

## **Item 7      Licensed Vehicle Age Policy for Hackney Carriages and Private Hire Vehicles**

Report of the Head of Administration (Portfolio: Corporate)

### **Recommended that:**

- 1.      The licensed vehicle age policy attached as Annex 1 to this report be adopted with effect from 1 October 2014 in respect of vehicles licensed as hackney carriages and private hire vehicles**
- 2.      With effect from 1 October 2014 a vehicle first presented for licensing will only be licensed as a hackney carriage or private hire vehicle if it is no more than five years old**
- 3.      With effect from 1 October 2014 there will be an upper age limit beyond which a vehicle will no longer be licensed as a hackney carriage or private hire vehicle starting from 1 October 2014 with vehicles aged over thirteen years reducing so that from 1 October 2017 no vehicle aged over ten years will be licensed**
- 4.      With effect from 1 October 2014 an exception to the policy in 3 above be made for purpose built wheelchair accessible vehicles which will continue to be licensed until they reach 12 years of age**
- 5.      With effect from 1 October 2014 all vehicles will need to meet the standards set out in Annex 1 attached to this report if they are to be licensed**
- 6.      The Head of Administration be given authority to depart from the policy in such cases where departure is justified.**

### **SUMMARY:**

- It is proposed to introduce an age and condition policy for vehicles licensed by the Council as hackney carriages or private hire vehicles
- This will ensure that the licensed fleet comprises more modern vehicles which will meet higher safety standards and more modern emission standards.

## **1      Introduction**

- 1.1      The Borough Council has a statutory role in licensing hackney carriages (taxis) and private hire vehicles (minicabs). There are currently 36 of the former and approximately 200 of the latter licensed by the Council. Legally there is no age limit above which a vehicle may not be used as a hackney carriage or private hire vehicle. The only requirements in respect of private hire vehicles are that the vehicle is suitable in type size and design; in a suitable mechanical condition; and safe and comfortable.

There is no similar legislative provision for hackney carriages although Test Valley, like most other local licensing authorities, applies the same vehicle standards to both hackney carriages and private hire vehicles.

## **2 Background**

- 2.1 At present the Council's only policy requirement in respect of licensed vehicles is that once a vehicle reaches six years of age it will be inspected and licensed every six months rather than annually. The Council has previously had an age limit but this policy was changed in the late 1990s at the request of the trade. In recent years officers have been concerned with the amount of older vehicles that have been presented for licensing. A number of local licensing authorities have adopted age limits beyond which they will not license vehicles. Many of those apply two age limit tests; the first when a vehicle is first presented for licensing as a hackney carriage or private hire vehicle and the second being the age beyond which the vehicle will no longer be licensed. The justification for applying age limits is that a smart, modern fleet enhances the character of the Borough and makes licensed vehicles more attractive to the fare paying public. In addition, the removal of older vehicles improves safety standards and addresses environmental concerns as newer vehicles are required to meet increasingly stringent environmental, performance and safety standards.

## **3 Corporate Objectives and Priorities**

- 3.1 The licensing of hackney carriages and private hire vehicles is a statutory function which does not directly relate to the Council's corporate aims. However, the policy recommended for adoption will improve public safety and address environmental concerns. Licensing of hackney carriages and private hire vehicles provides transport for the public who may not have any safe alternative means of transport available to them. The service provided by taxis plays a key role in the provision of an integrated public transport system and decisions made by the Council should be approached in the interests of the travelling public.

## **4 Consultations/Communications**

- 4.1 Officers first undertook consultation on this matter in 2012. Despite over 170 vehicle owners being consulted there was only a limited response with comments relating to the proposed standards for vehicle exterior and interior condition. Consequently, as it was clear that the trade were not particularly supportive of the proposal officers undertook further investigation and research on the subject. As a result a second round of consultation was undertaken in late 2012 where vehicle age limits of 3 and 8 years respectively were proposed.
- 4.2 All 170 vehicle owners were consulted but only 11 replies were received. All respondents felt that the requirement for vehicles when first licensed to be less than three years old was too cost prohibitive. Six replies commented that the proposed upper age limit of eight years was too low.

Four comments were made regarding the standards for a vehicle's exterior condition and a further four comments were made regarding the standards for a vehicle's interior condition. Officers have considered these comments in light of the approach of other local authorities and also discussed the matter with the Council's Vehicle Inspector (Environmental Services Transport Manager).

- 4.3 Accordingly the policy has been revised so that when a vehicle is first licensed it must be no more than five years old. The upper age limit beyond which a vehicle will no longer be licensed is set at ten years but it is proposed to introduce this on a gradual basis over three years so as to allow owners of older vehicles sufficient time to purchase a newer vehicle. An exception to this is proposed but only in respect of purpose built wheelchair accessible vehicles which will be licensed until 12 years of age. This is in acknowledgement of the specific construction of this type of vehicle which generally means it has a longer life expectancy than an ordinary car or similar vehicle. It also acknowledges the significant financial outlay made by the owners of such vehicles. The existing policy of requiring vehicles aged over six years to be inspected and licensed twice a year instead of annually will remain unaltered. In addition, vehicles will be required to meet the bodywork and other standards outlined in Annex 1 attached to this report. For the avoidance of doubt a vehicle's age is taken from the DVLA first vehicle registration (as shown on the vehicle registration document V5) or, in the case of a vehicle first used outside of the UK, when first used on any other roads of any description.

## **5 Options and Option Appraisal**

- 5.1 As already mentioned there is no legal requirement to impose vehicle age limits or related standards regarding licensed vehicles. If the proposed policy were not adopted then it is likely that the licensed fleet would continue to comprise a mix of vehicle ages, a number of which will be of some considerable age. It could be argued that older vehicles detract from the amenity of the Borough and there are also issues relating to vehicle safety and the environmental aspects associated with emission standards.
- 5.2 Officers have considered the results of the consultation and responded accordingly by proposing that the maximum age allowed for first licensing a vehicle be increased from three to five years and that the upper age limit for vehicles be set at ten years rather than eight as originally proposed. In addition, the vehicle bodywork and associated standards have been relaxed from those as first proposed so that the numerical limit upon the number of stone chips has been removed as this was felt to be inappropriate and arbitrary. In addition, a proposed condition regarding seatbelts was removed as this would be addressed as part of a vehicle's MOT test.
- 5.3 It is acknowledged that there may on occasion be instances where departure from the policy is justified. In particular, officers can envisage that certain prestige or specialist vehicles could be licensed beyond ten years of age. The decision to depart from the policy in this and similar cases will rest with the Head of Administration in conjunction with the Council's Vehicle Inspector.

## **6 Resource Implications**

- 6.1 There are no direct resource implications for the Council as a result of this recommendation. At the time of writing this report there are nine licensed vehicles aged over 13 years and if the policy is adopted these will not be licensed after 1 October 2014. Owners of such vehicles have over a year to replace them with newer vehicles. There are then a further 12 vehicles aged between 10 and 13 years which owners would need to replace in line with the timescale mentioned in the policy attached to this report. The gradual introduction of the ten year upper age limit over the following three years is considered appropriate in helping vehicle owners plan for the future replacement of vehicles such that no owner should be unduly inconvenienced by the proposed policy.

## **7 Legal Implications**

- 7.1 Article 1 of the first protocol of the European Convention of Human Rights provides that every person is entitled to peaceful enjoyment of their possessions and a licence has been held to be a possession for the purposes of this legislation. However, this article does not inhibit the right of local authorities to enforce such laws as it deems necessary to control the use of possessions in accordance with the general interest. Arguably, refusing to renew a vehicle licence based upon age would interfere with this right. However, if the Committee takes a view that such interference is justified in the general interest then an age policy is permissible. Further support for the introduction of a vehicle age policy is that the majority of other local authorities have such a policy.

## **8 Equality Issues**

- 8.1 An Equalities Impact Assessment (EQIA) has not been undertaken as the proposed recommendation does not represent a significant policy change. The policy in relation to the maximum permitted age for purpose built wheelchair accessible vehicles recognises that the Council does not wish to see a reduction in the numbers of this type of vehicle as it would not wish to adversely impact upon the provision of public transport for wheelchair users.

## **9 Other Issues**

- 9.1 Community Safety – none directly.
- 9.2 Environmental Health/Sustainability Issues – none directly. As mentioned within this report the removal of older vehicles from the licensed fleet will improve vehicle emissions and thus the environment although it is impossible to quantify the level of improvement.
- 9.3 Property Issues – none.
- 9.4 Wards/Communities Affected – none directly but indirectly the whole Borough.

## 10 Conclusion

- 10.1 The adoption of a vehicle age policy will result in a smart modern fleet which enhances the character of the Borough and makes hackney carriages and private hire vehicles more attractive to the fare paying public. Having a fleet of more modern vehicles will reduce the potential for driver and passenger injuries and address environmental concerns by ensuring that stricter emission level standards are achieved.

<u>Background Papers (Local Government Act 1972 Section 100D)</u> Results of consultation exercises undertaken on proposed vehicle age policy.			
<u>Confidentiality</u> It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
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