

Telford & Wrekin Council

Licensing Committee 13th March 2012

Licensing Policy – Private Hire Condition Review

Report of the Service Delivery Manager – Public Protection

1. Purpose

- 1.1 For Members to review condition number 3.6 of the Council's conditions of licence for Private Hire vehicles in relation to age limits.

2. Recommendations

- 2.1. It is recommended that having considered the information contained within this report Members resolve to consult on an amendment to condition 3.6 of the Council's condition of licence for Private Hire Vehicles to state that the Council may waive 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 7 year age limit, the vehicle will continue to be subject to 6 monthly compliance tests. The criteria for "exceptional condition" to be as detailed at Appendix B to this Report.
- 2.2 It is also recommended that having considered the information contained within this report relating to "exceptional condition" criteria for Hackney Carriage, that Members resolve to include the contents of the "exceptional condition" criteria for Hackney Carriages in the consultation proposed at 2.1.

3. Summary

- 3.1 On 29th November 2011, Members of the Council's Licensing Committee resolved to introduce an "exceptional condition" criteria for Hackney Carriages in relation to age limits on vehicles.
- 3.2 For the purposes of consistency, Members are now asked to consider introducing a similar criteria for Private Hire Vehicles.

4. Previous Minutes

- 4.1 LC-11 Licensing Committee 29th November 2011

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 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 Following a request from the Hackney Carriage Association to extend the age limit on Hackney Carriages, on 29th November 2011, Members of the Council's Licensing Committee resolved :
- (a) 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 be maintained at 10 years
 - (b) that condition 2.6 be amended to state that the Council may waive 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 would be subject to 6 monthly compliance tests.
 - (c) that the Council consults on the "exceptional condition" criteria with the Hackney Carriage and Private Hire trade Associations before it is implemented.

A copy of the Council's "exceptional condition" criteria is attached at Appendix B.

- 5.1.8 For the purposes of consistency, it is now proposed to introduce an "exceptional condition" criteria in relation to age limits for Private Hire Vehicles. The proposed "exceptional condition" criteria is attached at Appendix C.
- 5.1.9 In accordance with 5.1.7 (C) above representations were requested by e-mail from the Hackney Carriage and Private Hire Trade Association on the draft "Exceptional Condition" criteria for hackney carriages during the period 30th November 2011 and 5th January 2012. The Council received no responses.
- 5.1.10 At the meeting of the Taxi Forum on 25th January 2012, representatives of the Telford Hackney Carriage and Private Hire Operator Associations expressed concerns over the content of the "Exceptional Condition" criteria for Hackney Carriages, although the Associations had not submitted formal responses. It is proposed that the Council seeks representations from the Trade

Associations regarding the “Exceptional Condition” criteria for Hackney Carriages.

- 5.1.11 Members of the Trade Associations for both the Hackney Carriages and the Private Hire Vehicles will be invited to a meeting to enable them to make representations.

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

None

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 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 The Public Protection Team operates a 6 monthly inspection process for vehicles aged between 5 and 7 years which is managed within current resource levels. An external supplier (TWS) provides this service and the applicant pays Telford & Wrekin on the day of the appointment.

- 5.6.2 The recommendation extends this process to vehicles aged over 7 years. The volume of applications is unknown at this stage. (AM 21st February 2012)

5.7 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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