

# WIRRAL COUNCIL

## LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

22 MAY 2013

<b>SUBJECT:</b>	<b>HACKNEY CARRIAGE VEHICLE CHANGE OF VEHICLE POLICY – OUTCOME OF CONSULTATION</b>
<b>WARD/S AFFECTED:</b>	<b>ALL</b>
<b>REPORT OF:</b>	<b>STRATEGIC DIRECTOR OF REGENERATION AND ENVIRONMENT</b>
<b>KEY DECISION?</b>	<b>NO</b>

### 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 the adoption of a policy relating to the age of a vehicle to be licensed when a Hackney Carriage Vehicle Proprietor wishes to change their vehicle.

### 2.0 BACKGROUND AND KEY ISSUES

- 2.1 Within the lifetime of a Hackney Carriage Vehicle Licence, the proprietor may consider it necessary or desirable to replace the original vehicle with another. This may be because the proprietor has purchased another vehicle or because a vehicle has been involved in an accident or breakdown. There is no mechanism within the legislation to transfer the licence to a substitute vehicle.
- 2.2 In the absence of a statutory mechanism, it is necessary for the proprietor to surrender the licence in respect of the original vehicle, and for the local authority to issue a new licence in respect of the replacement vehicle.
- 2.3 This process poses no problem where there is an unlimited number of hackney carriages and the local authority does not have an age policy in respect of the licensing of Hackney Carriage Vehicles. If there is a limit in place, it is essential that this process is undertaken in the clear recognition that the original licence holder will be issued with a new licence. To achieve this it is vital that this process is not regarded as the issue of a surrendered licence, but rather, the only mechanism whereby a replacement vehicle can be licensed.
- 2.4 The same approach must be taken in respect of vehicles which have been damaged as a result of an accident, or which need to be taken off the road for a lengthy period for maintenance. Regardless of the time period the replacement vehicle is to be used for, a process as outlined above must be undertaken for the replacement vehicle, and again when the original vehicle is returned to service.

- 2.5 The criteria for a new Hackney Carriage Vehicle to be licensed includes the requirement that the vehicle must be three years old or less from the date of manufacture or registration, whichever is the earlier.
- 2.6 Currently, an informal policy has been established through custom and practice dating back to when the Council previously had a limit on the number of vehicle licences. Under this custom and practice a vehicle may be changed on an existing licence subject to the change of vehicle being the same age or younger than the vehicle on the existing licence.
- 2.7 The current practice favours some proprietors more than others in that, for example, a proprietor with a fifteen year old vehicle could replace it with a fourteen year old vehicle but a proprietor with a five year old vehicle would have to replace it with a vehicle no more than five years old.
- 2.8 Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 provides that:  
A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary.
- 2.9 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 the adoption of a policy relating to circumstances when a Hackney Carriage Vehicle Proprietor wishes to change their vehicle.
- 2.10 The consultation took place through an online questionnaire on the Wirral 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**.
- 2.11 The consultation exercise has now been completed and this report provides the results of the consultation.

### **3.0 SURVEY RESULTS**

- 3.1 The response to the consultation can be summarised as follows.
- 3.2 A total of 67 responses to the consultation were received through the Council website and 109 hard copy responses were received. Of the hard copy responses 108 are from licensed hackney carriage drivers who included their details and one from a member of the public.
- 3.3 Question 1 of the consultation document asked respondents to choose one of four options. The responses to each of the options are shown below.

Option	Response count	Response percent
A replacement vehicle should be of the same age or younger than the vehicle subject to the existing licence	22	12.6%
A replacement vehicle should be no more than ten years old	11	6.3%
A vehicle of any age should be allowed to be licensed as a replacement vehicle	138	79.3%
Another age limit should be imposed on a replacement vehicle	3	1.7%

Two respondents did not answer the question.

- 3.4 The second question asked respondents to suggest an age limit for a replacement vehicle. A total of 23 responses were received as follows:

Suggested age limit	Number of responses
None	7
As it stands	1
5 years	2
5 – 6 years	1
8 years or 100K miles whichever is sooner	1
10 years	3
12 years	3
17 years	1
20 years	3
Unsure	1

- 3.5 Respondents were given the opportunity to make any other comments regarding an age policy and these have been tabulated and attached at **Appendix 2**.
- 3.6 It is clear from the responses received that, whilst the consultation was open to members of the public, over 90% of the responses have been received from licence holders and that it is therefore licence holders who consider a vehicle of any age should be allowed to be licensed. It is important that Members give consideration to the reliability and safety of vehicles and the comfort of passengers when determining conditions that are considered to be reasonably necessary.

- 3.7 The age policy of three years old or less for licensing new hackney carriage vehicles was introduced in 1998 with the aim of continuously improving the standard of comfort and safety of licensed vehicles. Currently the majority of licensed hackney carriage vehicles (59%) are ten years old or less with 75% being twelve years old or less.
- 3.8 The current informal policy of requiring a replacement vehicle to be the same age or less prevents the age profile of vehicles from decreasing. Members may therefore consider it appropriate to formally adopt this policy and introduce a ten year age limit to address the wide discrepancy that can occur between a proprietor of a vehicle of five years old and a proprietor of a twenty year old vehicle.

#### **4.0 OTHER LOCAL AUTHORITIES**

- 4.1 The following table indicates the policy relating to the age of a vehicle to be licensed when a proprietor wishes to change their vehicle, in neighbouring local authorities.

Local Authority	Replacement vehicle age
Knowsley	No older than the currently licensed vehicle
Sefton	Under 11 years old
Liverpool	Any age
St Helens	Any age
Cheshire West and Chester	3½ years old However, where a vehicle has been written off as the result of an accident the proprietor may license a vehicle of up to the equivalent age of the vehicle to be written off.
Wirral	No older than the currently licensed vehicle

- 4.2 It is evident from the table above that four of the six local authorities, including Wirral, currently have an age restriction that applies when a proprietor wishes to change their hackney carriage vehicle.

#### **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 circumstances when a Hackney Carriage Vehicle Proprietor wishes to change their vehicle.

## **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 hackney carriage 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 relating to circumstances when a Hackney Carriage Vehicle Proprietor wishes to change their vehicle.

## **15.0 REASON FOR RECOMMENDATION/S**

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

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## **APPENDICES**

Appendix 1 – Consultation Document

Appendix 2 – Survey comments

# Consultation on the Policy to be adopted when a Hackney Carriage Vehicle Proprietor wishes to change their vehicle

## **Background**

The criteria for granting a new Hackney Carriage Vehicle Licence includes that every vehicle must be three years old or less from the date of first registration or date of manufacture, whichever is the earlier.

Currently, an informal policy has been established through custom and practice dating back to when the Council previously had a limit on the number of Hackney Carriage Vehicle licences it would issue. Under this current custom and practice a vehicle may be changed on an existing licence subject to the replacement vehicle being the same age or younger than the vehicle on the existing licence.

The practice of changing a vehicle can arise for a number of reasons, including; following an accident or a vehicle becoming uneconomical to run.

The Council is seeking views in respect of the adoption of a policy relating to the age of the Hackney Carriage Vehicle that is to be licensed in place of a vehicle that is subject to an existing licence.



**Please select one of the following options.**

**Tick one box only**

A replacement vehicle must be of the same age or younger than the vehicle subject to the existing licence

A replacement vehicle must be no more than ten years old

Another age limit should be imposed on a replacement vehicle

If so, what age limit would you suggest ..... years

A vehicle of any age should be allowed to be licensed as a replacement 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**