

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING COMMITTEE – 23 NOVEMBER 2011

Title of report	REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE AGE POLICY
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Purpose of report	To consult Licensing Committee on changes to the hackney carriage and private hire vehicle licence conditions, which proposes amendments to the vehicle age restrictions
Council Priorities	Improving our Town Centres
<p>Implications:</p> <p>Financial/Staff</p> <p>Link to relevant CAT</p> <p>Risk Management</p> <p>Equalities Impact Assessment</p> <p>Human Rights</p> <p>Transformational Government</p>	<p>No staffing implications</p> <p>Business CAT</p> <p>Should the trade view changes as being unduly stringent and unreasonably putting up the cost of operation, some licence holders may choose not to renew their licence resulting in a loss of income to the Council.</p> <p>Not on current 3 year Test of Relevance list, however, Screening for Impact Decision Check-list completed</p> <p>Not applicable</p> <p>This relates to the new ways in which council's are being asked to deliver their services.</p>
Comments of Head of Paid	Report is Satisfactory

Service	
Comments of Section 151 Officer	Report is Satisfactory
Comments of Monitoring Officer	Report is Satisfactory
Consultees	Other Licensing Authorities Corporate Leadership Team (CLT)
Background papers	Taxi and Private Hire Vehicle Licensing Best Practice Guide available from www.dft.gov.uk
Recommendations	THAT LICENSING COMMITTEE MAKE COMMENTS TO SHAPE THE PROPOSED AMENDMENTS TO VEHICLE AGE POLICY THAT LICENSING COMMITTEE AGREE TO AN 8 WEEK CONSULTATION PROCESS

1.0 BACKGROUND AND CONTEXT

- 1.1 It is a duty of the Council to ensure that the vehicles it licenses, either hackney carriages (HC) or private hire vehicles (PHV), are safe to be used on the road. The travelling public assume that the vehicles in which they are travelling are safe with the aim of licensing policy being to ensure that this assumption is correct.
- 1.2 Regular enforcement activities are undertaken to monitor vehicle standards and to provide an incentive for vehicle licence holders to ensure that their vehicle meets the Councils vehicle examination pass standard. Various measures have been put in place to encourage vehicle owners to present their vehicle to the Council depot in a condition that passes the examination on the first occasion. Our target is a 77% first time pass rate and currently the actual pass rate is 75% (April to July 2011). Prior to being granted a licence Licensing Enforcement Officers undertake a visual examination of a vehicle. Any vehicle that is of a scruffy appearance is refused a licence at that stage.
- 1.3 Enforcement activity has shown that between scheduled depot examinations vehicles are not receiving adequate maintenance. During 2010/11 only 40% of vehicles stopped by Licensing Enforcement Officers during the spot enforcement initiatives were found to be of an acceptable standard. Analysis of the data relating to vehicles failing scheduled depot examinations and enforcement initiatives has identified that it is the older vehicles that are failing most.
- 1.4 The following statistics relate to vehicles over the current age limit of 8 years old. All figures were correct at July 2011 and cover the period February 2010 to July 2011.
- 26% of vehicles fail their scheduled depot examination on the first occasion. This rises to 67% for vehicles over 8 years of age.

- The main defects for all vehicles are suspension and steering - 40% and brakes and tyres – 34%.
- Between February 2010 and July 2011 35% of all vehicles checked over 8 years of age had their plate removed due to serious mechanical defects.

1.5 The introduction of a retest fee in August 2010 for all vehicles failing their depot examination or found to be defective as a result of an enforcement initiative has gone some way to improving the standard of licensed vehicles and has increased the first time pass rate. However more work is required to address the high defect and failure rate of older vehicles. It is therefore proposed to amend the current policy relating to vehicle age limit.

2.0 BEST PRACTICE

2.1 The Department for Transport first issued Best Practice Guidance in October 2006 to assist those local authorities in England and Wales that have responsibility for the regulation of the taxi and private hire vehicle (PHV) trades. This Guidance is intended to assist licensing authorities but it is only guidance and decisions on any matters remain a matter for the authority concerned.

2.2 The Best Practice Guide states that it is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.

2.3 Any Council which imposes an age limit on its vehicles must be prepared to consider applications from vehicles that are in “exceptional condition” as case law dictates that it is illegal to have a blanket policy for all vehicles that is inflexible (see Sharpe v Nottingham City Council, February 1981)

3.0 BENCHMARKING

The following table summarises other local authority vehicle age policies. All age policies apply to both new and renewal applications:

Local Authority	Age Policy – Age limit unless in exceptional condition	
	Hackney Carriages	Private Hire Vehicles
Hinckley & Bosworth BC	5 years	5 years
Erewash	5 years	5 years
Harborough DC	5 years	5 years
Leicester City	8 years	5 years
Oadby & Wigston BC	8 years	5 years
Blaby DC	8 years	5 years
Charnwood BC	6 years	6 years
East Staffordshire DC	10 years	7 years
North West Leicestershire DC	8 years	8 years
South Derbyshire DC	8 years	8 years

4.0 PUBLIC SAFETY CONSIDERATIONS

- 4.1 The aim of local authority licensing of the taxi and PHV trades is to protect the public. Local licensing authorities must also be aware that the public should have reasonable access to taxi and PHV services, because of the part they play in local transport provision. Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting up the cost of operation or otherwise restricting entry to the trade. Local licensing authorities should recognise that too restrictive an approach can work against the public interest – and can, indeed, have safety implications.
- 4.2 The potential impact of the proposals will be captured during the consultation process.

5.0 PROPOSED AMENDMENTS TO VEHICLE AGE POLICY

- 5.1 The current conditions relating to vehicle age and condition are detailed at Appendix 1.
- 5.2 Currently our age limit of 8 years unless in exceptional condition only relates to new applications and not renewal applications.
- 5.3 The following amendments to the vehicle age policy are proposed:
- 5.3.1 Proposal 1
- To amend our age policy to apply to all applications (new and renewal)
- 5.3.2 Proposal 2
- To amend the age limit from 8 years to 6 years, phased over 2 years.
- 5.4 By reducing the age limit from 8 years to 6 years over a 2 year period it is anticipated the condition of the licensed vehicles and first time pass rate will improve without unreasonably restricting the supply of taxi and PHV services.

6.0 IMPLICATIONS FOR CURRENT LICENCE HOLDERS

- 6.1 The proposals could mean additional expenditure for those vehicle owners with a vehicle that is older than the vehicle age limit and is not in exceptional condition.
- 6.2 The current licensed vehicle fleet consists of 238 vehicles. Of the 238 vehicles, 88 are hackney carriage vehicles and 150 are private hire vehicles.

6.3 The following table provides an analysis of vehicle type and age:

Age	Hackney Carriage	Private Hire
0-5 years	29 (33%)	95 (63%)
6 years	9 (10%)	15 (10%)
7 years	20 (23%)	12 (8%)
8 years plus	30 (34%)	28 (19%)

7.0 EQUALITY IMPACT

7.1 Consideration should be given to introducing a more relaxed age limit restriction to vehicles capable of carrying passengers in wheelchairs. Consultee views will be sought on this matter.

8.0 PROPOSED IMPLEMENTATION PLAN

8.1 Effective from 1st April 2012

- To add 'vehicles over 8 years of age on the expiry date of their licence will be visually inspected and if not of exceptional condition their licence will not be renewed.'

8.2 Effective from 1st April 2013

- To delete all references to '8 years' and replace with '7 years'.
- To add 'vehicles over 7 years of age on the expiry date of their licence will be visually inspected and if not of exceptional condition their licence will not be renewed.'

8.3 Effective from 1st April 2014

- To delete all references to '7 years' and replace with '6 years'.
- To add 'vehicles over 6 years of age on the expiry date of their licence will be visually inspected and if not of exceptional condition their licence will not be renewed.'

9.0 PROPOSED TIMELINE

9.1 The table below sets out the timeline from this point onwards

23 November	Report to Licensing Committee (Consultation)
24 November to 19 January	Consultation with public, trade associations and licence holders
March 2012	Report to Licensing Committee (Recommendation)

10.0 CONSULTATION PROCESS

10.1 Corporate Leadership Team were consulted at a meeting on 4 October and gave their support to a review of the vehicle age policy and an 8 week consultation process.

10.2 The following organisations and groups will be consulted:

- NWLDC licensed drivers and operators.
- Local Tourist Board
- Leicestershire Chamber of Commerce
- Coalville Town Centre Manager
- Ashby Town Council
- VOSA
- National Private Hire Association
- Department of Transport
- Local Disabled Groups
- Local Bus Companies
- Public

10.3 In addition to seeking general comments, consultees will be asked to respond to specific questions which may include:

1. There are 88 hackney carriages currently licensed by North West Leicestershire District Council. Will restricting the age of Hackney Carriage vehicles to 6 years unless in exceptional condition unduly restrict the supply of vehicles operating in the district?

2. There are currently 150 Private Hire vehicles currently licensed by North West Leicestershire District Council. Will restricting the age of Private Hire vehicles to 6 years unless in exceptional condition unduly restrict the supply of vehicles operating in the district?

3. Should a more relaxed age limit restriction be applied to vehicles capable of carrying passengers in wheelchairs?