

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:

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| 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.