

BRIDGEND COUNTY BOROUGH COUNCIL

LICENSING COMMITTEE

10 MARCH 2008

REPORT OF THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
TOWN POLICE CLAUSES ACT 1847
AGE POLICY IN RESPECT OF HACKNEY CARRIAGE AND PRIVATE HIRE
VEHICLES

1. Purpose of Report

- 1.1 To clarify the age policy in respect of the licensing of hackney carriage and private hire vehicles.

2. Connection to Corporate Improvement Plan / Other Corporate Priority

- 2.1 The duties of the Council under the Act are regulatory in nature but include public safety which supports the aims of the Corporate Improvement Plan and Corporate Priorities.

3. Background

- 3.1 The Licensing Committee introduced an age policy in respect of the first licensing of hackney carriage and private hire vehicles from 1 January 2003. The intention of the policy and subsequent amendments was that all vehicles submitted for first licensing should be new but that there should be scope for relaxation of the policy for certain classes of vehicles.

- 3.2 Minute 13 of the Licensing Committee of 17 December 2002 is as follows:

That it be noted that the policy whereby only new vehicles can be registered for the first time (with the exception of stretch limousines, executive vehicles and wheel chair accessible vehicle etc) will come into effect from 1 January 2003. Some applications received in respect of vehicles falling outside the policy will be considered in exceptional circumstances.

- 3.3 Advice has subsequently been received that the above minute requires clarification. The proposal amalgamates a number of resolutions made in respect of the age limits for taxi licensing and seeks to provide

guidelines for the consideration of a relaxation of the policy but does not seek to significantly change the policy.

- 3.4 The term “executive vehicle” was included in the original resolution. The definition of what is suitable for the executive private hire vehicle market is highly subjective and it is difficult to provide guidelines without running the risk of excluding certain makes or models which would otherwise be suitable for licensing as private hire vehicles. For example, since the policy was introduced MPV and 4 x 4 style vehicles have been used for private hire licensing work. Having regard to the Department for Transport’s guidance that a Council should not seek to limit the specification of vehicle it licences, it is proposed that the policy be amended to remove the term executive vehicle to allow applications for private hire vehicles which are not new vehicles to be considered in exceptional cases and on their merits.

4. Current situation/proposal

Members are requested to consider the following clarification to the policy:

- 4.1 Applications for the first licensing of a hackney carriage or private hire vehicle should be submitted to the Council within 14 days of the first registration of the vehicle at the DVLA. The mileage at the time of application should be no greater than 500 miles.
- 4.2 Applications for the first licensing of vehicles falling outside the above policy guidelines will normally be refused but a relaxation of the policy may be considered in exceptional circumstances. The general guidelines for relaxation of the policy are as follows:
- 4.2.1 A relaxation of the policy in respect of hackney carriages is likely to relate only to evidenced delay in the DVLA registration process or variations in delivery mileage.
- 4.2.2 In recognition of the exceptional nature of vehicles which are classed as “stretch limousines” or prestige limousine marques no age limit will apply on first licensing as a private hire vehicle provided that a full service history and appropriate safety certification is provided with the application and the vehicle is fit for purpose as a private hire vehicle.
- 4.2.3 In order to ensure that customers can hire taxis with the minimum delay and inconvenience, the policy will be relaxed to allow the licensing of wheel chair accessible hackney carriage or private hire vehicles up to three years old on application, provided that a full service history and safety certification, including a satisfactory conversion certification is provided with the application and the vehicle can satisfy the general licensing requirements.

- 4.2.4 A relaxation of the policy will also be considered in exceptional circumstances for applications relating to private hire vehicles. The Council does not seek to define a particular vehicle which is suitable but will adhere to the minimum standards for the size of seats and legroom etc which are available on request. Irrespective of the age of the vehicle it must be capable of satisfying the general licensing conditions and be fit for purpose as a private hire vehicle in terms of passenger safety and comfort. Each application will be reported to the Licensing Sub-Committee for determination on its merits having regard to the following criteria:
- That the vehicle presented is in an exceptional condition in relation to its exterior and interior appearance with no evidence of defects, chips, marks or other evidence of unreasonable wear and tear or damage.
 - That the vehicle presented offers an exceptional standard of safety and comfort for passengers in terms of features offered for example ABS, passenger airbags and ability to meet current requirements on emissions testing.
 - That the application includes evidence that the vehicle has been serviced at the intervals recommended by the manufacturer and at an approved garage. Other relevant documentation such as an MOT certificate should also be provided.
- 4.3 Applicants to be reminded that if they fail to make application to renew an existing licence before the expiry date any subsequent application will be treated as one of grant. Any relaxation of current policies will only be granted in very exceptional circumstances.
- 4.4 These provisions are not intended to affect the special policy adopted by the Licensing Committee on 16 November 2007 in respect of private hire vehicles affected by the repeal of Section 75 of the Local Government (Miscellaneous Provisions) Act 1976 by the Road Safety Act 2006. (Contract exemption vehicles). This special policy only applies to a specific type of application and is not affected by the proposals contained within this report.
- 4.5 All applicants should be satisfied that they can meet all current policy requirements before submitting an application and are advised that they submit an application which falls outside the above policy guidelines at their own risk. Acceptance of an application does not infer that it will be granted. Applicants are strongly advised not to purchase a vehicle or make any other financial commitment until the application is determined.

5. Department for Transport/ Best Practice Guidance

- 5.1 The Department for Transport Best Practice Guidance on taxi licensing, published in October 2006 is as follows:

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 licence vehicles may be arbitrary and inappropriate. The guidance advises that a balance should be struck between public safety and over restrictive policies which would impact on entry to the trade and the supply of taxis.

- 5.2 The guidance acknowledges that local authorities have the discretion to implement policies to suit local needs. The age limit policy on entry was introduced to ensure the highest possible standards for the travelling public and was the subject of consultation with the trade. The number of major test failures or suspensions arising from day to day checks is rare. In addition to public safety, the combined aim of the policies remains to encourage a range of vehicles on the taxi fleet to suit the needs of all passengers who have a disability and that wheel chair accessible vehicles will be available for hire with minimum inconvenience or delay to the passenger.

6. Effect upon Policy Framework & Procedure Rules

- 6.1 The report content has no direct effect upon the Policy Framework and Procedure Rules but is required to effectively implement the Authority's regulatory functions in relation to taxi licensing

7 Legal Implications

- 7.1 The proposals recommended within the report are necessary for the effective implementation of taxi licensing.

8. Financial Implications

- 8.1 None

9. Recommendations

It is recommended that the Committee adopt the following policy:

- 9.1 Applications for the first licensing of a hackney carriage or private hire vehicle should be submitted to the Council within 14 days of the first registration of the vehicle at the DVLA. The mileage at the time of application should be no greater than 500 miles. The applicant may be the second or a subsequent registered keeper but the applicant must demonstrate that there is no more than 14 days between the first registration and transfer to the applicant's name. Applications will normally be dealt with under the Scheme of Delegation to Officers.

- 9.2 Applications for the first licensing of vehicles falling outside the above policy guidelines will normally be refused but a relaxation of the policy may be considered in exceptional circumstances. The general guidelines for relaxation of the policy are as follows but each case will be dealt with on its merits:
- 9.2.1 A relaxation of the policy in respect of hackney carriages is likely to relate only to evidenced delay in the DVLA registration process or minor variations in delivery mileage. Applications will normally be dealt with under the Scheme of Delegation to Officers.
- 9.2.2 In recognition of the exceptional nature of vehicles which are classed as “stretch limousines” or prestige limousine marques no age limit will apply on first licensing as a private hire vehicle provided that a full service history and appropriate safety certification is provided with the application and the vehicle is fit for purpose as a private hire vehicle. Applications of this type will normally be dealt with under the Scheme of Delegation to Officers.
- 9.2.3 In order to ensure that customers can hire taxis with the minimum delay and inconvenience, the policy may be relaxed to allow the licensing of wheel chair accessible hackney carriage or private hire vehicles up to three years old on application, provided that a full service history and safety certification, including a satisfactory conversion certification is provided with the application and the vehicle can satisfy the general licensing requirements. Applications of this type will normally be dealt with under the Scheme of Delegation to Officers.
- 9.2.4 A relaxation of the policy will also be considered in exceptional circumstances for applications relating to the first licensing of private hire vehicles. The Council does not seek to limit or define a particular vehicle which is suitable but will adhere to the minimum standards for the size of seats and legroom etc which are available on request. Irrespective of the age of the vehicle it must be capable of satisfying the general licensing conditions and be fit for purpose as a private hire vehicle in terms of passenger safety and comfort. Each application will be reported to the Licensing Sub-Committee for determination on its merits having regard to the following criteria:
- That the vehicle presented is in an exceptional condition in relation to its exterior and interior appearance with no evidence of defects, chips, marks or other evidence of unreasonable wear and tear or damage.
 - That the vehicle presented offers an exceptional standard of safety and comfort for passengers in terms of features offered for example ABS, passenger airbags and ability to meet current requirements on emissions testing.

- That the application includes evidence that the vehicle has been serviced at the intervals recommended by the manufacturer and at an approved garage. Other relevant documentations such as an MOT certificate should also be provided.
- 9.3 These provisions are not intended to affect the special policy adopted by the Licensing Committee on 16 November 2007 in respect of private hire vehicles affected by the repeal of Section 75 of the Local Government (Miscellaneous Provisions) Act 1976 by the Road Safety Act 2006. (Contract exemption vehicles). This special policy only applies to a specific type of application and is not affected by the proposals contained within this report.
- 9.4 All applicants should be satisfied that they can meet all current policy requirements before submitting an application and are advised that they submit an application which falls outside the above policy guidelines at their own risk. Acceptance of an application does not infer that it will be granted. Applicants are strongly advised not to purchase a vehicle or make any other financial commitment until the application is determined.
- 9.5 Applicants are reminded that if they fail to make application to renew an existing licence before the expiry date any subsequent application must be treated as one of grant. Any relaxation of current policies will only be granted in very exceptional circumstances. The responsibility for making an application rests solely with the licence holder. All applications of this type will normally be reported to the Licensing Sub-Committee for determination.

Background documents:

Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guidance available at www.dft.gov.uk

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