

**Telford & Wrekin Council**

**Licensing Committee 29<sup>th</sup> November 2011**

**Licensing Policy - Hackney Carriage Condition Review**

**Report of the Service Delivery Manager – Public Protection**

**1. Purpose**

- 1.1 For Members to consider a request from the Telford Hackney Carriage Association to increase the age limits on Hackney Carriages from ten years to twelve years.

**2. Recommendations**

- 2.1.1 It is recommended that Members having considered the request from the Telford Hackney Carriage Association and all the information contained within this report, determine that the maximum age of a purpose built vehicle (purpose-designed and built hackney carriage) to be licensed by this Council as a Hackney Carriage to be maintained at 10 years and
- 2.1.2 That condition 2.6 is amended to state that the Council may waiver the age restriction in the case of individual vehicles where an application is made and the Council considers that the vehicle is of “exceptional condition”. Where vehicles are of “exceptional condition” and continue to be licensed over the 10 year age limit, the vehicle will be subject to 6 monthly compliance tests. The criteria for “exceptional condition” to be as detailed at Appendix C to this Report and
- 2.1.3 That the Council consults on the “exceptional condition” criteria with the Hackney Carriage and Private Hire trade Associations before it is implemented.

**3. Summary**

- 3.1 The primary legislation relating to Hackney Carriage Licensing is contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 3.2 Attached at Appendix A is a request from the Telford Hackney Carriage Association to extend the age limit on Hackney Carriages from ten years to twelve years.

#### **4. Previous Minutes**

4.1 There are no previous minutes.

#### **5 Information**

##### **5.1 Background**

5.1.1 Telford & Wrekin Council has responsibility for licensing Hackney Carriage and Private Hire Vehicles, Drivers and Operators within the controlled district of Telford & Wrekin.

5.1.2 Hackney Carriage and Private Hire Vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside “normal” hours of operation, such as in the evenings or on Sundays), or for those with mobility difficulties.

5.1.3 Telford & Wrekin Council currently imposes age limits in respect of the licensing of Private hire and Hackney Carriage Vehicles. Current policy is that no Private Hire Vehicle can be licensed for the first time, if it is more than 5 years since the date of its first registration but if it is already licensed it can be licensed up to 7 years, with a compliance check every six months for vehicles aged 5 to 7 years. Hackney carriages are licensed up to 10 years of age with a compliance check annually. The Council’s Conditions of Licence for Hackney Carriage and Private Hire Vehicles are attached at Appendix B.

5.1.4 The reason for the difference between the age limits of Private Hire Vehicles and Hackney Carriages is that the London International Vehicles and the Metrocab are designed specifically to do the work of a Hackney Carriage, whereas the types of vehicles this Council will licence as a Private Hire Vehicle are not usually purpose-designed.

5.1.5 This Council will licence the Mercedes Benz Vito Taxi as a Hackney Carriage as it meets the Public Carriage Office conditions of fitness. This vehicle currently has the same age limit as London International Vehicles and the Metrocab.

5.1.6 The Department for Transport Best Practice Guidance states :

*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.*

5.1.7 Button on Taxis Licensing Law and Practice on the matter of imposing vehicle age limits states :

*Whilst it is accepted that older vehicles can be used successfully as hackney carriages, this seems to rather miss the point. The purpose of any age limit is to try and ensure that the licensed vehicles are as safe, reliable and comfortable as possible. Any age policy would not in itself be arbitrary, because it must be a policy and the local authority must then consider any application that falls outside the age policy on its own individual merits.*

5.1.8 The Licensing Service has carried out a benchmarking exercise in relation to age limits on Hackney Carriages and the results are attached at Appendix D.

## **5.2 Equal Opportunities**

5.2.1 There is no significant impact to any protected characteristic in making this proposed change.

## **5.3 Environmental Impact**

5.3.1 The current London Taxi International manual vehicle emits 211g CO<sub>2</sub> per km.

## **5.4 Legal Comment**

5.4.1 Section 47 (1) Local Government (Miscellaneous Provisions) Act 1976 states that a council may attach such conditions as the council may consider reasonably necessary to a hackney carriage licence granted under the Town and Police Clauses Act 1847.

## **5.5 Links with Corporate Priorities**

5.5.1 This report has links to community protection and cohesion.

## **5.6 Financial Comment**

5.6.1 There are no direct financial implications of the actions recommended within this report. JAC 141111

## **5.7.1 Risks and Opportunities**

5.7.1 In proposing this action the Corporate Risk Management Methodology has been complied with. This approach is not intended to eliminate risks but to identify the risks and manage them. However not all risks can be managed all of the time and some risks may not have been identified.

5.7.2 The following key risks and opportunities associated with this action have been identified and assessed and arrangements will be put in place to manage them.

- (i) The Financial risks to the Council in the event of an appeal to the Magistrates Court.

## **6. Ward Implications**

6.1 This report has Borough wide Implications

## **7. Background Papers**

7.1 Local Government (Miscellaneous Provisions) Act 1976

7.2 Town Police Clauses Act 1847

7.3 Department for Transport Taxi and Private Hire Vehicle Licensing :Best Practice Guidance

7.4 Button on Taxis Licensing Law and Practice

7.5 Telford & Wrekin Council's conditions of licence for Hackney Carriage and Private Hire Vehicles

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