduce a similar grading system for Hackney Carriage Proprietors. Approval is sort to publish the results in order that fare paying passengers have visibility of the quality of service allowing them to make informed decisions with regards to who they use for their travel needs.

3. OTHER CONSIDERATIONS

- 3.1 Officers have reviewed the Vehicle Specification which came into effect on the 12th August 2013 and have made proposals to improve the specification as a result of continuing safety and emission improvements in the way that vehicles are manufactured.
- 3.2 Along with 28 other Local Authorities across the country, Bradford Council has been instructed by the Government to develop a Clean Air Zone (CAZ) plan which assesses a range of interventions to reduce pollution in the shortest possible time. The proposals being made in appendix A are designed to help the Hackney Carriage and Private Hire trades prepare for, and transition to, a Clean Air Zone once the plans for Bradford District have been finalised.
- 3.3 The Licensing Service held an open engagement on the proposed changes via way of an online survey. This was open to all members of the trade and the general public. The Licensing Service informed licence holders of the survey during the Operator Business Meeting in November 2018 and via email to all licenced personnel. The survey was also distributed to Disability Groups.
- 3.4 A full analysis of the survey results can be found at Appendix C.

4. ON-LINE ENGAGEMENT SURVEY QUESTIONS (X6) & RESULTS

The survey opened on 19th December 2019 and closed 1st January 2020. 383 respondents took part as follows: Licensed Drivers 295 (77%); Private Hire Operators 44 (12%); Members of the Public 44 (12%) and Vehicle Proprietors 24 (6%). Note: 24 participants held multiple licenses and completed the survey in more than one category. The proposals were:

Proposal 1 - Vehicle proprietors be offered the option to apply for an extension to their current vehicle licence (as above) beyond the 10 (12 for WAV) years maximum age limit with immediate effect.

Background - For proprietors (owners) of vehicles which were first licenced prior to 1 November 2019 and whose vehicle is due to reach the maximum age for a licenced vehicle (10 years or 12 years for Wheelchair Accessible Vehicles (WAV)) on or before 31 May 2020, it is proposed that a dispensation be made available to allow such vehicles to be re-licenced for an additional period not to exceed 12 months or beyond 31st December 2020. This will provide time for Bradford's future Clean Air Zone emission standards to be clarified and thereby aide proprietors to purchase vehicles which will meet future CAZ requirements. Standard licensing fees will apply to the licence extension.

Dispensation would only be granted subject to:

- There has been no break in the vehicle's licence.
- Vehicles which do not pass a vehicle safety inspection due to a major defect and an appeal is not upheld will not be licensed for this extra period.
- Vehicles which are granted a dispensation will be subject to random testing given 24hrs notice.

Survey Response: 85% of participants supported a temporary vehicle licence extension.

Proposal 2 - To reduce the minimum vehicle headroom requirement from 34 inches to 32 inches from 1 March 2020.

Background - During recent vehicle inspections it has been identified that the headroom in some brands of Ultra Low Emission Vehicle (ULEV) Hybrid and Electric Vehicles (EV)) is reduced due to the space required for vehicle batteries and drive systems. Reducing the minimum headroom required by 2 inches will permit the licensing of a wider range of factory built ULEV, Hybrid and EV's.

Survey Response: 69% of participants supported a reduction in ULEV headroom.

Proposal 3 - It is proposed that vehicles being considered for first registration be limited to a maximum of 5 years of age from 1 March 2020.

Background - The safety and engine emission features of newer vehicles are constantly and rapidly evolving to ensure that newer vehicles are safer for drivers, passengers and road users and also cleaner and more environmentally friendly. Many manufacturers are now offering various forms of Hybrid and Electric vehicles as standard models and this is forecast to increase substantially in the coming years. As part of its commitment to safety and also in anticipation of the introduction of a Clean Air Zone, as the Government requires Bradford Council to improve air quality and protect public health, it is proposed to limit the option for vehicles to be first licenced to a maximum of 5 years of age.

Survey Response: 84% of participants were not in favour of this change.

Officer Comment: In consideration of the improved safety benefits and emission technologies incorporated in newer vehicles and with Bradford introducing a CAZ it is recommended that the benefits to passengers and the environment of newer/cleaner vehicles takes precedence and that a 5 year age limit be adopted.

Proposal 4 – To remove the following sentence from the vehicle specification for vehicles with more than 4 passenger seats – “Access to every seat must be unobstructed and be easily accessible to all passengers and without the need to tip forward, fold or remove seats when the vehicle is fully occupied”. It is proposed that if the amendment is passed the change will apply from 1 March 2020.

Background - The Licensing Service recognises that there are now fewer vehicles which meet Bradford’s vehicle licencing specification. Following a request for this to be considered by a number of Licenced Operators the Service is seeking the views of the public and trades regarding relaxation of seating requirements for vehicles with more than 4 passenger seats. By removing the sentence below from the current vehicle specification it would provide a wider range of factory built minibuses for proprietors to consider without a need to have vehicles adapted.

Survey Response: 80% of participants supported the Council amending its vehicle specification to permit a wider range of factory built minibuses to be licensed.

Proposal 5 - To change the “requirement” to carry a spare bulb kit in licensed vehicles to a “recommendation” and for this to apply from 1 March 2020

Background - The majority of modern vehicles are fitted with headlights that require a specialist fitment or mechanical knowledge to replace bulbs, including HID and LED lights/bulbs. Drivers are/may therefore not be able to change defective bulbs. The proposed change will include that it remains advisable for drivers of older vehicles to carry a spare bulb kit.

Survey Response: 82% of participants supported the change to remove the requirement to carry a spare bulb kit.

Proposal 6 - To increase the minimum size for decals fitted to Private Hire Vehicles from A5 to A4 and the mandatory wording 'PRE BOOKING ONLY' to be a minimum of 80% of the largest letter on the decal. This will apply to all new (not existing) decal applications immediately following Committee decision.

Background – Decals (mandatory signs on the side of licenced cars) provide members of the public with the operator's information and also inform potential customers that the vehicle must be pre booked. Decals should be easy to read and clearly visible. Increasing the minimum size will improve the visibility and awareness that the vehicle is licensed for Private Hire and what company the vehicle is working for.

Survey Response: 52% of participants supported the change.

Officer Comment: It is important that the public can easily read the information on a vehicle decal. It is likewise important that from a safety and enforcement perspective information on decals is easily readable. It is therefore recommended that minimum size of decal is increased from A5 to A4.

ENGAGEMENT FOR THE 5 STAR BASE AUDIT (NOT PART OF THE ON-LINE ENGAGEMENT SURVEY)

Trade representatives and Licenced Operators were invited to take part in the development of a 5 Star Base Audit throughout five Business Meetings in late 2018 and 2019. In 2019 the Service held 4 engagement meetings and 4 training sessions with those who volunteered to take part. The following 5 Star criteria was developed over this period.

Stars will be awarded based on (summary only):

- | | |
|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 Star | Compliance with licensing requirements for the granting of an Operator's licence following a <u>second</u> assessment, i.e. having failed a first assessment. |
| 2 Stars | Compliance with licensing requirements for the granting of an Operator's licence on <u>first</u> assessment. |
| 3 Stars | Evidence of a history (minimum of 6 months) of Vehicle Safety and effective maintenance and inspection regimes for all vehicles. |
| 4 Stars | Demonstrable evidence of a high level of understanding and compliance with Equality and Diversity , i.e. well above the basic level required for the granting of an Operator's licence. |
| 5 Stars | Demonstrable evidence of an excellent level of Customer Service , i.e. well above the basic level required for the granting of an Operator's licence. |

Operators must be awarded each star in turn before they may progress to the next star therefore a 5 Star rating demonstrates a high level of compliance and

performance in all areas. The Scheme also incorporates safeguards to ensure fairness to Operators; this includes a procedure to appeal any rating awarded.

The meetings and training were received positively and the general feedback was that many licensees look forward to the opportunity to promote themselves by advertising their base audit results. Some Operators have concerns in that they may not score well. The Service confirmed that it would continue to work with and support Operators to enable them to achieve a good 5 Star rating in 2020.

Officer Comment: Publishing Base Check Audit results as a simple “5 Star” rating will provide fare paying passengers (the public) with visibility of the quality of service offered by a private hire company. This in turn will assist in raising and maintaining service standards across the private hire trade.

5. RECOMMENDATIONS

1. That the six proposed changes from the on-line engagement survey are approved and take effect on the dates stated.
2. Approval is given for 5 Star Base Audit results to be made public.

6. FINANCIAL & RESOURCE APPRAISAL

There are no financial implications.

7. RISK MANAGEMENT AND GOVERNANCE ISSUES

There are no risk management or governance issues.

8. LEGAL APPRAISAL

Full details with regards to the proposed changes have been submitted to Legal Services for their consideration and comment.

9. OTHER IMPLICATIONS

None.

10. EQUALITY & DIVERSITY

An Equality Impact Assessment has been completed. This is attached to this report as Appendix E.

11. NOT FOR PUBLICATION DOCUMENTS

None.

12. OPTIONS

12.1 The Committee approves the proposals in Appendix A.

12.2 The Committee does not approve the proposals in Appendix A.

- 12.3 The Committee approves the proposals in Appendix A with amendments.
- 12.4 The Committee approves publication of 5 Star Audit results.
- 12.5 The Committee does not approve publication of 5 Star Audit Results.

13. APPENDICES

- A Proposed changes to vehicle specification.
- B Vehicle Specification (amended).
- C Survey Results.
- D List of dates for Operator involvement for 5 Star.
- E Equality Impact Assessment.

PROPOSED CHANGES TO THE VEHICLE SPECIFICATION

Proposal 1 - Vehicle proprietors be offered the option to apply for an extension to their current vehicle licence (as above) beyond the 10 (12 for WAV) years maximum age limit with immediate effect.

Background (Proposal 1)

For proprietors (owners) of vehicles which were first licenced prior to 1 November 2019 and whose vehicle is due to reach the maximum age for a licenced vehicle (10 years or 12 years for Wheelchair Accessible Vehicles (WAV)) on or before 31 May 2020, it is proposed that a dispensation be made available to allow such vehicles to be re-licenced for an additional period not to exceed 12 months or beyond 31st December 2020. This will provide time for Bradford's future Clean Air Zone emission standards to be clarified and thereby aide proprietors in not purchasing vehicles which may not meet future CAZ requirements.

Standard Licensing fees will apply.

Dispensation would only be granted subject to:

- There has been no break in the vehicle's licence.
- Vehicles which do not pass a vehicle safety inspection due to a major defect and an appeal is not upheld will not be licensed for this extra period.
- Vehicles which are granted a dispensation will be subject to random testing given 24hrs notice.

Proposal 2 - To reduce the minimum vehicle headroom requirement from 34inches to 32inches from 1 March 2020.

Background (Proposal 2)

During recent vehicle inspections it has been identified that the headroom in some brands of Ultra Low Emission Vehicle (ULEV) Hybrid and Electric Vehicles (EV)) is reduced due to the space required for vehicle batteries and drive systems. Reducing the minimum headroom required will permit the licensing of a wider range of factory built ULEV, Hybrid and EV's.

Proposal 3 - It is proposed that vehicles being considered for first registration be limited to a maximum of 5 years of age from 1 March 2020.

Background (Proposal 3)

The safety and engine emission features of newer vehicles are constantly and rapidly evolving to ensure that newer vehicles are safer for drivers, passengers and road users and also cleaner and more environmentally friendly. Many manufacturers are now offering various forms of Hybrid and Electric vehicles as standard models and this is forecast to increase substantially in the coming years. As part of its commitment to safety and also in anticipation of the introduction of a Clean Air Zone, as the Government requires Bradford Council to improve air quality and protect public health, it is proposed to limit the option for vehicles to first licenced to a maximum of 5 years of

age.

Proposal 4 – To remove the following sentence from the vehicle specification for vehicles with more than 4 passenger seats – *“Access to every seat must be unobstructed and be easily accessible to all passengers and without the need to tip forward, fold or remove seats when the vehicle is fully occupied”*. It is proposed that if the amendment is passed the change will apply from 1 March 2020.

Background (Proposal 4)

The Licensing Service recognise that there are now fewer vehicles which meet Bradford’s vehicle licencing specification. Following a request for this to be considered by a number of Licenced Operators the Service is seeking the views of the public and trades regarding relaxation of seating requirements for vehicles with more than 4 passenger seats. By removing the sentence below from the current vehicle specification it would provide a wider range of factory built minibuses for proprietors to consider without a need to have vehicles adapted.

Proposal 5 - To change the “requirement” to carry a spare bulb kit in licensed vehicles to a “recommendation” and for this to apply from 1 March 2020.

Background (Proposal 5)

The majority of modern vehicles are fitted with headlights that require a specialist fitment or mechanical knowledge to replace bulbs, including HID and LED lights. Drivers are/may therefore not be able to change defective bulbs. The proposed change will include that it remains advisable for drivers of older vehicles to carry a spare bulb kit.

Proposal 6 - To increase the minimum size for decals fitted to Private Hire Vehicles from A5 to A4 and the mandatory wording ‘PRE BOOKING ONLY’ to be a minimum of 80% of the largest letter on the decal. This will apply to all new (not existing) decal applications immediately following Committee decision.

Background (Proposal 6)

Decals (signs on the side of cars) provide members of the public with the operator’s information and inform potential customers that the vehicle must be pre booked. Decals should be easy to read and clearly visible. Increasing the minimum size will improve the visibility and awareness that the vehicle is licensed for Private Hire and what company the vehicle is working for.