

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**