



Walsall Council

REPORT OF THE INTERIM REGULATORY MANAGER

LICENSING AND SAFETY COMMITTEE

29 NOVEMBER 2011

LICENSING AGE LIMITS FOR PRIVATE HIRE/HACKNEY CARRIAGE

VEHICLES

1.0 Summary of report

- 1.1 To place before committee a report concerning a request made by the Hackney Carriage/Private Hire Association to remove the age limit criteria for licensed vehicles.

2.0 Recommendations

- 2.1 The committee is asked to consider the information contained in the report and to determine whether they wish to amend any age limit restrictions in respect of private hire/hackney carriage vehicles.

3.0 Background information

- 3.1 On the 19 October 2011 the private hire/hackney carriage trade organisation submitted a letter prior to the Licensing and Safety Committee meeting requesting that the age limits for licensed vehicles be removed. They requested that at the very least the five year age restriction for private hire vehicles be lifted. **Request given as Appendix 1.**
- 3.2 In respect of Hackney Carriage vehicles, Walsall M.B.C conditions of licence state that;
- (A) The grant of a hackney carriage vehicle licence is dependent on that vehicle being new and wheelchair accessible. However there is provision for an existing vehicle proprietor to replace a licensed hackney carriage with a younger vehicle.

(B) The London style cab will not be licensed past 18 years from the registration date.

(C) The Euro cab i.e Mercedes, Peugeot, Fiat etc will not be licensed past 12 years from the registration date.

3.3 In respect of Private Hire vehicles, Walsall M.B.C conditions of licence state that;

(A) When a saloon car/MPV is presented for licensing and that saloon car/MPV has not been licensed by Walsall MBC, or if it has previously been licensed by Walsall MBC and the licence allowed to expire for a period of more than 28 days other than by prior arrangement in writing with the Licensing Office, then in each case the vehicle must be five years of age or under (from the date of first registration or manufacture) depending, on which is earlier, in order for that vehicle to be licensed.

(B) Once a saloon car/MPV has been licensed, it may continue to be licensed until it reaches ten years of age.

(C) When a minibus is presented for licensing and that minibus has not been licensed by Walsall MBC, or if it has previously been licensed by Walsall MBC and the licence allowed to expire for a period of more than 28 days other than by prior arrangement in writing with the Licensing Office, then in each case the vehicle must be six years of age or under (from the date of first registration or manufacture whichever is earlier) in order for that vehicle to be licensed.

(D) Once a minibus has been licensed, it may continue to be licensed until it reaches twelve years of age.

There are no age restrictions in relation to stretch limousines/special events vehicles

3.4 There are currently 619 licensed private hire vehicles. The age profile Of the fleet is;

1 year: 11

2 years: 27

3 years: 15

4 years: 38

5 years: 97

6 years: 128

7 years: 94

8 years: 110

9 years: 65

10 years: 34

3.5 From the above profile it can be seen that 85% of the fleet is 5 years of age or over.

3.6 There are currently 124 licensed hackney carriage vehicles. The age Profile of the fleet is;

0 and 3 years of age: 11

3 and 6 years of age: 21

6 and 9 years of age: 34

9 and 12 years of age: 37

12 and 15 years of age: 19

15 and 18 years of age: 2

3.7 From the above 74% of the fleet is over 6 years of age.

3.8 If the committee is minded to remove the age restriction such that all hackney carriages no longer have to be new when brought onto the fleet, then it is highly likely that there will be a significant increase in applicants for such licences and the hackney carriage fleet will significantly increase.

3.9 The following gives neighbouring authority policy on this matter;

Birmingham City Council: Vehicles must be less than 8 years old at time of first licensing. There is no upper age limit in place.

Sandwell MBC: Vehicles must be less than 5 years old at time of initial application and can continue to be licensed until 8 years of age.

Cannock District Council: Vehicles must be less than 6 years old at time of application and will not be licensed past this age.

Dudley MBC: No age restrictions in place.

Wolverhampton City Council: Vehicles must be less than 8 years of age at time of initial application (as of 1 June 2011) and will be licensed up to the age of 10.

3.10 On the 21 April 2010 the committee resolved to reduce the frequency of vehicle testing. Vehicles under three years of age would continue to be tested annually, vehicles over three years of age to be tested every six months. This provision will stay in place until May 2012 when vehicle testing figures will be re-evaluated.

- 3.11 If the age limit of licensed vehicle is to be relaxed then the frequency of vehicle testing will also need to be reconsidered by Committee as it is highly likely given the current age profiles of the fleet, the actual age of licensed vehicles within the borough will increase.

4.0 Resource considerations

- 4.1 **Financial:** The cost of a vehicle licence is dependent on its age
- 4.2 **Legal:** The cost of any appeal to a magistrates court by any person aggrieved by the decision of the council in respect of any conditions set by the authority as permitted under the legislation.

The Local Government (Miscellaneous Provisions) Act 1976 governs the issue and control of licences for private hire and hackney carriage vehicles, drivers and operators.

Section 48 of the Act allows councils to attach to the grant of a licence for private hire vehicles such conditions as they consider reasonably necessary.

Section 47 of the Town Police Clauses Act 1847 allows councils to attach to the grant of hackney carriage proprietors licence such conditions as they consider reasonably necessary.

The Best Practice Guidance issued by the Department for Transport for Taxi and Private Hire Vehicles in 2010 states in part that;

Age Limits: 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 licence vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles.

- 4.3 **Staffing:** Nothing arising from this report

5.0 Citizen impact

- 5.1 None arising from this report.

6.0 Community safety

- 6.1 None arising from this report.

7.0 Environmental impact

- 7.1 None arising from this report

8.0 Performance and risk management issues

8.1 Nothing arising from this report

9.0 Equality implications

9.1 Nothing arising from this report

10.0 Consultation

10.1 Nothing arising from this report

11.0 Contact Officer

11.1 Steve Knapper, 01922 652221