

Meeting of:	Public Protection Licensing Committee
Date of Meeting:	Tuesday, 02 July 2019
Relevant Scrutiny Committee:	Homes and Safe Communities
Report Title:	Hackney Carriage and Private Hire Vehicle - Age Policy Guidelines Review
Purpose of Report:	To provide Members with details of a review into the age of hackney carriage and private hire vehicles licensed in the Vale of Glamorgan
Report Owner:	Director of Environment and Housing
Responsible Officer:	Miles Punter
Elected Member and Officer Consultation:	None
Policy Framework:	This is a matter for decision by the Public Protection Licensing Committee.
<p>Executive Summary:</p> <ul style="list-style-type: none"> • The Public Protection Licensing Committee have previously considered a request to waive the Vale of Glamorgan Council's Age Policy Guidelines in respect of a private hire vehicle licence; • Members approved the request to relax the Age Policy Guidelines and recommended the Licensing Department review the current guidelines; • This report contains a review into the current age policy for Members consideration. 	

Recommendations

1. That Members consider the contents of this report and determine whether to amend the Age Policy Guidelines in respect of hackney carriage and private hire vehicles.
2. That Members consider delegating the grant and refusal of all hackney carriage and private hire vehicle licenses to the Licensing Team Manager.

Reasons for Recommendations

3. This report outlines a number of issues and comments from stakeholders. It is a matter for Members to decide whether to amend the current Age Policy Guidelines.
4. This would help to ensure that requests to waive the Age Policy Guidelines in respect of hackney carriage and private hire vehicles are dealt with more efficiently.

1. Background

- 1.1 At the meeting of 6 November 2018, the Public Protection Licensing Committee considered a request to waive the Vale of Glamorgan Council's Age Policy Guidelines in respect of a private hire vehicle licence application. The current policy required the vehicle to be a maximum of 5 years old at the time of first licence. The applicant's vehicle at the time of application was 7 years and 6 months old.
- 1.2 The committee resolved to relax the Age Policy Guidelines in respect of the applicant's vehicle because it was described as in immaculate condition, and recommended that the Vale of Glamorgan Council's Age Policy Guidelines in respect of private hire vehicle licence applications be reviewed.
- 1.3 The Department for Transport's Taxi and Private Hire Vehicle Licensing: Best Practice Guidance published in 2010, in reference to vehicle age limits, 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".
- 1.4 The same guidance in relation to vehicle testing states "an annual test for licensed vehicles of whatever age (that is, including vehicles that are less than three years old) seems appropriate in most cases, unless local conditions suggest that more frequent tests are necessary. However, more frequent tests may be appropriate for older vehicles. Local licensing authorities may wish to note that a review carried out by the National Society for Cleaner Air in 2005 found that taxis were more likely than other vehicles to fail an emissions test. This finding, perhaps suggests that emissions testing should be carried out on ad hoc basis and more frequently than the full vehicle test".

- 1.5** A licensing authority should ensure that hackney carriage and private hire vehicles are of a suitable type, comfortable, and in suitable mechanical condition to be safe for the purpose for which they are used. Therefore, in the interests of passenger and other road user's safety, a stringent maintenance and testing regime is required.
- 1.6** Hackney carriage and private hire services are a vital aspect of the transport network. They are essential for many passengers with disabilities and play an important social role in enhancing the public transport system. However, they are also a source of road traffic derived emissions causing air pollution. There are currently no emission standards for licensed vehicles imposed by the Licensing Authority.
- 1.7** Newer vehicles are less likely to be involved in fatal crashes, due to continual improvements in crash protection features. Mechanical defects also become more common as a vehicle ages, further compromising the safety of the vehicle. A report in 2013 from the US Department of Transportation found that the driver of a vehicle 8 to 11 years old was 19% more likely to be fatally injured than the driver of a vehicle that was 3 years old.

2. Key Issues for Consideration

- 2.1** At the Public Protection Licensing Committee meeting of 6 November 2018, the committee waived the Age Policy Guidelines in respect of a vehicle, described by the applicant's representative as being in immaculate condition.
- 2.2** The committee subsequently raised concerns with the Council's current age policy and moved that the current Age Policy Guidelines be reviewed.
- 2.3** The current Age Policy Guidelines in respect of hackney carriage and private hire vehicles have been in place, subject to a few minor revisions, for a number of years. The policy includes two classes of vehicle with respective ages at which they can first be licensed; Class One vehicles are all vehicles, except those of a minibus type with an automated wheelchair lift, and must be under 5 years old at the time of their first licence. Class Two vehicles are vehicles that are a minibus type with an automated wheelchair, and must be under 10 years old at first licence. The rationale for the disparity in the difference between Class One and Class Two being that Class Two vehicles tend to travel fewer miles and are considerably more expensive to purchase.
- 2.4** The current Age Policy Guidelines apply to both hackney carriage and private hire vehicles and are contained in Appendix A. This was last revised in November 2013 when members were minded to relax the policy in respect of Class Two vehicles, at the request of the trade.
- 2.5** Although there are differences to the way in which hackney carriage and private hire vehicles operate, it is generally understood that the travelling public do not distinguish between the two.
- 2.6** At present, officers grant licences for vehicles that fall within the Age Policy Guidelines under delegated authority. Vehicles that are older than permitted within the guidelines are referred to the Public Protection Licensing Committee

to allow Members to consider whether the guidelines should be waived in order for the vehicle to be licensed.

- 2.7** If Members refuse to grant a hackney carriage or private hire vehicle licence, the applicant may appeal the decision to a magistrates' court.
- 2.8** On 8 February 2019, officers from the Licensing Department met with the Vale of Glamorgan Taxi Association and the manager of the Alps depot to discuss the current Age Policy Guidelines. The Taxi Association stated that they would like the current Age Policy Guidelines to be extended for Class 1 vehicles from 5 to 6 years old, but this should not be waived for the grant of a new licence. The manager of the Alps garage agreed that he would be happy with an age limit of 6 years for Class 1 vehicles. There was a general consensus from the Taxi Association that the current Age Policy Guidelines are too easily overturned and should be enforced more rigorously.
- 2.9** A member of the Taxi Association stated that he was never in favour of a 4 month licence, as it should be down to the condition of the vehicle regardless of age. The manager of the Alps Depot stated that from a fleet point of view a 4 month licence should be in place to allow the vehicle to be checked more frequently.
- 2.10** The Taxi Association were asked if mileage and service history of a vehicle could be a consideration when assessing the suitability of a vehicle. The Taxi Association stated that this should not be a consideration as these can be tampered with.
- 2.11** Prior to initiating this review, the Licensing Department have not previously received complaints or comments from the trade or public that the current policy in respect of Class One vehicles is too onerous. Whilst the consensus referred to in 2.8 in the meeting with the local trade is that the policy should be relaxed to 6 years as a maximum age at first licence, Members may wish to consider this in the context of consistency with neighbouring Authorities. Within those served by the Shared Regulatory Service, proposals have either been consulted on, or are in the process of consultation, to align the maximum age at first licence to 5 years, as is current Vale Policy. Giving weight to the call from the wider Trade and Operators for greater consistency in Policy and enforcement between local authorities, Officers feel that the current Vale policy strikes a balance between enabling the public to travel in comfortable modern vehicles whilst not being too onerous for the trade.
- 2.12** The table below provides details of the age policies for hackney carriage and private hire vehicles in neighbouring authorities.

Authority	Maximum Age at First Licence
Bridgend	New (a relaxation of the policy may be considered for wheelchair accessible vehicles and private hire vehicles)
Cardiff	25 months (10 years for vehicles classed as 'prestige')
Merthyr Tydfil	4 years
Rhondda Cynon Taf	3 years (5 years for wheelchair accessible vehicles)
Caerphilly	5 years (8 years for Wheelchair accessible vehicles)

Newport	No age limit but vehicles must meet Euro 5 emission Standard
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2.13 The table below shows the average age of hackney carriage and private hire vehicles throughout the Shared Regulatory Service, broken down by authority.

Vale of Glamorgan	Average Vehicle Age
Hackney Carriage	5.7 years
Private Hire Vehicle	5.2 years
Bridgend	Average Vehicle Age
Hackney Carriage	4.2 years
Private Hire Vehicle	4.1 years
Cardiff	Average Vehicle Age
Hackney Carriage	8.6 years
Private Hire Vehicle	5.9 years

2.14 As a vehicle ages, it becomes more common for parts and components to fail. Due to the nature of the journeys carried out by hackney carriage and private hire vehicles, they are subject to increased wear compared to private vehicle use. A vehicle that has been meticulously maintained will still be liable for component failure as it ages, particularly suspension components such as rubber bushes that can crack over time.

2.15 Vehicle standards are continuously improving, particularly regarding safety standards. Some Licensing Authorities determine the suitability of the vehicles they licence based on the emissions they emit, rather than vehicle age.

2.16 At the meeting of 6 November, a member commented that if the age policy were decommissioned, the vehicle testing would have to be comprehensive. Licensed vehicles are currently tested at the Alps Depot to check their suitability. The test consists of an MOT test and an additional compliance test, based on the National Inspection Standards, produced by the Freight Transport Association.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

3.1 This report has been screened for evidence of the Five Ways of Working and how it may contribute to our Well-being Objectives.

3.2 As previously mentioned in this report, newer vehicles are generally safer and less polluting than older vehicles, therefore, if the age policy were relaxed in respect to hackney carriage and private hire vehicles, this may have an overall negative impact on the following well-being objectives:

An Inclusive and Safe Vale - Providing decent homes and safe communities

An Environmentally Responsible and Prosperous Vale - Promoting sustainable development and protecting our environment.

4. Resources and Legal Considerations

Financial

4.1 There are no immediate financial implications arising directly from this report.

Employment

4.2 None

Legal (Including Equalities)

4.3 When considering any application for a Private Hire Vehicle Licence, the Council, in accordance with Section 48(a) (i) (iv) and (v) of the Local Government (Miscellaneous Provisions) Act 1976 shall not grant such a licence unless they are satisfied that the vehicle is suitable in type size and design for use as a private hire vehicle, safe and comfortable.

4.4 Under Section 47 of the Act the Council may attach to the grant of a hackney carriage licence such conditions as it may consider reasonably necessary.

4.5 Under Section 48 of the Act the Council may attach to the grant of a private hire vehicle licence such conditions as it may consider reasonably necessary.

4.6 Under Section 50 of the Act the Council shall not require a proprietor to present the same hackney carriage or private hire vehicle for inspection and testing on more than three separate occasions during any one period of twelve months.

5. Background Papers

Department for Transport's Taxi and Private Hire Vehicle Licensing: Best Practice Guidance

Freight Transport Association – Hackney Carriage and Private Hire Vehicle National Inspection Standards.

Brake – Choosing Safer Vehicles

AA Driving Advice - Limits to improve air quality and health



**Vale of Glamorgan Council's Age Policy for
Hackney Carriages and Private Hire Vehicles
With Effect from 5th November 2013**

CLASS	AGE FOR GRANT	1 YEAR LICENCE	6 MONTH LICENCE	4 MONTH LICENCE
CLASS ONE	Under 5 years old	See advice below	Under 10 years old	Over 10 years old
CLASS TWO 8 seater mini bus type vehicles with an automated wheelchair lift.	Under 10 years old	See advice below	Under 10 years old	Over 10 years old

CLASS TWO VEHICLES

Must be Minibus type vehicles with an automated wheelchair lift.

The wheelchair lift must remain fitted to the vehicle in order for the vehicle to remain licensed.

1 YEAR LICENCE – with effect from 9th May 2016

To qualify for a twelve month Hackney Carriage or Private Hire Vehicle licence, an application must be received by the Council within 15 working days of the first registration of the vehicle at the DVLA. The mileage at the time of application should be no greater than 500 miles. Evidence of DVLA registration must be submitted with the application.

Applicants are advised that evidence of DVLA registration for new vehicles can be provided through the Automated First Registration and Licensing (AFRL) process completed by a motor vehicle trader when the vehicle is first registered. You should ask your dealer to provide you with a copy of the AFRL certificate and submit this with your application.

The applicant may be the second or a subsequent registered keeper but the applicant must demonstrate that there is no more than 15 working days between the date of first registration of the vehicle and transfer of the V5 registration to the applicant's name.

Applications falling within these guidelines would normally be approved under delegated authority. Unless there are exceptional circumstances, an application falling outside the above criteria will normally be refused.

Other suitable vehicles under five years old will be eligible for the grant of a 6 month licence.

If there is any question regarding the suitability of a vehicle for licensing advice should be sought from the Council's Fleet Manager in writing at the following address:

Fleet Manager
Vale of Glamorgan Council
The Alps
Quarry Road
Wenvoe
CF5 6AA