

BRIDGEND COUNTY BOROUGH COUNCIL

LICENSING COMMITTEE

8 JANUARY 2009

**REPORT OF THE ASSISTANT CHIEF EXECUTIVE LEGAL AND
REGULATORY SERVICES**

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

1. Purpose of Report

- 1.1 To report a request to amend the current age policy in respect of the licensing of hackney carriages and private hire vehicles received from a member of the trade.

2 Link to Corporate Priorities

- 2.1 The duties of the licensing authority are regulatory in nature, and emphasise public safety, which support many of the aims of the corporate priorities and Community Safety Plan.

3 Background

- 3.1 On 10 March 2008 the Committee approved a policy with respect to the age of vehicles on first licensing. An extract from the policy is attached as Appendix A.

4. Current situation/proposal

- 4.1 The request is to allow hackney carriages up to three years old or in pristine condition to be accepted for first licensing. The request states:

“Following (the) Councils decision to reject the application to increase the maximum tariff for hackney carriages, which would (have) eased the financial burden the taxi trade has endured from the record high fuel prices during 2008, the taxi trade must now look to other means to reduce cost to try and stay solvent.

This may be a backward step for the taxi trade and will result in a reduction of the quality of service offered to the public but this is deemed necessary to stop the trade from looking for cost cutting savings that could compromise public safety.”

- 4.2 The current vehicle policies are aimed at providing a wide range of accessible vehicles which provide a high standard of passenger safety and comfort.
- 4.3 Bridgend County Borough Council (through the Transportation Policy and Strategy Team) has commissioned consultants to carry out a survey of attitudes and opinions about taxi provision and use, which will encompass retailers, the public and the local taxi industry. The study will provide base data as evidence on which a County Borough wide taxi strategy will be formulated. The key issues to be addressed include adequacy both in terms of quality and quantity of taxi infrastructure, geographical coverage, fares, equity and equality as well as issues relating to the environment and vehicle standards.
- 4.4 It is advisable that, in the short term, any proposal to change current vehicle policies is delayed until the results of the taxi survey are available for consideration.
- 4.5 In addition, regulations relating to taxi accessibility for disabled people have been awaited for some years and this also has the potential to impact on future the type of vehicles which may be licensed. The Department for Transport intends to publish a consultation on the regulations and the latest available information is that the consultation is expected in early 2009.
- 4.6 In conclusion, it is proposed that consideration of the request be deferred until the outcome of the above consultations is available.

5 Effect upon Policy Framework and Procedure Rules

None at this stage, subject to change once the consultation is published and the study is concluded.

6 Legal Implications

None at this stage, but this is subject to change after the consultation is published and the study/survey has been completed.

7 Financial Implications

There are no financial implications to the report.

8 Recommendation

- 8.1 Committee is recommended defer consideration of the above request pending further reports on the outcome of the Bridgend consultation on taxi provision and use, and the Department for Transport consultation on taxi accessibility regulations.

Background documents: Department for Transport – Background to taxi accessibility regulations available at www.dft.gov.uk

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“CURRENT VEHICLE POLICIES

The following policy relates to the age limits on the first licensing of hackney carriage and private hire vehicles which was approved by the Licensing Committee on 10 March 2008.

- 2.1 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.
- 2.2 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:
 - 2.2.1 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.
 - 2.2.2 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.
 - 2.2.3 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 wheelchair 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.
 - 2.2.4 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.

2.3 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.

2.4 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.

2.5 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.”