

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO LICENSING COMMITTEE

17 NOVEMBER 2020

### REPORT OF THE CHIEF OFFICER – LEGAL, HR AND REGULATORY SERVICES

#### HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE POLICY

#### 1. Purpose of Report.

1.1 The purpose of the report is to:

- Report back to the Committee on the results of the consultation carried out in respect of the maximum age at which hackney carriage and private hire vehicles may be licensed for the first time, and once licensed, the frequency at which they are tested;
- Consider an amendment to the Age Policy Guidelines (APG) in respect of the maximum age at which hackney carriage and private hire vehicles may be licensed for the first time;
- Consider a proposal to amend the testing frequency of hackney carriage and private hire vehicles
- Consider a proposal to amend the vehicle testing and compliance procedure for hackney carriage and private hire vehicles.

#### 2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

2.1 This report assists in the achievement of the following corporate priority/priorities:-

- **Supporting a successful economy\*** – taking steps to make the county a good place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county.

#### 3. Background.

3.1 The Local Government (Miscellaneous Provisions) Act 1976 makes provision for the Council to attach conditions to hackney carriage and private hire vehicle licences as they may consider reasonably necessary.

3.2 Conditions may include the age at which a vehicle can be presented for first time licensing and once licensed, the frequency at which it must be presented for testing.

3.3 If a vehicle is found not to comply with its licence conditions, the licence may be suspended until compliance is achieved. This ensures that vehicles are kept in a safe, suitable and mechanical condition and are comfortable for the travelling public.

- 3.4 The local trade asked the Council to review the age policy guidelines. As part of that process, there would have been an impact on the testing regime and licensing conditions. Unfortunately, the possibility of Welsh Government introducing national standards and the Covid pandemic delayed the process of reporting back the proposals. This report outlines the action required to implement changes to the current policy and has been prepared following discussions with the Fleet Workshop Manager at the Ty Richard Thomas testing facility.
- 3.5 In terms of the testing regime, hackney carriage and private hire vehicles licensed in the County Borough of Bridgend are currently tested under the Road Traffic Act 1988 exemption process. As the results of MOT tests are now logged electronically on a national database, all test results since 2005 are publically accessible. However, there is no electronic register for vehicles that have been issued with an exemption certificate. A revision to the policy for testing to enable vehicle proprietors to obtain MOT Certificates, will benefit the trade who can then pay their Vehicle Excise Duty online and the police and the public will also be able to check online whether a licensed vehicle has an up to date MOT Certificate.
- 3.6 Changes to the APG and testing regime will impact on the licence conditions for hackney carriage and private hire vehicles.

#### **4. Current situation / proposals**

##### **Age Policy**

- 4.1 The impetus for reviewing the policy came from the local trade who indicated that the current policy requiring vehicles presented for their first licence to be new or nearly new, placed a significant economic burden on the trade, whilst providing a marginal benefit in terms of public safety.
- 4.2 The current age policy for hackney carriage and private hire vehicles first licensed by the Authority was approved by the Licensing Committee on 10 March 2008.
- 4.3 The current policy states that applicants 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 so the majority of vehicles are new when they are first licensed.
- 4.4 Applications for the first licensing of vehicles falling outside these policy guidelines will normally be refused but a relaxation of the policy may be considered in exceptional circumstances. Details of the current age policy are detailed in **Appendix A**.

##### **Vehicle Testing Regime**

- 4.5 Any change to the age policy will have an impact on the vehicle testing regime. With the majority of vehicles new at first application, the current policy requires 2 tests per year for vehicles up to 5 years old, and 3 tests per year for vehicles over 5 years old. Hackney carriage and private hire vehicles are tested at the Ty Richard Thomas Joint Vehicle Maintenance Facility, jointly utilised by South Wales Police and the Council

as the approved testing station for licensed vehicles in the County Borough of Bridgend.

## **Consultation**

- 4.6 In response to the trade views, a consultation was carried out by way of a questionnaire, seeking the views from the trade and public on proposed changes to the age and testing policies for hackney carriage and private hire vehicles. A copy of the questionnaire is included in **Appendix B** and the responses are detailed in **Appendix C**. No consultation was undertaken in respect of an upper age limit for vehicles as the Department for Transport guidelines recommend that a local authority does not impose arbitrary upper age limits beyond which it will not continue to licence a vehicle.
- 4.7 There were 19 responses to the consultation questionnaire. The summary results showed:
- 95% of respondents expressing a view were in favour of the proposal to introduce 2 classes of vehicle. 1 respondent was unsure.
  - 79% of respondents were in favour of the proposal to amend the current age policy for both hackney carriage and private hire vehicles so that Class 1 vehicles, when presented for their first licence, will be under 5 years old and Class 2 vehicles, when presented for their first licence, will be under 10 years old. 16% were not in favour.
  - 63% of respondents expressing a view were in favour of amending the testing policy so that licensed vehicles be tested in accordance with the MOT regime with an additional compliance test. 32% of respondents were not in favour. 1 respondent was unsure.
  - 74% of respondents expressing a view were in favour of proposals to amend this vehicle testing policy so that vehicles up to 10 years old would be tested twice per year and vehicles 10 years or older will be tested 3 times per year. 26% of respondents were not in favour.
- 4.8 In April 2018, following the commencement of the relevant provisions of the Wales Act 2017, the licensing of taxis and private hire vehicles was devolved to Welsh Government. The review of age policy and testing was therefore put on hold whilst the Authority awaited the publication of national proposals which might have had an impact on local policy development. However, whilst there have been consultations and proposals, including a proposal for national standards and a Joint Transport Authority for Wales, there is no indication as to when any legislative changes will take place and therefore it is prudent to progress these local changes to policy.

## **Proposals**

- 4.9 When reviewing the age policy guidelines of other authorities, it was clear that there were variations in the age of the vehicle at first licensing. Of the three authorities forming Shared Regulatory Services the current Bridgend policy required vehicles to

be new at first licensing, Cardiff 25 months, and the Vale of Glamorgan 5 years (subsequently increased to 6 years) all with complex variations on age limits for “prestige” and wheelchair accessible vehicles. In the absence of any national guidelines there are considerable variations in policy across Wales, but all should have been developed locally and in line with trade consultation and involvement. The initial consultation was undertaken to align with the Vale of Glamorgan guidelines of five years but it is recognised that all policies change according to local needs or trade requests. The testing frequency is based on the Local Government (Miscellaneous Provisions) Act 1976 which enable the Council to require testing up to a maximum of three times per year to reflect higher usage than private vehicles. When consulting the frequency of testing for older vehicles was based on the Department for Transport Guidelines that, whilst older vehicles can be in good condition, greater frequency of testing may be appropriate for older vehicles. The testing frequency consultation was based on the then Vale of Glamorgan requirements.

- 4.10 It is felt that the reasons for an age policy, such as improved comfort and improved safety standards, should apply to all saloon vehicles, and minibuses (Class 1) but that those vehicles fitted with a permanent automated tail lift would be accepted for first licensing aged up to 10 years (Class 2). All applications for vehicles will need to provide evidence of vehicle type approval, or vehicle conversion if applicable and undergo voluntary independent testing to the satisfaction of the Council. Applications for converted or modified vehicles outside the M1 Vehicle Type approval category must be accompanied by a full service history and appropriate safety certification including a Voluntary Individual Vehicle Approval (IVA) Certificate issued by the Driving and Vehicle Standards Agency (DVSA).
- 4.11 It is proposed that hackney carriage and private hire vehicles aged up to 10 years old will be tested twice a year. Vehicles that are 10 years or older will be tested three times a year. In order to implement this proposal, the following will be inserted into the hackney carriage and private hire vehicle conditions of licence:
- “Testing of vehicles*
- a) Vehicles aged up to 10 years old from the date of first registration, or first use/date of manufacture if the vehicle is imported, will be tested twice a year.*
- b) Vehicles that are 10 years or older, from the date of first registration, or first use/date of manufacture if the vehicle is imported, will be tested three times a year.”*
- 4.12 In order to facilitate the proposed changes, the vehicle conditions will be renumbered. A copy of the updated hackney carriage conditions of licence are contained in **Appendix D** and the updated private hire vehicle conditions are contained in **Appendix E**. References to the Head of Legal and Regulatory Services have also been replaced with “the Council” to reduce the number of amendments needed should there be any changes to the department/officer title. Any conditions which duplicated powers granted to the Council under the Local Government (Miscellaneous Provisions) Act 1976 have also been removed.
- 4.13 Officers have met with officers of the Ty Richard Thomas Joint Vehicle Maintenance Facility to agree a way forward to provide MOT certificates, together with a protocol

for testing additional features unique to licensed vehicles. This latter test will be referred to as the Declaration of Fitness Form attached at **Appendix F**. It is also recommended that the authority adopt the Freight Transport Association - National Inspection Standards for Hackney Carriage and Private Hire Vehicles which are attached at **Appendix G**. This best practice guide provides additional testing requirements to those in the MOT Inspection Manual. It is proposed that the new regime of issuing an MOT Certificate and Declaration of fitness form comes into effect on 1 February 2021.

- 4.14 The fee charged by Ty Richard Thomas for a vehicle test is £46.00. The proposed fee for the MOT Test and Declaration of Fitness will be £48.50 from 1 February 2021. This fee is separate from the vehicle licence fee.
- 4.15 The Committee is requested to grant delegated power to the Chief Officer – Legal, HR and Regulatory Services, to grant all applications which fall within the age policy guidelines. All cases outside the policy guidelines will therefore be reported to a Licensing Sub-Committee for determination.
- 4.16 If the Committee is minded to approve the new age policy guidelines, and delegations, it is also requested to determine whether they should, in future, apply to licensees who fail to renew their licences on time. For example, a vehicle is licensed under the new policy at four years old, but two years later, the licensee fails to renew the licence by the expiry date. In these circumstances, the policy would require the vehicle to be presented to a Sub-Committee for determination as the vehicle would be six years old. This issue has arisen in the Vale of Glamorgan and Cardiff Councils where licensees have been unable to submit their renewal. Both Councils have made provisions in these cases, that provided the application is received within a set period, the requirement for the case to be referred to a Sub-Committee is waived. It is proposed that provided an application is made within five working days of the expiry date of the previous licence, the case is dealt with under the Scheme of Delegation.

## **5. Effect upon Policy Framework & Procedure Rules.**

- 5.1 None.

## **6. Equality Impact Assessment**

- 6.1 There are no equality implications arising from this report.

## **7. Well-being of Future Generations (Wales) Act 2015 implications**

- 7.1 The five ways of working have been considered when developing this policy as follows: A summary of the implications from the assessment: The policy will be reviewed should Welsh Government introduce national standards as referred to in 4.8 above.
- Integration/Prevention – Taxis form part of the public transport network with environmental and economic benefits for the wellbeing goal of 'A Prosperous Wales'. Consideration has been given to the economic detriment if the age limit of vehicles is not reduced.

- Collaboration/Involvement - Stakeholders within the taxi trade have asked for a review of the existing policy and have had the opportunity to consider the proposals and respond to the consultation

## **8. Financial Implications.**

8.1 Approval to increase the test fee from £46 to £48.50 was granted under the Scheme of Delegation to officers under reference CMM-TE-20-010.

## **9. Recommendations.**

9.1 It is recommended that the Committee:

- (i) Approve the proposal to amend the age policy guidelines so that from 1 February 2021, vehicles submitted for licensing for the first time must be less than 5 years old from the date of first registration; or first use/date of manufacture if the vehicle is imported, with the exception of minibus type vehicles fitted with permanent automated tail lifts which may be aged up to 10 years on first licensing.
- (ii) Approve the proposal to amend the testing frequency so that from 1 February 2021, vehicles aged up to 10 years old will be tested twice a year and vehicles that are 10 years or older will be tested three times a year.
- (iii) Approve the revised conditions which take effect from 1 February 2021 for hackney carriage and private hire vehicles, as set out in Appendices D and E.
- (iv) Approve the Declaration of Fitness Form set out in Appendix F, for use from 1 February 2021.
- (v) Adopt the Freight Transport Association – National Inspection Standards for Hackney Carriage and Private Hire Vehicle as set out in Appendix G, from 1 February 2021.
- (vi) Authorise the Chief Officer – Legal, HR and Regulatory Services to prepare (and subsequently amend if necessary) the detailed administrative processes in conjunction with the Fleet Workshop Manager at Ty Richard Thomas.
- (vii) Approve the proposal that applications which fall under the policy guideline set out at (i) above are dealt with by the Chief Officer Legal, HR and Regulatory Services under the Scheme of Delegation to officers. In addition, to approve the proposal that in a case where an applicant fails to submit an application for the renewal of a licence prior to the expiry date, and the application falls outside the policy guidelines, the requirement for the application to be dealt with by a Sub-Committee is waived, provided that the application is received within five working days of the expiry date. All other cases falling outside the policy guidelines will be dealt with by a Sub-Committee.

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**11 November 2020**

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### **Background documents**

Freight Transport Association - National Inspection Standards for Hackney Carriage and Private Hire Vehicles

Welsh Government. Taxi and Private Hire Vehicle Licensing in Wales - Summary outcome report

Department for Transport Best Practice:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/212554/taxi-private-hire-licensing-guide.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf)