

LICENSING REGULATORY COMMITTEE

Age Policy for Hackney Carriage and Private Hire Vehicles.

1 September 2011

Report of Licensing Manager

PURPOSE OF REPORT

To enable members to consider the outcome of the recent consultation on the continued use of the policy which has resulted in the removal of an age restriction for hackney carriage and private hire vehicles.

This report is public.

RECOMMENDATIONS

Members are requested to consider the results of the further consultation exercise on the removal of age restriction for Hackney Carriage and Private Hire vehicles that has taken place with members of the taxi trade.

1.0 Report

1.1 Some Members will recall that at the Licensing Regulatory Committee meeting on 2nd September 2010 the Committee approved the introduction of a policy which removed the condition on age restriction for private hire and hackney carriage vehicles licences. This was decided following discussions at the Taxi Liaison Group, the receipt of a representation from a member of the trade and in line with the Department for Transport Best Practice Guidance which states:-

“Age Limits. 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.”

1.2 Prior to this the following condition had been attached to vehicles licensed as hackney carriage or private hire vehicles by this authority:-

“Vehicles for which Hackney Carriage/Private Hire licences are applied for must be under 5 years of age from date of first registration and on attaining 10 years of age from date of first registration, will cease to be licensed by this authority and will no longer be able to function as licensed Hackney Carriages/Private Hire vehicles within the Lancaster City.

Exceptions to the 10 years age limit may be made in the case of certain vehicles, i.e. limousines, such as Rolls Royce, Bentley etc. Applications for such exceptions must be made in writing to the Licensing Manager.

In the case of London type Cabs, and certain executive vehicle, the upper age limit shall be 15 years old with replacement vehicles being less than six years old.”

- 1.3 Following the Committee’s decision on the 2nd September 2010 some members of the trade made representations to members of the Licensing Regulatory Committee. They said that the removal of the age restriction would lead to the industry being flooded with ‘bangers.’ In order to ensure that this didn’t happen the licensing manager prepared a report for this committee which was due to be considered on the 18th November 2010. The report recommended that the following condition be included in the policy

“Any vehicle submitted for licensing that is 10 years old or older, or any vehicle which continues to be licensed beyond the age of 10 years must be in exceptional condition and must be approved by the Licensing Regulatory Committee, on initial application and each subsequent renewal. Any such vehicle will be subject to a full test at the Council’s designated testing station every 4 months.”

Members may recall that due to the pressure from a small minority of the trade the report was not considered in November, but instead, members asked for further extensive consultation on a number of matters. The removal of the age restriction was included in that consultation process, which duly took place over a six month period concluding on June 30th 2011. A breakdown of the result of the consultation is attached at appendix 1 to this report, and a copy of the report that was prepared in November 2010 is attached as appendix 2 to this report.

- 1.4 The trade were asked whether we should continue with the policy as approved in September 2010, which would mean there would be no age restrictions, whether the previous age restriction should be reapplied, or whether the age restriction should remain removed, but with the addition of the condition in 1.3 above. Not all of the responses were easily interpreted, as many consultees had selected more than one option, however officers have tried to interpret the responses to the best of their ability.
- 1.5 Members will note that there was only a 13% (98 people) response from the whole trade about this issue. 34 of those responding wanted the old condition on age restriction reinstating, a further 20 thought that there should be under 5 years old when first licensed, however that subject to the condition mentioned in 1.3 there should be no maximum age limit. 35 of those responding said there should not be an age restriction, with 19 of those saying that this should be subject to the additional condition mentioned at 1.3 above. 9 of the responses were inconclusive. Overall 39 of the respondents’ indicated that they agreed that the condition as set out in 1.3 above should be applied.
- 1.6 During the past few months licensing officers have carried out inspections of all vehicles licensed by this authority, and have been highly impressed by the condition of some of the older vehicles, whilst many newer vehicles have been given defect notices, due to their tatty appearance. Further the licensing department has not been flooded with applications from people wanting to license very old vehicles, and whilst the policy of not having an age restriction has been in force, standards have been maintained due to rigorous inspections.

- 1.7 The age condition that was removed in September 2010, in officers' opinion, was very restrictive, in particular the fact that vehicles had to be less than 5 years old when first licensed. This prevented people coming into the trade as a proprietor, and also had the potential to cause people to get into debt by financing vehicles that they couldn't really afford. The condition also created anomalies, whereby someone could licence a vehicle that was 2 or 3 days under 5 years old and keep that vehicle licensed until it was 10 years old, whereas someone bringing a vehicle along that was 1 day over 5 years old, would be refused a licence, regardless of its condition or mileage. Additionally if a vehicle licence was inadvertently allowed to lapse, and the vehicle was over 5 years old, it would not be eligible to be relicensed, even though possibly a few days before it had been accepted as a licensed vehicle. If a vehicle was due for renewal 2 days before its 10th anniversary it would be eligible to be licensed, and would continue to be licensed until it was almost 11 years old, whereas if a vehicle was due for renewal 1 day after its 10th anniversary it would not be relicensed regardless of its condition and the fact that it had been still licensed to carry members of the public less than 24 hours before. It is perfectly reasonable for a vehicle over the age of 5 years to be in excellent condition and to be low mileage. One private hire proprietor/operator put the following comment on his consultation response:

“We operate exclusively in airport transfers, as do a significant number of private hire operators in Lancaster, our cars do large annual mileages(sometimes in excess of 130,000 miles) and therefore need replacing approximately every 2 years. The Council’s previous insistence that private hire vehicles must be under 5 years old (irrespective of mileage), when first licensed had a serious effect on our profitability. Any extension of the age limit would be greatly appreciated.”

There were many more similar comments received.

- 1.8 All vehicles must pass the inspection at the Council's Vehicle Maintenance Unit, and therefore must be suitable for purpose.

2.0 Options

Members should consider the results of the consultation and the Department for Transport Best Practice Guidance when coming to a decision on which, if any, of the following options they approve.

2.1 Option One.

To continue with the policy as approved on the 2nd September 2010, in which case no age restriction will apply.

2.2 Option Two

To revert back to the condition that was in place prior to the decision of the committee made on 2nd September 2010, which was:

“Vehicles for which Hackney Carriage/Private Hire licences are applied for must be under 5 years of age from date of first registration and on attaining 10 years of age from date of first registration, will cease to be licensed by this authority and will no longer be able to function as licensed Hackney Carriages/Private Hire vehicles within the Lancaster City.

Exceptions to the 10 years age limit may be made in the case of certain vehicles, i.e. limousines, such as Rolls Royce, Bentley etc. Applications for such exceptions must be made in writing to the Licensing Manager.

In the case of London type Cabs, and certain executive vehicle, the upper age limit shall be 15 years old with replacement vehicles being less than six years old.”

2.3 Option Three

To amend the current policy by adding the following condition:

“Any vehicle submitted for licensing that is 10 years old or older, or any vehicle which continues to be licensed beyond the age of 10 years must be in exceptional condition and must be approved by the Licensing Regulatory Committee, on initial application and each subsequent renewal. Any such vehicle will be subject to a full test at the Council’s designated testing station every 4 months.”

3.0 Conclusion

Members are asked to consider which, if any, of the above options to approve. Officers’ preferred option is option 3, as this will mean that we will be adhering to the Department for Transport Best Practice Guidance, whilst still having the control to maintain our high standards.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

The proposed policy does not have the potential to cause negative impact or discriminate against different groups in the community based on age, disability, gender, race/ethnicity, religion or religious belief (faith), sexual orientation, or rural isolation. Rather, the purpose is to ensure that passengers are well served by safe, comfortable and suitable vehicles.

FINANCIAL IMPLICATIONS

There are no financial implications for the Council arising from this report.

LEGAL IMPLICATIONS

A person aggrieved by any conditions attached to a hackney carriage or a private hire vehicle licence may appeal to the Magistrates’ Court. A person refused the grant of a hackney carriage or private hire vehicle licence may appeal to the Magistrates’ Court

BACKGROUND PAPERS

None.

Contact Officer: Wendy Peck

Telephone: 01524 582317

E-mail: wpeck@lancaster.gov.uk

Ref: WP