

Report to: Executive Cabinet Member
Environmental Services

Date: 23rd February 2015

Report of: Director of Environmental Services

Bolton Council

Report No: ECMES/11/14

Contact Officer: Elizabeth Pritchard Principal Officer

Tele No: 6583

Report Title: **Proposals for implementing a policy of no Category C vehicles permitted and a policy for Category D vehicles to be licensed as Hackney Carriage and Private Hire Vehicles**

Non Confidential:

This report does **not** contain information which warrants its consideration in the absence of the press or members of the public.

Purpose:

To invite the Executive Cabinet Member to:

- Consider the options and approve proposals to implement a policy of no Category C vehicles permitted to be licensed as Private Hire & Hackney Carriage vehicles and a policy regarding Category D vehicles permitted to be licensed as Private Hire & Hackney Carriage vehicles by Bolton Council

Recommendations:

Consider the options for implementing a category C and D restriction and make a decision on the preferred options.

Background Doc(s):

None

Summary:

No summary

1. BACKGROUND

- 1.1 The Executive Member will be aware that a vehicle licence is required for all vehicles to be used as a Hackney Carriage or Private Hire Vehicle.
- 1.2 The Executive Member will also be aware that Bolton Council do not allow Category A and B vehicles to be used as a Private Hire or Hackney Carriage Vehicles.
- 1.3 All Category D vehicles intended to be used as a private hire or hackney carriage vehicle are currently required to have had a wheel alignment check carried out before they will be licensed.
- 1.4 All Category C vehicles which are intended to be used as a Private Hire or Hackney Carriage Vehicle are required to have passed a VIC (Vehicle Identity Check) from VOSA and must have a signed and dated certificate stating the vehicle has passed an independent examination of the repairs to confirm its roadworthiness to the satisfaction of the Licensing Authority.
- 1.5 Such examination must have been carried out by an experienced vehicle examiner who is qualified to assess accident damage and provide an engineers report by being a member of one of the following bodies (or equivalent alternative) :
 - Associate of the Institute of Automotive Engineers Assessors (IAEA)
 - The Institute of Motor Industry (IMI)
 - Society of Expert Witnesses (SEW)
 - Federation Internationale des Experts en Automobiles (FIEA)
 - Thatcham Vehicle Research
 - Glass's Information Services
- 1.6 A vehicle licence can only be renewed upon production of the VIC from VOSA, an engineers report confirming the vehicle is roadworthy and fit to carry passengers and a valid pass certificate issued by an authorised garage.
- 1.7 Changes to the testing regime and approved garages were made earlier this year. During a quarterly meeting with the garages the indication from the approved garages has been that the system is working well but that they have concerns regarding Category C vehicles and advise that these should not be accepted on the fleet.
- 1.8 On 30th September 2014 a meeting was held with the private hire and hackney carriage trade representatives where Category C vehicles were discussed. The consensus from the Representatives present was that category C vehicles are not wanted as part of the fleet and this was a unanimous agreement by the trade representatives that they should not be licensed. Cllr. Peel noted that a report will be worked on for a change in policy (not retrospective) to exclude category C vehicles.

2 CURRENT PROPOSALS

2.1 In an effort to increase the quality and roadworthiness of vehicles used as Private Hire and Hackney Carriage Vehicles and to try to ensure public safety, it is proposed to introduce a policy of no new Category C vehicles being licensed as Private Hire and Hackney Carriage Vehicles by Bolton Council.

2.2 There are three options which can be considered.

2.2.1 **Option 1** – no new Category C vehicles to be allowed to be licensed as private hire or hackney carriage vehicles. Currently licensed Category C vehicles allowed on renewal. Existing licensed vehicles which become Category C during the period of the current licence will not be renewed. Grandfather rights apply to category C vehicles where the licence lapses and allowed back on the fleet.

2.2.2 **Option 2** – no new Category C vehicles to be allowed to be licensed as private hire or hackney carriage vehicles. Currently licensed Category C vehicles allowed on renewal. Any Category C vehicles where the license lapses will not be renewed and allowed back on the fleet as it becomes a new application.

2.2.2 **Option 3** – No changes to the current policy.

2.3 Option 2 would be the preferred option. If Members were minded to go with either Option 1 or 2 the policy would have to cover how existing vehicles which become Category C during the period of the licence are to be restricted from use (i.e. suspension or revocation). The policy would also have to cover the Authority being able to ask for confirmation of the status of a vehicle and a copy of the report when involved in an accident to confirm whether it is Category C or D.

2.4 In an effort to increase the quality and roadworthiness of vehicles used as Private Hire and Hackney Carriage Vehicles and to try to ensure public safety, it is proposed to introduce a policy regarding Category D vehicles being licensed as Private Hire and Hackney Carriage Vehicles by Bolton Council.

2.5 There are two options which can be considered.

2.5.1 **Option 1** – Continue to require every Category D vehicle to have a wheel alignment check carried out before they are licensed.

2.5.2 **Option 2** – Require every Category D vehicle to have passed a VIC (Vehicle Identity Check) from VOSA and have a signed and dated certificate stating the vehicle has passed an independent examination of the repairs to confirm its roadworthiness to the satisfaction of the Licensing Authority.

Such examination must have been carried out by an experienced vehicle examiner who is qualified to assess accident damage and provide an engineer's report by being a member of one of the following bodies (or equivalent alternative) :

- Associate of the Institute of Automotive Engineers Assessors (IAEA)
- The Institute of Motor Industry (IMI)
- Society of Expert Witnesses (SEW)
- Federation Internationale des Experts en Automobiles (FIEA)
- Thatcham Vehicle Research
- Glass's Information Services

2.6 The following is the official description by the Association of British Insurers relating to vehicles which have been 'written off' by the insurer:

Category A: Scrap only - this vehicle should have been crushed. It should never reappear on the road and there are no economically salvageable parts. It is of value only for scrap metal - e.g. a totally burnt-out vehicle.

Category B: The bodyshell should have been crushed. The vehicle should never reappear on the road, but it can be broken for spare parts plus any residual scrap metal.

Category C: Vehicle extensively damaged and insurer has decided not to repair. The vehicle should have an independent inspection before being allowed back onto the road.

Category D: Vehicle damaged and insurer has decided not to repair.

Category F: Vehicle damaged by fire and insurer has decided not to repair

2.7 A report will follow which will cover existing category C vehicles and removal of these from the fleet. This is likely to be combined with a report seeking to restrict the age of private hire and hackney carriage vehicles.

2.8 The following is a table which shows what other AGMA Authorities have in place in relation to Category C and D vehicles:

Authority	Category C	Category D
Blackburn	Standard MOT	Standard MOT
Bury	Have to pass Bury's standard test.	Have to pass Bury's standard test.
Manchester	Full engineer's report	Full engineer's report
Oldham	Have to pass an Autoline report.	Have to pass an Autoline report.
Rochdale	Require engineers report	Inform testing station of category prior to test
Salford	Hackneys have to pass a standard 12 month test and Private Hire a standard 6 moth	Hackneys have to pass a standard 12 month test and Private Hire a standard 6 moth test, nothing

	test, nothing additional is required.	additional is required.
Stockport	Will not licence these vehicles under any circumstances.	Will only licence these vehicles where an appropriate engineers report is submitted confirming the vehicle has been completely repaired.
Tameside	IVA report and VOSA report required a full re test with the council is also required and the licence is given dependent on these results.	IVA report and VOSA report required a full re test with the council is also required and the licence is given dependent on these results.
Trafford	Not permitted	Permitted with engineers report
Wigan	Standard VOSA check.	Standard VOSA check.

2.9 ENVIRONMENTAL SERVICES AND WASTE POLICY DEVELOPMENT GROUP POLICY

On 3rd February the report went before Environmental Services and Waste Policy Development Group.

It was agreed that the Executive Cabinet Member for Environmental Services be recommended to agree that –

- (i) In relation to category C vehicles no new Category C vehicles to be allowed to be licensed as private hire or hackney carriage vehicles. Currently licensed Category C vehicles allowed on renewal. Any Category C vehicles where the license lapses will not be renewed and allowed back on the fleet as it becomes a new application. Existing licensed vehicles which become category C during the period of the current licence will not be renewed; and
- (ii) In relation to category D vehicles it would be required that every Category D vehicle to have passed a VIC (Vehicle Identity Check) from VOSA and have a signed and dated certificate stating the vehicle has passed an independent examination of the repairs to confirm its roadworthiness to the satisfaction of the Licensing Authority.

3. RECOMMENDATION

3.1 The Executive Member is invited to:

Consider the options for restricting Category C and D vehicles being licensed as Private Hire and Hackney Carriage Vehicles in Bolton and make a decision on the preferred options.

The following table explains the recommendations and outcomes:

Scenario	Outcome
New category C Vehicles	No longer allowed to be licensed
Renewal of an existing category C vehicle	Allowed to be licensed
Existing Category C vehicle where the licence has lapsed	Not allowed to be licensed
Vehicles which become category C during the licence period	Not renewed – licence to be revoked / suspended
Category D vehicles	Vehicle Identity Check and independent examination to confirm roadworthiness

Equality Impact Assessment Screening Form

Title of report or proposal:

Proposals for implementing an age restriction on vehicles permitted to be licensed as Hackney Carriage and Private Hire Vehicles

Department:	Environmental Services
SIAP Unit:	Neighbourhood and Regulatory Services
Date:	

This report is for decision and is therefore subject to an Equality Impact Assessment. The following questions have been completed to ensure that this proposal, procedure or working practice does not discriminate against any particular social group. Details of the outcome of the Equality Impact Assessment have also been included into the main body of the report.

Equality Impact Assessment Questions

1. Describe in summary the aims, objectives and purpose of the proposal, including desired outcomes:

The report sets out proposals for restricting Category C vehicles being licensed by the Council as Hackney Carriage and Private Hire vehicles in an effort to increase the quality and roadworthiness of these vehicles and to increase public safety for users of these vehicles.

2. Who are the main stakeholders in relation to the proposal?

- The public, and visitors within the borough.
- The business community, in particular drivers and owners of hackney carriage and private hire vehicles.

3. In summary, what are the anticipated (positive or negative) impacts of the proposal?

If any of the category C restriction proposals are accepted this will help ensure the safety of users of these vehicles as it is difficult to assess the impact the damage of a category C vehicle will have had on its roadworthiness.

Businesses within the Borough should benefit from fewer category c vehicles operating for them and increased satisfaction from the users of these vehicles.

Existing category C vehicles on the fleet will not yet be affected unless the vehicle becomes a category C vehicle during the licence period or the owner lets the vehicle licence lapse, depending upon which option is chosen.

4. With regard to the stakeholders identified above and the diversity groups set out below:

	Is there any potential for differential impact?	Could this lead to adverse impact and if so what?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group, or for any other reason	Please detail what measures or changes you will put in place to remedy any identified adverse impact
Race	No impact has been identified – the proposals affect everyone equally as they apply to all licensed vehicle owners.			
Religion	No impact has been identified – the proposals affect everyone equally as they apply to all licensed vehicle owners.			
Disability	No impact has been identified – the proposals affect everyone equally as they apply to all licensed vehicle owners.			

Gender(including gender reassignment)	No impact has been identified – the proposals affect everyone equally as they apply to all licensed vehicle owners.			
Age	No impact has been identified – the proposals affect everyone equally as they apply to all licensed vehicle owners.			
Sexuality	No impact has been identified – the proposals affect everyone equally as they apply to all licensed vehicle owners.			
Caring Status(including pregnancy & maternity)	No impact has been identified – the proposals affect everyone equally as they apply to all licensed vehicle owners.			
Marriage and civil partnership	No impact has been identified – the proposals affect everyone equally as they apply to all licensed vehicle owners.			
Socio-economic	The proposals could have an impact on those who let their licence lapse or whose vehicle becomes category C during the licence period as they would have to purchase another			

Other comments or issues	vehicle, depending upon which option is chosen.	
<p>Please provide a list of the evidence used to inform this EIA, such as the results of consultation, service take-up, service monitoring, surveys, stakeholder comments and complaints where appropriate.</p> <p>If you have undertaken consultation as part of the proposal, the consultation will upload it on to the corporate database.</p>	<p>Evidence Used:</p> <p>Lalpac, Civica database, comparison with other AGMA authorities</p>	

5.a Are there any gaps in your evidence or conclusions that make it difficult for you to quantify the potential adverse impact?

We believe we have considered the potential adverse impact in full and there are no gaps in our evidence or conclusions. Members will either accept one of the proposals which will increase the quality and roadworthiness of these vehicles and increase public safety for users of these vehicles or leave as it is currently which will have no impact.

5.b If so, please explain how you will explore the proposal in greater depth?

See above

You may wish to consider undertaking secondary data analysis, further consultation or research or investigating best practice. If you are planning to undertake further consultation or research as a result of this EIA, please contact the Consultation Manager on ext. 1083.

This EIA form and report has been checked and countersigned by the Departmental Equalities Officer before proceeding to Executive Member(s)

Please confirm the outcome of this EIA:

- 1. No major impact identified, therefore no major changes required – proceed
- ☐ 2. Adjustments to remove barriers / promote equality (mitigate impact) have been identified – proceed
- ☐ 3. Continue despite having identified potential for adverse impact/missed opportunities for promoting equality – this requires a strong justification
- ☐ 4. Stop and rethink - the EIA identifies actual or potential unlawful discrimination

Report Officer

Name: Elizabeth Pritchard

Signature:

Date and Contact No: Ext 6583

Departmental Equalities Lead Officer

Name:

Signature:

Date and Contact No: