

To: Regulatory Functions Board

On: 2nd February 2023

Report by: Director of Finance and Resources

Heading: Temporary Change of Policy in relation to Age of Licensed Vehicles, Proposals for Further Consultation on Vehicle Specification and Cessation Policy

1. Summary

- 1.1 The purpose of this report is to request that the Board instruct officers to reconsult in relation to previous proposals to review the Council's policies on vehicle specification and age for taxis and private hire cars, given the period of time which has elapsed since earlier consultation in 2019, the impact of the coronavirus pandemic and the cost of living crisis.
- 1.2 The Board is also asked to agree, with immediate effect, a temporary policy in relation to the age of these vehicles, to allow them to operate for an additional two years, subject to a regulatory scheme as set out at Appendix 1.
- 1.3 Finally, the Board is asked to consider removing the "cessation" policy agreed by the Council's Emergencies Board on 9th April 2020, which allowed operators of taxis and private hire cars to reduce their level of insurance cover for their vehicles during periods when they were not in use.
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2. Recommendations

It is recommended that the Board:

- 2.1 Agree a temporary policy allowing existing taxis and private hire cars to be licensed for an additional two years, subject to the requirements of the proposed regulatory scheme set out at Appendix 1 to this report;
 - 2.2 Instruct officers to reconsult on the proposed conditions for taxi and private hire car licences set out at Appendices 2 and 3 respectively and the revised consultation questions, as attached at Appendix 4, following upon the previous consultation agreed by the Board on 5th September 2019, the consultation to include (i) all taxi and private hire car licence holders in Renfrewshire, (ii) representatives of those licence holders, (iii) Renfrewshire Access Panel, (iv) relevant Council Services and (v) such other persons or groups as officers consider appropriate; and to report the responses to the consultation to the Board thereafter;
 - 2.3 Instruct officers to reconsult further on whether wheelchair accessible MPVs to be licensed as taxis or private hire cars, which are suitable for the carriage of eight passengers, may be licensed to carry a maximum of eight passengers;
 - 2.4 Consider whether to remove the “cessation” policy agreed by the Emergencies Board on 9th April 2020; and
 - 2.5 Otherwise note the terms of the report.
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3. **Background**

- 3.1 At a meeting on 5th September 2019, the Board agreed the terms of a revised specification for taxis and private hire cars, and also a set of consultation questions, as suitable for the purpose of consultation. A consultation exercise was then carried out between October and December 2019, with 27 consultation responses being received.
- 3.2 While it was anticipated that, following this consultation, the terms of the responses received would be reported to the Board with final recommendations to agree a new policy, this matter was unable to be progressed in 2020, initially due to the onset of the coronavirus pandemic which resulted in the cancellation of meetings of the Board. Once meetings of the Board resumed, it was apparent that the taxi and private hire trades were facing considerable financial challenges, with some licence holders leaving the taxi and private hire trades and a number of operators taking advantage of the “cessation” policy agreed by the Council’s Emergencies Board at its meeting on 9th April 2020 and temporarily removing their vehicles from availability for hire.
- 3.3 In the period since, members of the taxi and private hire trades have reported to officers that they continue to face challenges, including the sourcing of vehicles meeting the Council’s current requirements.
- 3.4 Further, a number of taxi and private hire car operators have applied to the Council to vary the conditions of their licences to allow their current

vehicles to be licensed for longer than the usual periods allowed by the Council's standard licence conditions. Those usual periods are seven years for private hire cars (except where these are wheelchair accessible approved MPVs, in which case eight years) and eight years for taxis (provided they meet the Council's wheelchair accessibility policy requirements, which failing seven years). The Board has, in this regard, allowed a number of private hire car and taxi licences to be varied, upon an application made to vary the licence, to relax Standard Conditions 1 and 22 respectively, enabling existing licensed vehicles to continue to operate for longer than the usual periods. The Board has normally, when permitting this, imposed additional requirements that the vehicle be tested quarterly, with the next inspection requiring to be carried out within 28 days of the Board's decision on the application.

4. Proposal to Introduce Temporary Policy on Vehicle Age

- 4.1 The Council, as licensing authority, continues to receive a significant volume of applications to vary taxi and private hire car licences to allow existing licensed vehicles to operate beyond the periods set out in the above standard conditions. The number of these applications increased in the year 2021 to 2022 in comparison with the previous year and it is anticipated that a comparable number of applications may have been received by the end of the current financial year. The Board may now consider it appropriate to introduce a temporary policy in relation to applications which require to be determined following the date of this report. This would ensure a consistent approach in relation to these applications and provide clarity to applicants as to the Council's requirements and expectations.
- 4.2 Accordingly, it is requested that the Board introduce a temporary policy as recommended at Paragraph 2.1 in accordance with the regulatory scheme set out at Appendix 1. The proposed policy, if approved, would reflect the recent practice of the Board in considering applications to vary licences, where such applications have been granted to allow the existing vehicle to operate for a further period, subject to an inspection being carried out every 3 months, rather than every 6 months as provided for in the standard conditions (where a vehicle is over five years old from its date of first registration). However, to reduce the need for repeated applications, the proposed policy would allow vehicles to operate for an additional two years, rather than for a shorter period.
- 4.3 Should the Board agree the proposed temporary policy, applications to allow vehicles to operate for up to an additional two years from the end of the period provided for under the standard conditions of licence would, if the additional testing is agreed to by the applicant, be considered to be within the terms of Council policy and, as such, could be granted by officers under delegated powers.

5. Proposed Further Consultation on Vehicle Specification and Age

- 5.1 As set out at section 3 of the report, the Board, at its meeting of 5th September 2019, considered the terms of a report in relation to proposals for consultation regarding review of the Council's taxi and private hire car specification. The Board agreed at that meeting draft conditions setting out proposed new requirements for taxis and private hire cars and detailed questions, all as suitable for the purposes of consultation. These conditions and consultation questions are set out at Appendices 2, 3 and 4 to this report (with necessary revision as set out at Paragraph 5.6). The Board instructed officers to proceed with consultation on this basis. Following the decision of the Board, officers consulted with a wide range of stakeholders, when 27 responses were received.
- 5.2 A range of views were set out by the respondents to that consultation, who included taxi and private hire car licence holders, trade representatives, organisations with an interest in accessibility issues and other persons. While there was support from a number of consultees for encouraging the use of electric vehicles, some questions were raised as to what age limit should apply to these, given the evolving nature of the electric vehicles market and a perceived lack of information regarding likely resale values. A question was also raised by some private hire car operators as to why electric taxis should be allowed to be licensed longer than electric private hire cars.
- 5.3 Regarding other aspects of the consultation, some, but not all, of the taxi trade were supportive of a requirement that fixed ramps be used rather than dual ramps. One (non-trade) respondent observed that the use of single ramps would improve accessibility not only for wheelchair users but for other access, specifically for those with prams, and also highlighted concerns raised by their service users regarding the suitability of some ramps currently in use in taxis for particular wheelchairs. While some respondents to the consultation favoured side-loading vehicles for wheelchair access (to avoid wheelchair users loading on the roadway), other respondents supported the use of rear-loading vehicles. In this regard, the increased availability of converted vehicles, such as those prepared for the Motability scheme, was highlighted. In addition, some issues were raised in relation to the side-loading of wheelchair vehicles depending on their direction of travel and upon the amount of available pavement space. Equally, while a view was expressed that some existing van-style MPVs may provide inadequate space for wheelchairs and luggage, an alternative view was expressed that current vehicles can carry an accompanied wheelchair together with a reasonable amount of luggage. In this regard, it was suggested that the Board might adopt a standard that, in addition to a wheelchair passenger and one further passenger, taxis be able to carry two airline cabin luggage size bags plus one airline hold size bag.
- 5.4 Views were also expressed by respondents in relation to issues raised in the various consultation questions, such as luggage capacity in private

hire cars, maximum age limits for vehicles when first licensed and regularity of inspections. A number of respondents, particularly from the taxi and private hire trades, suggested that any new restrictions or requirements introduced by the Board should be applied only to new vehicles being licensed. Some respondents also asked that a longer implementation period be allowed than the period previously consulted upon, prior to any changes coming into effect, to allow adequate engagement with the trade.

5.5 Notwithstanding the above responses being received, officers were unable to progress the review further following the onset of the pandemic. As noted above, once meetings of the Board resumed in late 2020, it was evident that significant financial pressures were facing the taxi and private hire trades. This was reflected in the number of vehicles licensed and available for hire, with a number of operators continuing to make use of the cessation policy referred to above, as also in feedback to officers that operators were finding it difficult to obtain drivers for their vehicles. It was therefore considered appropriate not to pursue a change in vehicle specification at that time. Further concerns have been expressed by the trade in the period since regarding the availability of suitable vehicles for purchase which meet the requirements of the Council's policies, particularly in relation to taxis, as also with regard to the ongoing cost of living crisis.

5.6 Given the significant social, economic and technological changes which have occurred in the period since the previous consultation exercise, it is the view of officers that there is a need to reconsult with relevant stakeholders prior to taking the original proposals further. The Board is accordingly asked to instruct officers to reconsult on the original proposed conditions and consultation questions: the questions have been revised at this time in relation to the proposed implementation period. The Board is also asked to instruct officers to reconsult, as previously, regarding whether the existing limit on the number of passengers allowed to be carried in vehicles should be increased from 7 to 8 passengers.

5.7 It is suggested that, given the extent of the matters to be consulted upon and in order to allow a range of responses to be received from relevant consultees, a reasonable period of consultation on these issues would be 12 weeks.

6. Cessation Policy

6.1 On 9th April 2020, the Emergencies Board agreed a temporary policy permitting the temporary "cessation" of taxi and private hire car licences where requested by a vehicle operator. The introduction of this policy followed upon a number of vehicle operators advising that there had been a significant reduction in business for the trades during lockdown, resulting in them having ceased to operate their vehicles. Where operators availed themselves of this policy, they were able to reduce their level of insurance cover to social, domestic and pleasure on the

basis that they would temporarily cease to undertake public or private hire work.

- 6.2 The implementation of this policy was intended as a temporary arrangement. While officers appreciate that the taxi and private hire trades continue to face financial challenges, the legal restrictions which previously led to a substantial downturn in taxi and private hire business have been removed for some time. Accordingly, it is recommended that the Board consider removing this policy. Should the Board agree to remove the policy at this time, holders of taxi and private hire car licences will be expected to meet the requirement to have suitable taxi or private hire car insurance in place with immediate effect.

7. Conclusion

- 7.1 The Board is asked to agree to introduce the above temporary policy and to reconsult on the matters requested, as also to consider removing the “cessation” policy. While the proposals in relation to a temporary change in vehicle age policy and the removal of the cessation policy would, if agreed, take effect immediately, the proposals regarding wider vehicle requirements would require to be considered at a future meeting of the Board following upon the recommended reconsultation.

Implications of the Report

1. **Financial** – nil. The proposed temporary policy on age of vehicles, if agreed by the Board, would continue to require applications for variation to be made while providing some benefits by reducing the number of formal hearings before the Regulatory Functions Board.
2. **HR & Organisational Development**- nil
3. **Community/Council Planning** –
 - Our Renfrewshire is safe – the improved regulation of taxis and private hire cars through licensing, and by ensuring suitable vehicles are available to the travelling public, contributes to safer communities.
 - Reshaping our place, our economy and our future – the availability of suitable vehicles is important to the travelling public, visitors to Renfrewshire and the night time economy. The proposed temporary policy on vehicle age also recognises the pressures faced by the taxi and private hire car trades in serving that economy.
 - Building strong, safe and resilient communities – the improved regulation of licensed vehicles contributes to safer communities.
 - Tackling inequality, ensuring opportunities for all – ensuring vehicles are accessible for the travelling public.
 - Creating a sustainable Renfrewshire for all to enjoy – ensuring that licensing policies facilitate the use of greener technology.
4. **Legal** - Section 10(2) of the Civic Government (Scotland) Act 1982 states that the Council, as licensing authority, shall not grant or renew a taxi licence or private hire car licence unless they are satisfied that the

vehicle to which the licence is to relate is suitable in type, size and design for use as a taxi or private hire car. Under Paragraph 5(3)(d) of Schedule 1 to that Act, the Council as licensing authority shall refuse an application to grant or renew a licence, in their opinion “other good reason” exists for refusing the application.

Paragraph 5 also allows the Council to attach reasonable conditions to a licence.

Paragraph 10 of the same Schedule allows the Council, as licensing authority, to vary the conditions of a licence.

5. **Property/Assets-** nil

6. **Information Technology-** nil

7. **Equality & Human Rights -**

The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals’ human rights have been identified arising from the recommendations contained in the report because the recommendations in the report seek only that a reconsultation, on proposed changes to the Council’s policies on vehicle suitability, be carried out at this time. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council’s website.

8. **Health & Safety-** nil

9. **Procurement-** nil

10. **Risk-** nil

11. **Privacy Impact-** nil

12. **Cosla Policy Position-** nil

13. **Climate Emergency-** The recommended reconsultation contains proposals which could facilitate the licensing of more sustainable vehicles as both taxis and private hire cars, although it is recognised that the proposed temporary policy will allow some vehicles to operate beyond the usual age limits which apply. In this regard, the Board has already allowed exceptions to current policy to allow some vehicles to do so on a case-by-case basis.

List of Background Papers- responses to previous consultation exercise.

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Renfrewshire Council

Temporary Regulatory Scheme for Taxis and Private Hire Cars: Applications to Vary Licences to Extend Vehicle Age (2023)

This document sets out a temporary policy agreed by Renfrewshire Council which will apply to applications for variation of a private hire car or taxi licence to allow the licence holder's existing licensed vehicle to remain in service beyond the normal periods set out in Conditions 1 or 22, respectively, of the standard conditions applicable to those licences in Renfrewshire. This policy will remain in place until such times as it may be reviewed by Renfrewshire Council's Regulatory Functions Board.

The above Standard Conditions, 1 and 22, were agreed by the Corporate Services Committee on 3rd December 1998 and revised, to allow for the current age limits, by the Regulatory Functions Board on 11th January 2012, following a consultation exercise. In general terms, these standard conditions allow wheelchair accessible taxis to be licensed for a period of 8 years from the date of their first registration and private hire cars, with the exception of wheelchair accessible MPVs of a type approved by the Council, to be licensed for a period of 7 years from that date (wheelchair accessible MPVs of a type approved by the Council may operate for 8 years from first registration).

In recognition of current challenges facing the taxi and private hire trades, and to provide some clarity for licence holders, the Council has agreed a temporary change of policy whereby, upon an application made for variation of a taxi or private hire car licence to allow an existing vehicle licensed by the Council to operate beyond the applicable 7 or 8 year period provided for in the standard conditions, that licensed vehicle will be considered to be within the terms of Council policy for an extended period (set out at (i), below), allowing the application for variation to be granted by officers, subject to the following procedures and requirements being met:

- (i) The licence holder must apply for variation of their private hire car or taxi licence, as applicable, to vary Condition 1 or 22, as applicable, to allow the existing vehicle to operate for up to a further 2 year period after the expiry of the usual period provided for in the applicable standard condition for that licence type and as referable to the existing licensed vehicle. For the avoidance of doubt, this temporary policy will only apply to the applicant's existing licensed vehicle and, under the terms of this policy, any change made to the relevant standard condition of licence once the application is granted will reflect that the additional period is being allowed in respect of that vehicle;
- (ii) The application for variation will require to be processed according to the relevant provisions of the Civic Government (Scotland) Act 1982 and any applicable existing policies and practices of Renfrewshire Council;
- (iii) For this policy to apply, the applicant will require to agree that the existing vehicle will be made available for testing at the Council's taxi/ private hire car vehicle inspection facility on a three-monthly basis, with the first inspection taking place within 28 days of the date of any variation of the

licence resulting from the application. These agreed requirements will also be reflected in the terms of the varied condition of licence.

Where an application for variation of the applicable standard condition has been made and all of the above requirements are met, the application will be considered to be consistent with the terms of the Council's policies relating to the age of taxis and private hire cars. As such, it will be open to officers to consider these applications using their existing delegated authority, avoiding the need for such applications to be referred to the Regulatory Functions Board for consideration.

This policy will come into effect once agreed by the Regulatory Functions Board.

For the avoidance of doubt, this policy will apply to applications made prior to the date of this policy coming into effect but not yet determined, as also to applications made following the introduction of this policy.

Proposed New Taxi Licence Condition

“22. All vehicles licensed as taxis shall:-

Either

- (A) (i) be coloured white;
(ii) be purpose-built taxis with European Whole Vehicle Type Approval and wheelchair accessible;
(iii) be fully electric/ zero emissions vehicles;
(iv) be side-loading for wheelchair access;
(v) have a single, solid ramp for wheelchair accessibility;
(vi) be less than five years old from the date of first registration when first licensed within Renfrewshire;
(vii) be less than 15 years old from the date of the first registration of the vehicle. Vehicles shall be taken out of service and replaced when they become 15 years old from the date of first registration; and
(viii) be subject to 6 monthly inspections as from the time they are 5 years old from the date of first registration

Or

- (B) (i) be coloured white;
(ii) be wheelchair accessible and either purpose-built taxis or alternatively multi person vehicles (MPVs) of a type approved by the Licensing Authority;
(iii) be less than five years old from the date of first registration when first licensed within Renfrewshire;
(iv) be less than 8 years old from the date of the first registration of the vehicle where that vehicle is wheelchair accessible and should otherwise be less than 7 years old. Vehicles shall be taken out of service and replaced when they become 8 years old/ 7 years old from the date of first registration respectively; and
(v) be subject to 6 monthly inspections as from the time they are 5 years old from the date of first registration.”

APPENDIX 3

Proposed New Private Hire Car Licence Condition

- “1. The holder of a private hire car licence shall use as a private hire car, a four door saloon, a five door hatchback or estate vehicle, or alternatively a multi person vehicle (MPV) of a type approved by the Licensing Authority. All vehicles licensed as private hire cars shall:
- (i) be any colour other than white;
 - (ii) be less than five years old from the date of first registration when first licensed in Renfrewshire
 - (iii) subject to the exception below for fully electric/ zero emissions vehicles, be less than 7 years old from the date of first registration, unless the vehicle is a multi person vehicle (MPV) and wheelchair accessible where that vehicle shall be less than 8 years old from the date of first registration. Subject again to the exception below for fully electric/ zero emissions vehicles, vehicles shall be taken out of service and replaced when they become 7 years/ 8 years old from the date of first registration respectively;
 - (iv) have at least five designated seats (for driver and four passengers);
 - (v) have a luggage compartment with a minimum capacity of 0.4 cubic metres (400 litres) (with the seats up and the load cover fixed);
 - (vi) be subject to 6 monthly inspections as from the time they are 5 years old from the date of first registration.

Exception referred to above: Fully electric/ zero emissions vehicles licensed as private hire cars may be licensed until they are ten years old from the date of first registration. Such vehicles shall be taken out of service and replaced when they become 10 years old from their date of first registration.

Taxis

1. Do you support the proposed revised specification for taxis?
2. Do you support the introduction of a maximum age at which a taxi may first be licensed in Renfrewshire? If so, is the proposed 5 years a reasonable requirement? Please provide an explanation.
3. Should all taxis require to be equipped with a single, solid ramp for wheelchair access? Please give reasons for your answer.
4. Should this requirement affect all renewal applications made after a specified implementation date, as well as new licence and change of vehicle applications (where a vehicle is proposed to be licensed for the first time)? Please give reasons for your answer.
5. Would 1st February 2024 be a reasonable implementation date? Otherwise what do you think a reasonable date would be? Please give reasons for your answer.
6. Otherwise, please advise how you think any new requirements would best be implemented?
7. Should rear-loading vehicles be considered unsuitable to continue to be licensed as taxis? Please provide an explanation.
8. If so, should existing licensed rear-loading taxis be allowed to continue in service until the eighth anniversary of their first registration, with any change of policy only applying to those vehicles proposed for licensing in Renfrewshire for the first time? Please provide an explanation.
9. If you believe rear-loading vehicles should be allowed to be licensed, should minimum requirements be introduced as to how many passengers, and how much associated luggage, in addition to a wheelchair passenger, a licensed taxi is capable of carrying? Please specify what you think the requirements should be.
10. If so, should existing taxis affected by any change in policy be allowed to continue in service until the eighth anniversary of their first registration, with any change of policy only applying to those vehicles proposed for licensing in Renfrewshire for the first time? Please provide an explanation.
11. Do you agree that fully electric vehicles meeting the additional accessibility requirements set out in the proposed taxi specification should be allowed to be licensed for a longer period?
12. Do you agree that 15 years is a reasonable period over which these taxis should be licensed?
13. Should any other requirements be introduced to improve the accessibility of taxis for the travelling public (for example, minimum dimensions or particular features)?
14. Should the Council introduce a new requirement that taxis should be inspected at six monthly intervals once they attain the age of three years from their date of first registration? If this change were to be introduced, do you agree that the same requirements should apply to electric taxis?
15. Please provide any further information as to changes you think should be made to the Council's requirements for licensed taxis.

Private Hire Cars

1. Do you support the proposed revised specification for private hire cars?
2. Do you support the proposed introduction of a maximum age at which a private hire car may first be licensed in Renfrewshire?
3. Do you support the proposed requirement that vehicles have five designated seats (for driver and four passengers)?
4. If not, do you suggest an alternative requirement?
5. Do you support the proposal to introduce a minimum luggage compartment capacity?
6. If so, do you agree that 0.4 cubic metres (400 litres), with the seats up and the load cover fixed, is a reasonable requirement?
7. If not, do you have an alternative suggestion?
8. Should MPVs which are unable to accommodate wheelchairs be considered suitable for licensing, on the basis that they are allowed to carry no more than four passengers?
9. Do you agree that fully electric/ zero emissions vehicles should be allowed to be licensed over a longer period as private hire cars?
10. If so, do you agree that 10 years would be a reasonable period to license these vehicles?
11. If not, what period do you suggest?
12. Do you agree that any proposed changes should be introduced to apply to all future applications for new licences, renewals of licence and change of vehicle applications which are made after an agreed implementation date?
13. If so, would 1st February 2024 be a reasonable implementation date? If not, what date would you suggest?

Questions 14- 21 apply to the use of wheelchair accessible MPVs as private hire cars-

14. Should all wheelchair accessible MPVs to be used as private hire cars require to be equipped with a single, solid ramp for wheelchair access?
15. Should this requirement affect all renewal applications made after a specified implementation date, as well as new licence and change of vehicle applications (where a vehicle is proposed to be licensed for the first time)? Please give reasons for your answer.
16. Would 1st February 2024 be a reasonable implementation date? Otherwise what do you think a reasonable date would be? Please give reasons for your answer.
17. Otherwise, please advise how you think any new requirements would best be implemented?
18. Should rear-loading vehicles be considered unsuitable to continue to be licensed as wheelchair accessible MPVs used as private hire cars? Please provide an explanation.
19. If so, should existing licensed rear-loading, wheelchair-accessible MPVs be allowed to continue in service until the eighth anniversary of their first registration, with any change of policy only applying to those vehicles proposed for licensing as private hire cars in Renfrewshire for the first time? Please provide an explanation.?

20. If you believe rear-loading wheelchair-accessible MPVs should be allowed to be licensed, should minimum requirements be introduced as to how many passengers, and how much associated luggage, in addition to a wheelchair passenger, a licensed vehicle is capable of carrying? Please specify what you think the requirements should be.
21. If so, should existing vehicles affected by any change in policy be allowed to continue in service until the eighth anniversary of their first registration, with any change of policy only applying to those vehicles proposed for licensing in Renfrewshire for the first time? Please provide an explanation.
22. Should the Council introduce a new requirement that private hire cars should be inspected at six monthly intervals once they attain the age of three years from their date of first registration? If this change were to be introduced, do you agree that the same requirements should apply to electric vehicles?
23. Do you have any other comments in relation to the Council's specification for licensed private hire cars?