

NOTICE OF MEETING

Licensing Committee

Date: Thursday, 18 July 2013
Time: 17:30
Venue: Crosfield Hall, Romsey
Broadwater Road, Romsey, Hampshire

For further information or enquiries please contact:

Christine Hastings – 01264 368007

Email: chastings@testvalley.gov.uk

Legal and Democratic Service

Test Valley Borough Council,
Beech Hurst, Weyhill Road,
Andover, Hampshire,
SP10 3AJ

www.testvalley.gov.uk

The recommendations contained in the Agenda are made by the Officers and these recommendations may or may not be accepted by the Committee.

PUBLIC PARTICIPATION SCHEME

If members of the public wish to address the meeting they should notify the Legal and Democratic Service at the Council's Beech Hurst office by noon on the working day before the meeting.

Membership of Licensing Committee

MEMBER

Councillor A Hope
Councillor J Anderdon

Councillor I Andersen
Councillor A Beesley
Councillor A Brook
Councillor J Budzynski
Councillor M Cooper
Councillor B Few Brown
Councillor A Finlay

Councillor K Hamilton
Councillor A Johnston
Councillor P Lashbrook
Councillor N Long
Councillor I Richards
Councillor A Tupper

Chairman
Vice Chairman

WARD

Over Wallop
Chilworth, Nursling
& Rownhams
St.Mary's
Valley Park
Alamein
Winton
Tadburn
Amport
Chilworth, Nursling
& Rownhams
Harroway
Romsey Extra
Penton Bellinger
St.Mary's
Abbey
North Baddesley

Licensing Committee

Thursday, 18 July 2013

AGENDA

The order of these items may change as a result of members of the public wishing to speak

- 1 Apologies
- 2 Public Participation
- 3 Declarations of Interest
- 4 Urgent Items
- 5 Minutes of the meeting held on 17 January 2013
- 6 Minutes of the Licensing Sub-Committee held on 5 June 2013
- 7 Licensed Vehicle Age Policy for Hackney Carriages and Private Hire Vehicles 5 - 14

A report proposing the introduction of an age and condition policy for vehicles licensed by the Council as hackney carriages or private hire vehicles.
- 8 Licensing Sub-Committee 15 - 16

To re-appoint the membership of the Licensing Sub-Committee.
- 9 Scheme of Delegations to Officers 17 - 17

To approve the Council's Scheme of Delegations to Officers as amended.

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.			
No of Annexes:	One		
Author:	Michael White	Ext:	8013
File Ref:	MW/		
Report to:	Licensing Committee	Date:	18 July 2013

Licensed Vehicle Age Policy

Introduction

Hackney Carriage and Private Hire Vehicles are often one of the first points of contact for the travelling public and visitors generally and a smart and modern fleet enhances the character of the Borough and makes hackney carriages and private hire vehicles more attractive and comfortable to the fare paying public.

With this in mind Test Valley Borough Council will facilitate continuous vehicle fleet improvement and efficiency (whereby new vehicles are generally required to meet extant and increasingly stringent environmental, performance and safety standards) and improve vehicle standards and maintenance (by ensuring that vehicles are not already “tired” before being licensed and therefore more likely to withstand the rigours of use) by way of this policy.

Emissions

In recognition of the Council’s wider role, the licensing authority will normally seek to promote and encourage vehicle proprietors to invest in vehicles and related technologies that offer the best environmental standards in terms of emissions, the use of cleaner fuels, fuel and engine efficiency (i.e. performance) and end-of life recycling etc. By way of encouraging a well-maintained more sustainable, environmentally friendly and efficient fleet and subject to all other requirements being met, vehicles will only be licensed as a hackney carriage or private hire vehicle where on both first time application and subsequent renewal, the vehicle meets current emission standards as those required for a MOT.

Alternative Fuels

In recognition of their comparatively clean emissions, any vehicle that runs or has been suitably adapted to run on Liquid Petroleum Gas (LPG), Compressed Natural Gas (CNG) or Biomethane will normally be exempt from the European emission standards requirements. However, for reasons of safety and environmental efficiency, this exemption shall only apply to vehicles converted from diesel to one of the three alternative fuels given above (petrol conversions will not be eligible).

Vehicle age

It is proposed that when a vehicle is first presented for licensing it will be under five years old – 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. The vehicle will be inspected annually and licensed for a period of 12 months. When the vehicle reaches 6 years old – taken from the first date of the DVLA registration (as shown on the vehicle registration document V5) – it will be inspected by the Council’s Vehicle Inspector and licensed twice a year. When a Hackney Carriage or Private Hire vehicle is approaching its’ 6th birthday and it goes for a Council Inspection the following will apply. Example - A vehicle test is at the end of January and the vehicle becomes six years old during April of that same year; the Inspector will issue a certificate for a further 12 months, but at the vehicle’s

next test (January of the following year) when the vehicle is actually 6 years old, tests will become six monthly, together with the licensing of said vehicle.

Initially the vehicle may be licensed up until the age of 13 years old – taken from the first date of the DVLA Registration (registration document V5) and will then be reduced by a sliding scale down to the age of 10 years – taken from the DVLA first registration (registration document V5) date over a period of 4 years as follows:

1 October, 2014 vehicle over the age of **13** years will no longer be licensed

1 October, 2015 vehicles over the age of **12** years will no longer be licensed

1 October, 2016 vehicles over the age of **11** years will no longer be licensed

1 October, 2017 vehicles over the age of **10** years will no longer be licensed.

The one exception to the above will be in respect of purpose built (i.e. not converted) wheelchair accessible vehicles which because of their specific construction are appropriate to be licensed until they are twelve years of age. This relaxation also recognises the substantial financial investment made by the owners of such vehicles. Introducing an upper age limit for licensed vehicles will assist in removing from the fleet older vehicles which do not meet more recent vehicle safety standards as set by the European New Car Assessment Programme (EuroNCAP). By way of an example, a 1997 Ford Mondeo has an adult occupancy safety score of 17 whereas the 2007 version of the same car has a score of 35. Ensuring the licensed vehicle fleet comprises more modern vehicles with higher safety standards reduces the potential for serious and fatal injuries resulting from vehicle accidents.

Vehicle standards

As Hackney Carriage and Private Hire Vehicles provide a service to the public **all vehicles regardless of age** will undergo the following inspection in conjunction with their annual/bi-annual test:

Exterior of vehicle

1. The exterior paintwork on the vehicle should not:

- a) show signs of rusting/corrosion of any size
- b) be dull or faded or show signs of mismatched paint repairs.
- c) stone chips of any size anywhere on vehicle that have not been “touched up”
- d) have any scratches, cracks or abrasions where the top layer of paint has been removed
- e) have evidence of poor repairs and/or paint finish to repaired bodywork including runs and overspray to adjoining panels that detract from the overall appearance of vehicle
- f) have heavy scuffing, abrasion or deformation to front or rear bumpers.

2. The exterior bodywork of the vehicle should not:

- a) have a single dent of more than 80mm
- b) have 3 or more dents of not more than 20 mm
- c) have more than 4 scratches or abrasions provided that the base coat has not been penetrated

- d) have body panels or fittings which are missing, broken or damaged. Vehicles will not fail on stone chips if there is evidence of “touching up”.
3. Have wheels and wheel trims that have significant damage or corrosion which detracts from the overall condition of the vehicle.
4. The vehicle must be submitted for inspection in a clean condition inside and out. Failure to comply with this requirement will result in the test being aborted.
5. The engine compartment must not be in a dirty condition or have evidence of leaks including water, oil or hydraulic fluids.

Interior of the vehicle

6. The seating, carpet and headlining areas of the vehicle **shall not** show signs of:
 - a) staining
 - b) damp
 - c) fraying or ripping of the material
 - d) seat covers that are loose or badly fitted.
7. The seats should provide sufficient support for comfortable travel and **should not** demonstrate excessive compression of the seating or wear within the support mechanism.
8. Interior panels and fittings within the vehicle **should not** be broken, missing or damaged, nor show excessive wear or staining.
9. The interior of the vehicle **should not** have damp or other obnoxious smells.

These matters are set out in a sample inspection sheet that is attached as an annex to this document.

Summary

The Borough Council believes that introducing 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. In summary the Borough Council is proposing that as from 1 October 2014:

- Newly licensed vehicles must be no more than five years old
- Newly licensed vehicles must meet the current European emission standards in force at that time
- There will be an upper age limit for vehicles beyond which they will not be licensed starting with vehicles aged over 13 years reducing to vehicles aged over 10 years (except purpose built wheelchair accessible vehicles which may be licensed until 12 years of age)
- Once a vehicle is more than 6 years old it must be inspected and licensed twice a year, not just annually (no change from the current policy)

- All vehicles when inspected will need to meet the bodywork and other standards detailed above.

Hackney Carriage/Private Hire Vehicle Inspection Report

Vehicles must be submitted for test in a clean condition inside and out. Failure to comply with this requirement will result in the test being aborted immediately.

1. The exterior paintwork:

Signs of rusting/corrosion of any size	Yes / No
Dull, faded or mismatched paint repairs	Yes / No
Stone chips of any size anywhere on vehicle that have not been “touched up”	Yes / No
Scratches, cracks or abrasions where the top layer of paint has been removed	Yes / No
Evidence of poor repairs and/or paint finish to repaired bodywork including runs and over-sprays to adjoining panels which detract from overall appearance of vehicle	Yes/ No
Heavy scuffing, abrasion or deformation of front or rear bumpers	Yes/ No

2. Exterior bodywork:

A single dent of more than 80 mm	Yes / No
3 or more dents of not more than 20 mm	Yes / No
More than 4 scratches or abrasions provided that the base coat had not been penetrated	Yes/ No
Body panels or fittings which are missing, broken or damaged	Yes / No
Wheels and wheel trims - any significant damage or corrosion which detracts from the overall condition of the vehicle?	Yes / No

Engine compartment - clean condition?	Yes / No
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3. Vehicle Interior – Seating, carpets and head-linings

Staining	Yes / No
Fraying or ripping of the material	Yes / No
Seat covers - loose or badly fitted	Yes / No
Seats - provide sufficient support for comfortable travel Excessive compression or wear within the support mechanism	Yes / No
Interior panels and fittings - broken, missing or damaged, excessive wear	Yes / No
Interior - damp or other obnoxious smells.	Yes / No

PASS		FAIL	
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All vehicles are **expected to meet the above criteria at EVERY Council Inspection.**

Item 8

Licensing Sub-Committee

Report of the Head of Administration

Recommended:

That the membership of the Licensing Sub-Committee be comprised of three members of the Licensing Committee determined in accordance with minute 466 of Licensing Committee 27/01/05, minute 583 of Licensing Committee 20/04/06 and minute 109 of Licensing Committee 26/06/07.

SUMMARY:

- To re-appoint the membership of the Licensing Sub-Committee.

1 Background

1.1 At its January 2005 meeting (Minute 466 of 27 January refers) the Committee agreed to establish Licensing Sub-Committees comprising three members. As the Licensing Act was silent on a quorum all three members needed to be present. As a result it was also agreed

- (a) That a Sub-Committee be established comprising three members, and that the membership be drawn from a pool of members consisting of the membership of the Licensing Committee, subject to:
 - (i) as an alternative arrangement those members being selected on the basis of one Liberal Democrat and two other members, and
 - (ii) those members be selected from the Licensing Committee membership list in strict alphabetical order save when it transpires that a member has an interest as defined in the Code of Conduct or the member is a member for or lives within the ward within which an application premises is situated then the next member on the list shall be selected, subject to their availability.
- (b) That the Chairman of the Sub-Committee be rotated amongst all members of the Licensing Committee.

2 Issues

- 2.1 The Licensing Committee is asked to re-appoint the membership of the Sub-Committee on the basis set out above.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
None			
<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.			
No of Annexes:	None	File Ref:	
Officer:	T van der Hoven	Ext:	8001
Report to:	Licensing	Date:	18 July 2013

Item 9

Scheme of Delegations to Officers

Report of the Head of Legal and Democratic Services (Portfolio: Corporate)

Recommended:

That the Scheme of Delegations to Officers annexed to the report to Annual Council in so far as it applies to the powers and duties of the Licensing Committee be approved

SUMMARY:

- The purpose of the report is to approve the Council's Scheme of Delegations to Officers as amended

1 Background

- 1.1 The Scheme of Delegations to Officers is approved each year in accordance with the Constitution by Annual Council, the Cabinet and relevant Committees.

2 Resource Implications

- 2.1 None

3 Issues

- 3.1 During the course of the year since the last Annual Council, changes have occurred to the Scheme of Delegations to Officers and new delegations to Officers have been made as the need has arisen over time. These changes have been incorporated into the Scheme in the Annex to the report to Annual Council

Background Papers (Local Government Act 1972 Section 100D)

None

Confidentiality

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.

No of Annexes: None

File Ref:

(Portfolio: Corporate) Councillor Busk

Officer: W Lynds

Ext: 8412

Report to: Licensing Committee

Date: 18 July 2013