



Walsall Council

REPORT OF THE INTERIM REGULATORY MANAGER

TAXI /PRIVATE HIRE LIAISON GROUP

13 NOVEMBER 2012

REPLACEMENT PRIVATE HIRE VEHICLES

1.0 Summary of report

- 1.1 Following a meeting of the liaison group on the 3 October 2012 a request was made by the Walsall Private Hire Association to amend the vehicle age policy for private hire vehicles. They have requested that any vehicle providing that it is of a newer age than the vehicle it is replacing, be subsequently approved for licensing. Currently all private hire vehicles must be under the age of five years of age at the first point of licensing.

2.0 Recommendations

- 2.1 The group is asked to consider the contents of the report, and to determine whether the issue of permitting a licensed private hire vehicle to be replaced at any time, by a vehicle of any newer age be referred to the Licensing and Safety Committee for further consideration and determination.
- 2.2 Await the outcome of a review by The Law Commission who are currently undertaking a fundamental review of the Hackney Carriage and Private Hire legislation that operates throughout England and Wales. This may include legislative changes in respect of the licensing of vehicles, drivers and operators by licensing authorities. Their intention is to provide a report with final proposals and a draft Bill by November 2013.

3.0 **Background information**

- 3.1 At a meeting of the Taxi/Private Hire Liaison group on the 3 October 2012 a request was made by the private hire association to amend the private hire vehicle age policy. They have requested that any vehicle of a newer age than the vehicle it is replacing, be approved for licensing. This would mirror the current hackney carriage vehicle condition. A further letter from the Private Hire Association on this matter is given as **Appendix 1**.
- 3.2 Section 1.12 of the private hire vehicle licence conditions states that when a 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 prior arrangement in writing with the Licensing Office, then in each case the vehicle must be five years of age or under (from the first date of registration or manufacture) depending on which is earlier, in order for that vehicle to be licensed.
- 3.3 Once a saloon car/MPV has been licensed, it may continue to be licensed until it reaches ten years of age.
- 3.4 The age limit in respect of minibuses as private hire vehicles is six and twelve years respectively.
- 3.5 There are currently 641 licensed private hire vehicles. The age profile of the fleet is:
- | | | |
|---------------|---|-------|
| 1 year of age | = | 10 |
| 2 | " | = 18 |
| 3 | " | = 18 |
| 4 | " | = 34 |
| 5 | " | = 126 |
| 6 | " | = 130 |
| 7 | " | = 102 |
| 8 | " | = 82 |
| 9 | " | = 79 |
| 10 | " | = 42 |
- 3.6 As can be seen from the vehicle age profile 87.5% of the fleet is 5 years of age or over. In November 2011 when this matter was considered by the Licensing and Safety Committee this figure was 85%. The number of licensed vehicles over 9 years of age has also risen. In 2011 there were 99, there are now 121.
- 3.7 Given the information contained in 3.5 it is highly likely that if private hire vehicles can be replaced simply by a vehicle of any newer age (and that vehicle is over 5 years of age) as requested by the trade,

then significantly older vehicles will dominate the age profile of the fleet. This is the trend that has been set by the hackney carriage licensing regime (48% of the hackney carriage fleet is over 10 years of age). .

3.8 The following gives neighbouring authority policy on this matter.

- Birmingham C.C. must be under 8 years on initial app. No upper age limit.
- Sandwell MBC must be less than 5 years on initial app. Licensed to 8 years.
- Cannock D.C must be less than six years on initial app. Licensed to 6 years.
- Dudley MBC no age limit restrictions.
- Wolverhampton C.C must be less than 6 years on initial app. Licensed to 9 years.

3.9 On the 21st 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 to be tested every six months. This decision was taken in light of the improved pass rates of licensed vehicles. However, if the age restriction is relaxed as requested, the testing frequency criteria may have to be reconsidered if members so wish.

3.10 Hackney carriage proprietors are permitted by condition to replace their current licensed vehicle with a vehicle of a newer age (taken from date of first registration).

‘Existing Hackney Carriage Proprietors may replace their current licensed vehicle with a vehicle that is of newer age (taken from the date of first registration) provided that it complies with other specified conditions of licence as given’.

3.11 The rationale of this condition may relate to the cost implications of buying hackney carriage vehicles since they must be wheelchair accessible. These vehicles will obviously cost more when new compared to the normal saloon/MPV type vehicle.

4.0 Resource considerations

4.1 **Financial:** Fee levels for private hire vehicle licences relate to whether they are under or over the age of 3 years at the point of licensing.

In light of the information in 3.5 it is highly unlikely that there would be any negative impact on licensing income.

4.2 **Legal:** Anyone aggrieved by any condition attached to the grant of a vehicle licence has a right of appeal to the Magistrates Court.

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

5.0 Citizen impact

5.1 None.

6.0 Community Safety

6.1 None. Vehicles are inspected to a prescribed regime dependant on age and can be tested up to three times a year.

7.0 Environmental Impact

7.1 Vehicles are required to undertake an M.O.T. However vehicles of a newer age will continue to have more up to date technology, fuel efficiency etc.

8.0 Performance and risk management issues

8.1 None arising from this report.

9.0 Equality implications

9.1 None arising from this report.

10.0 Consultation

10.1 Neighbouring authorities.

11.0 Contact Officer

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