

Public Document Pack

Date of meeting Monday, 31st March, 2014
Time 7.00 pm
Venue Council Chamber, Civic Offices, Merrial Street,
Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Geoff Durham

Public Protection Committee

SUPPLEMENTARY AGENDA

PART 1 – OPEN AGENDA

a Hackney Carriage Age Policy (Pages 1 - 20)

Members: Councillors Allport, Bailey, Hailstones, Mrs Hailstones, Kearon, Matthews, Olszewski (Chair), Miss Olszewski (Vice-Chair), Snell, Welsh, White, Mrs Williams and Mrs Winfield

PLEASE NOTE: The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms upon request.

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

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PUBLIC PROTECTION COMMITTEE
3RD FEBRUARY 2014

Submitted by: **Head of Business Improvement and Partnerships**

Hackney Carriage Age Policy-Consultation

Recommendation

That the the proposal in connection with the amendment relating to the Councils current age police in connection with Hackney Carriages be adopted and that the dates for commencement be as follows:-

- (a) firstly that from April 1st 2014 in relation to applications to licence Hackney carriage vehicles that are purpose built and wheelchair accessible, the vehicles shall be less than 5 years of age when first tested. These vehicles will continue to be relicensed on passing consecutive annual tests
- (b) Secondly that as from the 1st January 2015 all hackney Carriage vehicles that are saloon cars will cease to be relicensed when they are 8 years of age.

1. Background

1.1 The Committee will recall the resolution at their meeting on the 5th September 2013 to consult the Hackney Carriage Trade about the proposal to amend the Council's current age policy regarding Hackney Carriage Vehicles.

1.2 A copy of the report is attached at page 49

All Hackney Carriage proprietors were written to asking their views on the proposal. The proposal is that:-

Saloon type vehicles will be less than 5 years of age when tested **but** will cease to be relicensed when they are **8 years** of age.

As for those vehicles purpose-built for Hackney Carriage purposes the proposal is that these types of vehicle must be less than 5 years of age when first tested **but can remain licensed for as long as they continue to pass consecutive annual tests**".

2. Issues

2.1 All Council's have a duty to periodically review the policies and procedures for licensing Hackney Carriage and Private Hire Vehicles.

2.2 The responses from the Consultation are :-

Firstly, a petition with 87 signatures .The petition disagrees with the proposal and outlines the reason for disagreeing. It also proposes that other types of vehicles be considered for licensing as Hackney Carriages.

A copy of the petition can be seen at page 55

Secondly, 25 individual replies have been received, these fall into 3 categories:

a) Responses rejecting the proposal	16
b) Responses agreeing with the proposal	3
c) Letters returned with no indication of any view on the proposal	6

The majority of responses disagree with the proposal, the objection to the proposal is mainly based on the financial implication the change in the age policy would have for Hackney Carriage owners.

Other reasons given for objecting to the proposal are that modern cars are more reliable and have a greater longevity.

It is also the view of some of the objectors that the Council should maintain the current policy for licensing Hackney Carriages.

Button in his book on Taxis – Licensing Law and Practice states that “Whilst it is accepted that older vehicles can be used successfully as hackney carriages.....the purpose of any age limit is to try and ensure that the licensed vehicles are safe, reliable and comfortable as possible. Any age policy would not in itself be arbitrary, because it must be a policy and the local authority must then consider any application that falls outside the age policy on its own individual merits.”

Members will recall that the over-riding purpose behind the proposal is to assist the Council ensure the safety, reliability, and overall standards of the vehicles it licences.

3. Proposal

That the committee resolve to adopt the proposal, and that the dates for commencement be as follows:- firstly that from April 1st 2014 applications to licence Hackney carriage vehicles that are purpose built and wheelchair accessible, the vehicles shall be less than 5 years of age when first tested. These vehicles will continue to be relicensed on passing consecutive annual tests

.Secondly that as from the 1st January 2015 all hackney Carriage vehicles that are saloon cars will cease to be relicensed when they are 8 years of age.

The Committee can resolve to:

- (i) Adopt the proposal
- (ii) Amend the proposal
- (iii) Reject the proposal (and by so doing continue with the inequality between Hackney Carriage and Private Hire).
- (iv) Defer making any decision to explore any alternative method of achieving parity in terms of the age policy for both types of vehicles.

4. Recommendation

That the Committee adopt the proposal.

5. Equality Impact Assessment

The issues of inequality have been highlighted in the report.

6. Financial Implications

Failure to address the inequality may lead to an implication of a financial nature.

7. Reasons for the Preferred Solution

To continue to review the Council's policy relating to Hackney Carriage Vehicles.

8. Legal and Statutory Implications

Under section 47(1) 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 to be reasonably necessary. A high Court case in 1992 held that it was possible under Section 47(1) to impose age limits to improve the reliability, safety and overall standards of the vehicles licensed by the Council.

9. Background Papers

The original Committee report from 5th September 2013.

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PUBLIC PROTECTION COMMITTEE
Thursday 5th SEPTEMBER 2013

HACKNEY CARRIAGE AGE POLICY

Submitted by: **Head of Business Improvement and Partnerships**

Purpose

For the Committee to consider whether to amend the permitted age limit for licensed vehicles and to recommend that the Hackney Carriage Trade be consulted as part of the ongoing review of the Council's Taxi Licensing Policy.

Recommendation

That Hackney Carriage Proprietors be consulted on the proposals contained in this report and a further report on the outcome be submitted to a future meeting of this Committee.

1. **Background**

1.1 Currently Private Hire Vehicles must be less than 5 years old when they are presented for 1st registration with the Council and are licensed until they are a maximum of 8 years old. Hackney Carriage Saloon Vehicles must be less than 5 years old on 1st registration and may remain licensed so long as they continue to pass the vehicle test. Purpose built Hackney Carriages may be up to 10 years old on 1st registration and may remain licensed for so long as they pass the vehicle test.

1.2 The following resolutions reveal how the present conditions have been arrived at:-

9th February 1993 – Resolution 1322/93 Environmental Health Committee relating to Private Hire Vehicles - Private Hire Vehicles Licences – Conditions.

A detailed report on the Council's present policy in respect of the licensing of Private Hire Vehicles and in particular on the age of vehicles currently licensed was submitted for consideration.

Members were advised of a trend for applicants to attempt to licence vehicles which are in excess of 5 years old at first registration and did not fall into the category of being in the condition of a 5-year old vehicle.

It was recommended that, in order to avoid future problems of this nature and to upgrade the condition of the Private Hire Vehicles, the condition be amended so as to exclude the licensing of all vehicles over 5 years at first registration and that no vehicles over 8 years old, except mini buses, will be considered for renewal.

Resolved:

That the amended licence conditions for Private Hire Vehicles as detailed in the report be approved with effect from 1st January 1994.

February 1995 – Resolution 1374/95, Hackney Carriage – Conditions.

A detailed report on the Council's present policy in respect of the licensing of Hackney Carriage Vehicles and in particular on the age of vehicles currently licensed was submitted for consideration. It was proposed that no vehicles over 5 years old at first registration should be licensed and that no vehicles over 8 years old, except purpose-built vehicles should be considered at renewal.

Resolved:

That there be no change to the present policy.

No record can be found of any earlier resolution allowing Hackney Carriage Saloon Vehicles to be re-licensed regardless of its age. However it is implicit that it existed by the wording of the Resolution of 1374/95.

Members will recall that on the 30th November 2009 an item concerning the age of hackney carriages was considered and a resolution was made to defer the matter to a future date. A copy of the original item can be seen at Appendix 1 (page 53).

2. **Issues**

- 2.1 There needs to be parity between Private Hire Vehicles and Hackney Carriage Vehicles otherwise the Council may be at risk of a challenge in the Courts. It is difficult to rationalise why for example an 8-year-old Ford Mondeo is not suitable to continue as a Private Hire Vehicle, yet the same vehicle could continue to be licensed if it were a Hackney Carriage. The only difference between the two types of vehicles is the method by which they are booked by the passenger.
- 2.2 Members of the Private Hire Trade are understandably swapping to Hackney Carriage to take advantage of the unlimited access to Hackney Carriage Licences, and, because of the favourable age policy. Should this trend continue it is feasible that in the future the Council will be licensing an ever increasing fleet of ageing Hackney Carriage saloon vehicles.
- 2.3 The Court Case Newcastle City Council-v-Berwick-upon-Tweed Borough Council has served to educate the Taxi trade as a whole that Hackney Carriages can take Private Hire bookings from outside its controlling district, and as a consequence, where an authority has no limit on the number of Hackney licences and has an age policy that allows vehicles to remain licensed regardless of its age, that authority will be licensing a disproportionate number of Hackney Carriage Vehicles purely to carry out pre-booked work (private hire) outside of its controlled district.
- 2.4 Vehicles which have been purpose-built for use as Hackney Carriages, which have better access for the disabled, should retain an age policy which provides an incentive that encourages applicants to provide this type of vehicle.

3. **Options Considered**

- 3.1 To consult Hackney Carriage Proprietors on the proposal to amend the age condition for Hackney Carriage Saloon Vehicles to bring it in line with that of Private Hire Vehicles;
- 3.2 To consult Hackney Carriage Proprietors on the proposal that purpose built Hackney Carriage Vehicles should be less than 5 years old on 1st registration but otherwise permit that the vehicle continue to remain licensed for so long as it passes the vehicle test.

3.3. To make no amendment to the Hackney Carriage Vehicle Policy.

4. **Proposal**

4.1 That a consultation with the Hackney Carriage Trade be undertaken commencing the 1st October 2013 for a period of 12 weeks on the proposal that the saloon vehicles policy for the licensing of Hackney Carriages be revised to reflect that of Private Hire Vehicles, which is, that vehicles must be less than 5 years of age when tested and will cease to be licensed when they are 8 years of age.

As for those vehicles purpose-built for Hackney Carriage purposes, the policy be amended so that these types of vehicles be less than 5 years of age when tested but can remain licensed for as long as they continue to pass consecutive annual tests. This would then preserve the incentive for operators to invest in these disabled access vehicles.

5. **Reasons for Preferred Solution**

5.1 To continue to review the Council's conditions relating to Hackney Carriage Vehicles.

6. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

In line with the Council's objectives – Creating a Clean, Safe and Sustainable Borough.

7. **Legal and Statutory Implications**

Possible challenge from the Hackney Carriage Trade if the policy is amended

8. **Equality Impact Assessment**

9. **Financial and Resource Implications**

Cost of carrying out the consultation

10. **Key Decision Information**

11. **Earlier Committee Resolutions**

12. **Background Papers**

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APPENDIX 1

CONFIDENTIAL

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

REPORT OF THE EXECUTIVE MANAGEMENT TEAM TO THE
PUBLIC PROTECTION COMMITTEE

30 November 2009

1. HACKNEY CARRIAGE AGE LIMITS (RESOLUTION 365/10)

Purpose

To inform this Committee of the results of a consultation undertaken with Newcastle's Hackney Carriage owners about the Council's proposed change of Policy in relation to the age of Hackney Carriage Vehicles.

Recommendation

That, notwithstanding the replies and the consultation the proposed changes to the Policy be adopted.

1. Background

- 1.1 Committee may recall that at its meeting held on 21 September 2009 they considered an item, which proposed changes to the Council's policy on the licensing of Hackney Carriage Vehicles. Specifically the age at which vehicles can first be licensed and when they should cease to be licensed.

2. Issues

- 2.1 The holders of Hackney Carriage licences were consulted about the changes and of the 47 who were consulted 18 replied as individuals, 23 signed a petition, and a letter was received from the Newcastle and Kidsgrove Hackney Carriage Association (See Appendix A).

All the replies indicated no support for the proposed changes. However, there was some acceptance that there should be an age when vehicles should cease to be licensed.

- 2.2 The Council currently has 3 types of vehicles licensed as Hackney Carriages.

1. Those that are purpose-built, i.e. designed and built to a specification laid down by the Public Carriage office.
2. Those that are a conversion from another type of vehicle, usually a van or M.P.V. and have a certification or type approval known as M1, which is a standard laid down by V.O.S.A.
3. Finally, Saloon Cars.

- 2.3 Objections to the proposal were mainly one of cost; however the amounts of money quoted in the replies used the most expensive scenario, that of purchasing a new vehicle.

There is no requirement for a vehicle to be new when making an application for a Hackney Carriage licence. In the last 14 years of all the vehicles licensed as Hackney Carriage's only 2 have been new vehicles.

Research by your officers has shown that a saloon car suitable for licensing can be purchased for less than £5000 (examples provided at Appendix B have been sourced from the auto-trader web site).

Examples of purpose-built and M1 conversions sourced from Taximart web site are shown as follows:

V.W. Transporter M1 conversion 2006 model £16,995
Eurotaxi M1 conversion wheelchair access 2005 £7,495
Eurobus M1 conversion wheelchair access 2005 £6,395

Using these prices as a guideline and the fact that the proprietors will spend less on the upkeep and maintenance of a newer vehicle and the fact that it may have some residual value when it ceases to be licensed helps to show that the proposal is not as financially damaging as the replies indicate.

In your officers view implementing the changes would have the effect of upgrading and modernising the Council's Hackney Carriage fleet, and would go towards creating a greener and safer fleet.

3. **Links to Corporate Priorities**

In line with the Council objective, creating a greener & safer Borough.

4. **Financial Implications**

None.

5. **Implications for Crime and Disorder**

None.

6. **List of Appendices**

A – replies to consultation
B – saloon cars suitable for licences.

Newcastle Under Lyme Hackney Carriage Association

Dated; 25 December 2013

Re; Age restriction policy proposal response

Please note we the undersigned;

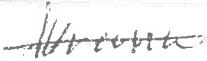
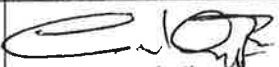

- Strongly disagree with the proposed introduction of Age restrictions to Hackney Carriage Vehicles
- The current policy on Age of Hackney Carriage Vehicles is appropriate and very sensible
- The current vehicles in operation are well maintained and of very good standard; and any change to current policy will have no significant benefit to the public
- Introduction of any new age restriction will result in higher cost burden to the drivers, which risks forcing some of derivers out of business under extremely difficult current financial clement.

Re; Type of Hackney Carriage Vehicles Policy

Please note we the undersigned;

- Propose updating of the current outdated Policy on Type of Hackney Carriage Vehicles, that restricts the fleet just to 'saloon type' vehicles
- There is a high demand for inclusion of MPV (Multi-Passenger Vehicles) and People Carriers to the current policy of Type of Hackney Carriage Vehicles (up to 9 seated capacity)
- Those licence holders with saloon Type vehicles should have option to introduce MPV's and People Carrier's or vice versa
- Incorporation of MPV's and People Carrier's will present a great opportunity to introduce a much better mixed of taxi fleet offer to the public; and meet the demand for larger families and groups of people especially at the weekends.

Many Thanks.

Name (print)	Signature	Badge Number	Plate Number
IKRAM ULHAQUE		009346	6439
CARL GARY PHILLIPS		009263	8454
ABD AZIZ		F10 7407	9731

25 December 2013

Name (print)	Signature	Badge Number	Plate Number
HASSAN KHADAR KHAIL		009899	10309
ASIF KHAN		010927	9397
AVSIZ AHMED		HD131	10425
WALI KHAN GHALZAI		009921	9585
TAHIR MEHMOOD	TAHIR MEHMOOD	HD0135	8788
TAIDUL ISLAM	Taidul Islam	HD0805 009587	9791
MUHAMMAD ZULFIQAR		009351	9412
TARIQ MEHMOOD	T. MEHMOOD	009743	10509
M. NAEM KHAN	Naem	HD0120	10595
TAHIR MAHMOOD		HD0158	9436
Khalid Malik	Khalid	HD008588	8453
Ismet SAYEILI		009819	8436
NIGEL HAYWARD		009538	9852
MOHAMMED ZABIR	M. Zabir	009452	10697
JAWID AKHTAR	J. AKHTAR	010103	10449
MOHAMMED IMRAN		009493	9920
RAZIQ HUSSAIN	Raziq Hussain	HD0137	9319
HASANU ZAMAN CHY	H. Z. Chy	009221	9261
SAJJAD AKBAR KHAN	Sajjad Akbar Khan	HD0159	6597
Steve WATKINS		010245	8435
SAJID HUSSAIN	S. HUSSAIN	HD0130	10675
M. Ullah	M. Ullah	10568	10831
S. HUSSAIN	S. HUSSAIN	10432	009758
M. A. QAYUM		009257	10307

25 December 2013

Name (print)	Signature	Badge Number	Plate Number
RAZI BUTT		010134	10529
MOHAMMED SAFFAR	M. SAFFAR	HD0146	8H26
RASHAD Hussain		HD10473	10417
R.M. Ali zadi	R.M. Ali zadi	010893	9017
Mr D Malik		HD10390	10411
Mr F Shabir		009945	10058
MR. Kashif Raja		HD10470	9350
ABDUL RAUF		010630	9876
SHAKEEL AHMAD		010050	10566
BILAL AMIN		008578	10015
M. SHABIR		009262	9266
MR. MUGHAL		010061	10136
MR AMJID ZADI		HD0097	9560
MR. Mahbubur Rahman		009783	9505
ASHIQ Hussain	A Hussain	077077	23798
M. TAJ	M Taj	009433	8457
SYED ANWAR	Syed Anwar	HD0142	9455
ABDUL-HALIM	Anwar	HD0136	8430
Raja Zahir AHMED	Rahmed	009027	10687
ZEEZHAN MUNIR	Zeezhan Munir	009818	9832
FARHAN MUNIR	F Munir	009816	9832
TERESA JONES	T Jones	009814	8423
ZARAR: SAIED		009368	9509
SYED. MOBASSHIR	(A) Munir	009248	10029

HOSSAIN

25 December 2013

Name (print)	Signature	Badge Number	Plate Number
SHEERAZ HUSSAIN		HD0155	9846
SAJID HUSSAIN		009540	9790
ILIAS AYNA AHMED		010041	89480
AJEEB UR REHMAN		010108	10252
SHAHID MAJEED		010530	10388
ZULFIKAR HUSSAIN	Z. HUSSAIN	HD0160	10640
RAJA IZAR KHAN	I. Khan	009781	10742
ASIF M MALIK		010073	10385
MD. ABDUL AWAL		HD0165	9456
MUKBUL HUSSAIN		HD0148	9487
ZAFAR IQBAL		009813	9812
Wahed Ahmed		009254	9458
USMAN RAZ SHAH		009536	9794
SASSAD HAIDER		010201	10364
Muhammed FARSAL		010635	10676
MARSOOD ASOB		010601	9944
Syed, Aminul Hossain		HD0157	10215-
JAVED IQBAL	J. IQBAL	009431	10085
Mohammad Sheraz		009223	10282
TAWAB KHAN		009301	10208
ABID HUSSAIN	A. Hussain	009440	9475
MUHAMMAD RIJAZ		HD10512	8422
MAHJIB HUSSAIN		HD0144	10329
Ashfaq Ahmed		010229	11111

