

PERTH AND KINROSS COUNCIL**LICENSING COMMITTEE.****11 December 2014****Licensing Smart Cars for use as Private Hire Vehicles****Head of Legal Services****PURPOSE OF REPORT**

The purpose of the Report is to allow members to determine whether to vary the existing licensing conditions to permit the licensing of single passenger Smart Cars as private hire vehicles.

1. BACKGROUND / MAIN ISSUES

- 1.1 The Council regulates the licensing of taxi and private hire cars under the Civic Government (Scotland) Act 1982 and can impose and vary conditions in relation to those licences.
- 1.2 An approach has been made by a local private hire operator with regard to the use of Smart Cars as private hire vehicles. The operator, who currently has a licence for an eight-seated private hire car, has become involved in the bus replacement scheme known as DRT (demand responsive transport). Such schemes provide a public transport service in rural areas or areas of low passenger demand, where a regular bus service may not be viable. The operator advises, that having been involved in the scheme, he has observed that a large number of journeys are made with only one passenger, thus being uneconomical. He wishes to provide a more environmentally friendly private hire car service by introducing a Smart Car to his existing fleet to be used when there is only one passenger.
- 1.3 The Council's Handbook of Conditions of Taxi and Private Hire Car Operators and Taxi and Private Hire Car Drivers' Licences ("the Blue Book") sets out the conditions of taxi and private hire car drivers licences and does not permit the use of Smart Cars.
- 1.4 Condition 2.1 of the Blue Book specifies that "A taxi or private hire care shall be either:
 - (a) A saloon or estate car with four doors, an engine classification of not less than 1300cc, shall measure at least 48" (122cm) across the back seat and shall be large enough to carry no fewer than four and not more than five passengers (the seating capacity to be determined in accordance with Regulation 42 of the Road Vehicles (Registration and Licensing) Regulations 1971), or

- (b) A vehicle permanently adapted to carry up to eight passengers with transverse seats in an approved layout and used for hire and reward.
 - (c) The luggage capacity of any taxi or private hire car should be a minimum of 11.5 cubic feet for vehicles carrying up to five passengers and should be increased by two cubic feet for each passenger above five that the vehicle is licensed to carry. The luggage compartment should be a convenient shape to accept at least one suitcase of not less than 2 feet by 1.5 feet by 0.67 feet for each passenger the vehicle is licensed to carry. When luggage is carried within the passenger compartment a suitable guard will be fitted to prevent luggage being thrown into the passenger area. No loose luggage other than hand luggage shall be carried within the passenger compartment other than that secured behind guards.
- 1.5 The Scottish Government's best practice guidance for taxi and private hire car licensing (2012), regarding specification for vehicle types that may be licensed states "the legislation given local authorities a wide range of discretion of the types of vehicles that they can licence as taxi or private hire vehicles." It also states that "Local licensing authorities should consider how far their vehicle licensing policies can and should support any local environmental policies that they may have" and that Local Authorities may also wish to consider "the availability of increasing numbers of hybrid/electric and low carbon vehicles on the market".
- 1.6 Most authorities in Scotland do not license Smart Cars, however, some authorities in England have done and have done so because of the vehicles' environmental credentials.
- 1.7 In considering whether it wishes to license Smart Cars for private hire purposes the Committee needs to be satisfied the vehicle is in a suitable mechanical condition, safe and comfortable. However, there should be no increased risk to passenger safety from the use of a Smart Car as the vehicle will be subjected to the same testing requirements as the rest of the private hire car fleet.
- 1.8 The luggage space available should accommodate a standard wheelchair but it could restrict the carriage of some wheelchairs. However, as these vehicles will be licensed as a private hire, they would be booked in advance. The operator could therefore facilitate the passenger's journey by utilising another vehicle from the fleet. It would be expected that any issues would be addressed by the operator at the time of the booking, to allow an alternative vehicle to be booked if required.
- 1.9 It is recognised in the industry that some passengers, especially lone females may feel uncomfortable having to sit alongside, rather than behind the driver, therefore it would be expected that any issues of this nature would be addressed by the operator at the time of the booking, to allow an alternative vehicle to be booked if required.

- 1.10 Existing private hire operators have been consulted for their opinion and no comments have been received. The Fleet Manager at Friarton has also been consulted who has advised that he has no concerns about the use of Smart Cars as private hire vehicles.

2. CONCLUSIONS AND RECOMMENDATIONS

2.1 It is recommended that:

The Committee considers whether it is happy in principle to license Smart Cars for use as private hire vehicles and if so to make that view known and to consider appropriate conditions in due course.

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Approved

Name	Designation	Date
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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	n/a
Corporate Plan	n/a
Resource Implications	n/a
Financial	n/a
Workforce	n/a
Asset Management (land, property, IST)	n/a
Assessments	n/a
Equality Impact Assessment	n/a
Strategic Environmental Assessment	yes
Sustainability (community, economic, environmental)	yes
Legal and Governance	n/a
Risk	n/a
Consultation	
Internal	yes
External	yes
Communication	n/a
Communications Plan	n/a

1. Strategic Implications

Community Plan / Single Outcome Agreement

N/A

Corporate Plan

1.2 N/A

2. Resource Implications

N/A

3. Assessments

Equality Impact Assessment

Note – further information on Equality Impact Assessment is available on eric

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.

- (i) Assessed as **not relevant** for the purposes of EqIA

Strategic Environmental Assessment

There could be a minimal positive impact on the environment.

Sustainability

N/A

- 3.2 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.

This section should reflect the steps that have been taken to assess the proposals.

There could be a minimal positive impact on the environment.

Legal and Governance

The Head of Legal Services has been consulted.

4. Consultation

Internal

- 4.1 *The Fleet Manager at the Friarton Depot*

External

Private Hire car operators

5. Communication

- 5.1 *Private hire operators will be advised in writing if the proposals are implemented.*

2. BACKGROUND PAPERS

None

3. APPENDICES

None

