

**Telford & Wrekin Council**

**Licensing Committee 5th September 2012**

**Licensing Policy – Private Hire Condition Review**

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

**1. Purpose**

- 1.1 For Members to consider the consultation responses in respect of reviewing the age-limit restrictions of Private Hire Vehicles and to the proposed revision of a specific condition relating to Private Hire Vehicles.

**2. Recommendations**

- 2.1.1 Having considered the consultation responses, the Licensing Service recommends that the age-limit in respect of Private Hire Vehicles is increased from seven years to ten years and that Condition 3.6 is amended to "The Council will only licence suitable motor cars and multi purpose vehicles or purpose built or adapted minibuses up to ten years. Vehicles to be tested every six months from five years of age in line with best practice guidance. No vehicle to be over 5 years of age when first licensed.
- 2.1.2 The Licensing Service recommends an additional consultation exercise with a view to re-examining Hackney Carriage Conditions including age-limits.

**3. Summary**

- 3.1 The primary legislation relating to Private Hire Licensing is contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. This report considers the responses to the consultation exercise with the view to introducing an increased age-limit in respect of Private Hire Vehicles.

**4. Previous Minutes**

- 4.1 LC -20 Licensing Committee 13-03-2012

## 5 Information

### 5.1.1 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 A.

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 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.*

5.1.6 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.*

5.1.7 At the request of the Licensing Committee on 13<sup>th</sup> March 2012, the Licensing Service carried out a consultation exercise with the trade in order to obtain

responses to the review of a condition relating to Private Hire Vehicles. The consultation was carried out over a twelve week period. A copy of the consultation letter is attached as Appendix B

- 5.1.8 The Licensing Service consulted widely in an attempt to gain the maximum amount of responses. A full consultation list is attached as Appendix C
- 5.1.9 As a result of the consultation the Licensing Service received eight responses to the twelve week consultation. In order to assist Members a table of responses has been prepared and this is attached as Appendix D. Each individual response will be made available at the Licensing Committee for Members to inspect.
- 5.1.11 Members should note that in addition to the consultation exercise relating to reviewing the Private Hire Condition, on 29<sup>th</sup> November 2011, Members requested a similar exercise relating to Hackney Carriage Conditions. This has been undertaken and a revised condition was implemented in January 2012. However, at the request of the taxi trade a further consultation was undertaken on the contents of the 'exceptional condition' criteria for Hackney Carriages. It is important to note that whilst this was conducted at the same time as reviewing the Private Hire Condition, the results of this consultation is for information purposes only. To assist Members they are included in the response table (Appendix D). Members are not determining matters relating to Hackney Carriage Conditions.
- 5.1.12 Having listened carefully to the trade and the responses to the consultation, the Licensing Service is of the opinion that a further examination of current Hackney Carriage Conditions may be appropriate. The Licensing Service recommends that an additional consultation exercise is undertaken with a view to re-examining Hackney Carriage Conditions including age-limits. It is envisaged that this consultation exercise would be undertaken in the next twelve months.

## **5.2 Equal Opportunities**

- 5.2.1 Members should note that the Licensing Service has undertaken a draft Community Impact Assessment and this is attached as Appendix E.

## **5.3 Environmental Impact**

- 5.3.1 There is no environmental impact arising from this report.

## **5.4 Legal Comment**

- 5.4.1 Section 48(2) Local Government (Miscellaneous Provisions) Act 1976 states that a council may attach to the grant of a licence for a private hire vehicle such conditions as they may consider reasonably necessary.
- 5.4.2 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.

5.4.3 It is possible for an older vehicle to be in good condition however greater frequency of testing may be appropriate.

5.4.4 Where an age limit is set the local authority must consider any application that falls outside the age policy on its own individual merits.

## **5.5 Links with Corporate Priorities**

5.5.1 This report has links to :

1. Creating a safer community
- (b) Safeguard health and safety of the community

## **5.6 Financial Comment**

5.6.1 The current cost of vehicle compliance tests is £60 for Hackney Carriages and £47 for Private Hire Vehicles with retests costing £59 and £36 respectively. These costs are recovered from the operator which means that there are no direct costs to the Council. However it should be noted that if a vehicle is booked in for a test and does not turn up for the test then the Council is still charged and is not currently able to recover this cost from the operator.

5.6.2 The recommendation in paragraph 2.1.2 should not result in any additional costs to the Council as the cost will be recovered directly from the operator providing they turn up to the booked compliance test. MLB 20.08.12.

## **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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