

## **ITEM 7 Licensed Hackney Carriages and Private Hire Vehicles Age Policy**

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

### **Recommended:**

**That the licensed vehicle age policy in respect of vehicles licensed as hackney carriages and private hire vehicles attached as Annex 1 to this report adopted with effect from 1 October 2014 be amended with effect from 1 October 2016 as follows:**

- 1. Subject to Recommendation 3 below, with effect from 1 October 2016 a vehicle first presented for licensing will only be licensed as a hackney carriage and private hire vehicle if it is no more than six years old.**
- 2. Subject to Recommendation 3 below, with effect from 1 October 2016 the upper age limit beyond which a vehicle will no longer be licensed as a hackney carriage or private hire vehicle be set at twelve years.**
- 3. With effect from 1 October 2016 the only exception to the policy set out in Recommendations 1 and 2 above will be for those private hire vehicles holding an exemption from displaying the vehicle plate by reason of the vehicle only being used for corporate bookings to transport employees and clients on corporate business journeys and/or airport and other journeys on special occasions.**
- 4. The Head of Legal and Democratic Services be given authority to depart from the policy in such cases where departure is justified.**

### **SUMMARY:**

- The Council adopted with effect from 1 October 2014 an age and condition policy for vehicles licensed as hackney carriages and private hire vehicles
- It is appropriate to make minor adjustments to that policy providing flexibility for the taxi trade whilst maintaining current standards of vehicle safety and comfort.

### **1 Introduction**

- 1.1 The Borough Council has a statutory role in licensing hackney carriages (taxis) and private hire vehicles (minicabs). There are currently 43 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 Prior to October 2014 the Council's only policy requirement in respect of licensed vehicles was that once a vehicle reached six years of age it would be inspected and licensed every six months rather than annually. However, concern over the amount of older vehicles that were being presented for licensing led officers to recommend introduction of a vehicle age and condition policy; the policy is attached as Annex 1 to this report. The main elements of the policy were to introduce vehicle age limits; when a vehicle is first presented for licensing as a hackney carriage or private hire vehicle and also 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.
- 2.2 It is the view of officers that the policy has generally worked well in reducing the overall age of the licensed vehicle fleet thus maintaining high standards for the safety and comfort of the travelling public. However, on a number of occasions since introduction of the policy the Borough Council has been asked to make exceptions to the policy. These have generally fallen into two categories; firstly drivers wishing to license a vehicle have complained that the age limit of five years for a vehicle when first licensed limits their ability to purchase a slightly older yet lower mileage vehicle which may be in a better condition than a younger vehicle. Secondly, the upper age limit after which a vehicle will no longer be licensed is currently set at 12 years but due to reduce to ten by 2017; a number of drivers have expressed a view that many vehicles aged ten are still in a good condition and could probably remain licensed for another couple of years before reaching a stage where they should no longer be licensed. Requests for making exceptions to the policy have been more pronounced amongst operators of 'higher end' vehicles undertaking corporate bookings and specialist journeys. As a result officers decided it would be appropriate to review the current policy.

## **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 in the view of officers continue to maintain public safety and comfort and address environmental concerns whilst providing a degree of flexibility for the taxi trade. 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.

#### **4 Consultations/Communications**

- 4.1 Towards the end of 2015 officers consulted the trade over their views on the current policy and whether they felt there was a need to review the policy by sending the questionnaire attached as Annex 2 to this report to all vehicle owners; regrettably only 17 replies were received and the responses were largely inconclusive. Accordingly officers then decided to undertake their own research on the matter looking at the policies of other local authorities. In addition the views of the Council's Vehicle Inspector (Transport Manager, Environmental Services) were sought.

#### **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. However, the introduction of the original policy was considered appropriate to prevent the licensed fleet comprising vehicles of any considerable age. Officers still believe that there is an argument to say 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 Whilst the licensing of hackney carriages and private hire vehicles must always be approached in the interests of the travelling public, the impact upon the trade cannot be ignored. There is evidence to suggest that the current policy has caused some difficulties for drivers particularly those wishing to replace an existing vehicle. In particular drivers have mentioned that the limit of five years for a vehicle when first licensed precludes them from purchasing an older vehicle which nonetheless may be lower mileage and in better condition than a comparable younger vehicle. However, officers are still of the view that there should be an appropriate limit and so only a slight revision of the existing policy is recommended increasing the maximum age from five to six for a vehicle when it is first licensed.
- 5.3 If a revision to the limit mentioned in paragraph 5.2 above is possible then it follows that there is the ability to revise the upper age limit beyond which the Council will no longer license a vehicle. At present this is set at 12 years, but will reduce to 11 years on 1 October 2016 and further reduce to ten years on 1 October 2017. It is the view of officers that a reduction to ten is excessive and a more appropriate upper age limit would be 12.
- 5.4 Whilst the above revised limits are considered appropriate for the majority of hackney carriages and private hire vehicles, the revised policy may cause an issue for some private hire vehicle owners. Private hire vehicles undertake an extremely broad range of services and include not only those providing more 'general' work such as trips to pubs, clubs and shops but also an increasing number of operators who specialise in a specific area of work. This can

include but is not limited to: those undertaking journeys only to and from air and sea ports; those working solely under a contract for one or more corporate clients; and those operating specialist vehicles such as limousines, novelty vehicles and minibuses adapted for disabled persons. Many of the licensed vehicles undertaking this type of work will tend to be higher marque or prestige vehicles such as BMW, Mercedes and Jaguar. Many operators of this type of vehicle make use of the ability within the legislation to seek exemption from displaying the private hire vehicle identification plate as they do not wish their vehicle to appear as a taxi or minicab. It is the view of officers that those vehicles granted plate exemption could be made an exception to the standard policy because of both the nature of the work undertaken and the vehicle itself. All other aspects of the existing policy would remain in place. For ease of reference the proposed changes are set out in Annex 3 to this report.

## **6 Resource Implications**

- 6.1 There are no direct resource implications for the Council as a result of this report. It is possible that amendment of the current policy might lead to a slight increase in the number of licensed vehicles. However, it is far more likely that market forces will dictate the optimum number of licensed vehicles.

## **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 has not changed and 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 although the proper licensing of hackney carriages and private hire vehicles reduces the opportunity of illegal plying for hire by unlicensed vehicles.

- 9.2 Environmental Health Issues – none.
- 9.3 Sustainability and Addressing a Changing Climate – none.
- 9.4 Property Issues – none.
- 9.5 Wards/Communities Affected – none directly but indirectly the whole Borough.

## **10 Conclusion**

- 10.1 The existing vehicle age and condition policy has achieved its aim of reducing the number of older vehicles thus producing a licensed fleet of more modern vehicles. However, there is a danger that the maximum age limits set by the policy may prove restrictive in terms of replacement of vehicles which is of concern to the trade when considering the significant financial outlay of purchasing a vehicle. Accordingly officers recommend a slight relaxation in the policy which should assist the taxi trade whilst maintaining the overall aim of improving the licensed vehicle fleet.

<u>Background Papers (Local Government Act 1972 Section 100D)</u> Report to Licensing Committee 18 July 2013 Results of consultation exercise undertaken 2015			
<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:	Three		
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