



Walsall Council

REPORT OF THE INTERIM REGULATORY MANAGER

LICENSING AND SAFETY COMMITTEE

5 SEPTEMBER 2012

DIFFERING LICENSING AGE LIMITS FOR HACKNEY CARRIAGE

VEHICLES

1.0 Summary of report

- 1.1 To place before committee a report concerning a request made by the Hackney Carriage Association to amend the upper age limit (currently 12 years) for specific types of hackney carriage vehicles (Non London style) to 15 years.

2.0 Recommendations

- 2.1 The committee is asked to consider the information contained in the report and to decide whether they wish to amend any age limit restriction in respect of non London style hackney carriage vehicles or:
- 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 On the 4 July 2011 the hackney carriage trade organisation requested that the Licensing and Safety Committee consider altering the upper age restriction limit for non London style taxis.
- 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 The decision taken in the past to have differing age limits for types of hackney carriage vehicles may well have been taken in light of how the vehicles were manufactured. London style taxis have been specifically designed, developed and constructed over decades to meet the rigors and requirements solely for taxi trade use. They have greater manoeuvrability, aided by a low range turning circle (8m) and have been assembled uniquely.

3.4 London style taxis are purpose built and have a solid and separate chassis arrangement. The purpose designed body is then secured on to the chassis. These vehicles after speaking to a leading manufacturer, typically have a working life of between 10-11 years. However, this will ultimately depend on actual daily wear and tear.

3.5 Euro style vehicles are in effect vans that have been converted to carry passengers and are of the monocoque design. Manufacturers of these vehicles say that they typically have a life of between 6 – 9 years. Obviously this is dependent on day to day use. These vehicles are compliant with all UK safety requirements and have the same type approval in the majority of cases.

3.6 In light of the information given in 3.4 and 3.5 it can be seen that Walsall's current age policy more than exceeds manufacturers own guidelines in respect of both types of vehicle.

3.7 There are currently 122 licensed hackney carriage vehicles. The age Profile of the fleet is;

From	To	Total
01.01.1996	31.12.1996	2
01.01.1997	31.12.1997	6
01.01.1998	31.12.1998	2
01.01.1999	31.12.1999	8
01.01.2000	31.12.2000	12
01.01.2001	31.12.2001	6
01.01.2002	31.12.2002	23
01.01.2003	31.12.2003	8
01.01.2004	31.12.2004	13

01.01.2005	31.12.2005	11
01.01.2006	31.12.2006	11
01.01.2007	31.12.2007	2
01.01.2008	31.12.2008	6
01.01.2009	31.12.2009	4
01.01.2010	31.12.2010	1
01.01.2011	31.12.2011	4
01.01.2012	31.12.2012	3

- 3.8 There is nearly a 50/50 split in respect of purpose built/ Eurostyle conversions. The older vehicles tending to be the purpose built type as the age policy permits.
- 3.9 From the above 48% of the fleet is 10 years of age or older. This figure again conflicts with 3.4 and 3.5.
- 3.10 **Appendix 1** of the report gives vehicle/age restrictions for neighbouring authorities on this issue.
- 3.11 The average mileage for these vehicles (snap shot of 20% of the fleet) appears to be around 18,500 miles/annum.
- 3.12 If the age limit of specific licensed vehicle is to be relaxed then the frequency of vehicle testing may 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. Any amendment to vehicle age expiry conditions will not affect the fee that is due.
- 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.

Our current conditions of licence permit an existing hackney carriage proprietor to replace their vehicle with one of a newer age i.e. it does not have to be brand new as is the case of a new proprietor to the fleet.

On the 4th March 2009 the Licensing and Safety Committee resolved that approval be given to the amendment to the private hire and hackney carriage conditions of licence as follows:-

‘Exceptional circumstances (set aside or amend standard conditions in particular cases without full amendment of conditions)

On a case by case basis and only in exceptional circumstances the Committee may resolve to set aside or amend the private hire and hackney carriage standard conditions where it is appropriate to do so. In any case, it will be appropriate to set aside or amend the standard conditions only in exceptional circumstances where to impose the standard conditions will lead to a result which the Committee considers wholly unjust and wholly unfair in the circumstances of the particular case falling for consideration.

The setting aside or amendment of the condition will be specific to that case alone. The standard conditions will otherwise remain in place subject to the Committees discretion to amend them in the usual manner’.

The Law Commission is currently considering reform of the legal framework relating to taxis and private hire vehicles it is hoped a draft Bill maybe in place by November 2013.

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 With the advancement in technology in areas of electronic braking systems, air bag and seat belt restraint systems, electronic vehicle stability systems and advanced lighting systems consideration should be given to maintaining an up to date fleet.

7.0 Environmental impact

- 7.1 Recent legislation requires that all diesel powered vehicles Subject to MOT regulations, if registered after 1 July 2008 must comply with emission regulations that are half of pre 2008 legal levels.

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 Walsall MBC vehicle testing station.

11.0 Contact Officer

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