

WIRRAL COUNCIL

LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

22 MAY 2013

SUBJECT:	PRIVATE HIRE VEHICLE AGE POLICY – OUTCOME OF CONSULTATION
WARD/S AFFECTED:	ALL
REPORT OF:	STRATEGIC DIRECTOR OF REGENERATION AND ENVIRONMENT
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is for Members to consider the outcome of the consultation that has taken place in respect of a review of the current Age Policy relating to the licensing of Private Hire Vehicles and determine whether there should be any change to the current policy.

2.0 BACKGROUND AND KEY ISSUES

- 2.1 The current private hire vehicle licence criteria does not allow a vehicle to be licensed beyond the date eight years from the date of first registration, unless the Council is satisfied that the vehicle is suitable, having regard to mileage, appearance, condition and safety features. This criteria relating to the age of the vehicle was imposed to improve the standard of vehicle being licensed for private hire.
- 2.2 Private hire vehicle licences are issued on a twelve monthly basis, however once a vehicle reaches six years old, six monthly licences are issued until the vehicle reaches eight years old.
- 2.3 Once a vehicle reaches eight years old, if the proprietor considers it to be in exceptional condition an application can be made to re-license the vehicle for a further six months. That licence can be issued under delegated authority, subject to the vehicle being inspected by officers and being considered to be suitable as in paragraph 2.1 above. Any further application cannot be granted under delegated authority and must be referred to the Licensing Panel.

- 2.4 Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a Council may license a private hire vehicle if it is satisfied
- (a) that the vehicle is:
- (i) suitable in type, size and design for use as a private hire vehicle;
 - (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
 - (iii) in a suitable mechanical condition;
 - (iv) safe; and
 - (v) comfortable;
- (b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988,
- 2.5 In the case of R v Hyndburn Borough Council ex parte Rauf and Kasim (1992), the High Court held that it was possible to impose the condition on the grant of a licence that no licence would be granted to a vehicle that was over a specified age.
- 2.6 In respect of age policies for licensing vehicles the Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guidance indicates that an upper age policy may not be appropriate and instead twice yearly testing should take place for vehicles over a certain age. They provide an example of twice yearly tests for vehicles more than five years old.
- 2.7 On 12 December 2012 Members approved a draft consultation document to be circulated in order to seek views from Private Hire and Hackney Carriage Vehicle licence holders and members of the public in respect of a review of the current Age Policy relating to the licensing of Private Hire Vehicles. It was also resolved that the consultation should take place over a period of three months.
- 2.8 The consultation took place through an online questionnaire on the Council website. All 1284 licence holders were notified of the consultation through a newsletter sent directly to them advising them of the consultation and directing them to the website. A copy of the consultation document is attached at **Appendix 1**.
- 2.9 The consultation exercise has now been completed and this report provides the results of the consultation.

3.0 SURVEY RESULTS

- 3.1 The detailed responses to the consultation including all comments received are attached at **Appendix 2**.
- 3.2 A total of 174 responses to the consultation have been received.
- 3.3 Question 1 of the consultation document asked respondents to choose one of six options. A summary of the responses to each of the options is shown below.

Option	Response count	Response percent
Retain the current age policy of eight years with six monthly testing from six years	33	19.1%
Reduce the upper age limit to less than eight years	10	5.8%
Increase the upper age limit to more than eight years	23	13.3%
Increase the upper age limit to ten years	47	27.2%
Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age	52	30.1%
Introduce criteria relating to the mileage of the vehicle	8	4.6%

One respondent did not answer the question.

- 3.4 The second question asked for views in respect of proposals for a specific age limit for licensing Private Hire vehicles. A total of 124 responses were received. A number of responses did not indicate an age limit. The 98 responses that did indicate a specific age limit are shown below.

Suggested age limit	Number of responses
3 years	2
New vehicles to be no more than 3 years old	1
4 years	1
5 years	11
6 years	4
7 years	1
8 years	14
8 years or 100K miles whichever is sooner	1
10 years	38
12 years	14
10 - 12 years	1
15 years	9
20 years	1

3.5 The third question invited views in respect of the vehicle age from which six monthly testing should take place. A total of 124 responses were received. A number of responses did not indicate an age for six monthly testing. The 114 responses that did indicate a specific age of vehicle are shown below.

Suggested age for six monthly testing	Number of responses
New licence	4
1 year	2
3 years	15
4 years	2
5 years	10
6 years	29
6 years or 80,000miles whichever is sooner	1
7 years	6
8 years	31
9 years	3
10 years	10
40,000 miles	1

3.6 Respondents were given the opportunity to suggest criteria in respect of licensing vehicles according to the mileage of the vehicle and also make any other comments. These answers and comments have been tabulated in the table showing the full survey results attached at **Appendix 2**.

3.7 It is evident from the consultation that the majority of respondents consider that a licensed private hire vehicle should be no more than ten years old and that six monthly tests should be introduced at six years or less. Currently 99% of licensed private hire vehicles are eight years old or less with one vehicle being over ten years old.

4.0 OTHER LOCAL AUTHORITIES

4.1 The following table indicates the age policy for licensing private hire vehicles in neighbouring local authorities.

Local Authority	Age limit for annual licence	Age limit for six monthly licence	Upper age limit
Knowsley	none	All licences	none
Sefton	Up to 8 years old	Over 8 years old	none
Liverpool	Up to 8 years old	Over 8 years old	none
St Helens	none	All licences	none
Cheshire West and Chester	Up to 5 years old	Over 5 years old	10 years old
	A new licence will only be issued to vehicles no more than 3½ years old. When a proprietor wishes to change their vehicle the new vehicle must be no more than 3½ years old. However, where a vehicle has been written off as a result of an accident the proprietor may license a vehicle of up to the equivalent age of the vehicle that has been written off.		
Wirral	Up to 6 years old	Over 6 years old	8 years old

5.0 RELEVANT RISKS

5.1 There are none arising directly from this report.

6.0 OTHER OPTIONS CONSIDERED

6.1 This report asks Members to consider a number of options in determining the age policy relating to the licensing and testing of private hire vehicles.

7.0 CONSULTATION

7.1 Consultation has taken place over a three month period.

8.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

8.1 There are no specific implications arising from this report.

9.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

9.1 There are no specific resource implications.

10.0 LEGAL IMPLICATIONS

10.1 A decision of the Committee may be subject to legal challenge.

11.0 EQUALITIES IMPLICATIONS

11.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

Yes. The Equality Impact Assessment was attached to the report dated 12 December 2012.

12.0 CARBON REDUCTION IMPLICATIONS

12.1 The age of vehicles may have an effect on the carbon footprint of licensed vehicles.

13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

13.1 There are Community Safety implications arising out of this report due to the safety aspects of private hire vehicles

14.0 RECOMMENDATION/S

14.1 That Members consider the responses received through the consultation that has been undertaken as well as their duty to protect the public, and determine an age policy in respect of the licensing and testing of private hire vehicles having regard to the factors of reliability, safety, comfort and overall standards of vehicle licensed by the Council.

15.0 REASON FOR RECOMMENDATION/S

15.1 It is a delegated function of this Committee to review the Private Hire Vehicle Licence policies.

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APPENDICES

Appendix 1 – Consultation Document

Appendix 2 – Survey comments

Consultation on a review of the current Age Policy relating to the licensing of Private Hire Vehicles.

Background

The current private hire vehicle licence conditions do not allow a vehicle to be licensed beyond the date eight years from the date of first registration, unless the Council is satisfied that the vehicle is suitable, having regard to mileage, appearance, condition and safety features. This condition relating to the age of the vehicle was imposed to improve the standard of vehicle being licensed for private hire.

Private hire vehicle licences are issued on a twelve monthly basis, however once a vehicle reaches six years old, six monthly licences are issued until the vehicle reaches eight years old.

There are cost implications to vehicle owners in respect of six monthly testing and licences, due to the cost of the Compliance and MOT tests and the cost of the licences.

Currently 68% of licensed Private Hire Vehicles are under five years old and 32% are between five and ten years old. There are no vehicles currently licensed that are over ten years old.

The Council is seeking views in respect of a review of the current Age Policy relating to the licensing of Private Hire Vehicles.

In respect of age policies for licensing vehicles the Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guidance published in 2010 indicates that an upper age policy may not be appropriate and instead twice yearly testing should take place for vehicles over a certain age. They provide an example of twice yearly tests for vehicles more than five years old. The Guidance document can be viewed at <https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>

Please select one of the following options.

- Retain the current age policy of eight years with six monthly testing from six years

- Reduce the upper age limit to less than eight years.
 - If so, what age limit would you suggest below eight years? years

 - From what age would you suggest six monthly testing should take place if your proposed age limit was adopted? years

- Increase the upper age limit to more than eight years?
 - If so, what upper age limit would you suggest years

 - From what age would you suggest six monthly testing should take place if your proposed age limit was adopted? years

- Increase the upper age limit to ten years.
 - From what age would you suggest six monthly testing should take place if The upper age limit was ten years? years

- Remove the current age policy and introduce six monthly testing (and therefore six monthly licences) for all Private Hire Vehicles regardless of age.

Introduce criteria relating to the mileage of the vehicle

What would you suggest for this criteria in respect of licensing vehicles according to the mileage of the vehicle?

Please use this space to provide any other comments

Thank you for taking the time to complete the survey. Your comments will inform our decision on the new policy. The results will be available through a report to the Licensing Health and Safety and General Purposes Committee