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| Report to | - | Licensing and General Purposes Committee |
| Date | - | 22 January 2018 |
| Report of the | - | Executive Director of Business Operations |
| Subject | - | Hackney Carriage and Private Hire Licence Licensing – Age of licensed vehicles |

Recommendation: It be **RESOLVED:** That the Committee reconsiders the introduction of an age criteria for licensed vehicles and make an appropriate recommendation to Council or otherwise.

Service Manager: Richard Parker-Harding

Introduction

1. At the Committee's last meeting Members may recall that the Committee considered the reinstatement of an age limit for licensed vehicles and made a recommendation to Council thereon. (A copy of the original report is attached for ease of reference at Appendix 1.)
2. At the full Council meeting held on Monday 18 December, it was agreed that the Licensing and General Purposes Committee reconsider the recommendation in relation to the age restriction policy for licensed vehicles. Council expressed concern on the impact the proposed vehicle criteria would have on the viability of running a taxi on drivers; the current regulations were stringent and other factors other than age such as type of vehicle and mileage were also a factor in the viability of a car.

Petition

3. The matter has also been the subject of a petition to the Council, under the Petition Scheme, which was brought to the attention of full Council. The petition contained 56 signatures (representing 35% of the trade) and objected to the proposal of a 9 year upper age limit for newly registered taxi vehicles. The petition detailed that a 12 year upper age limit had been consulted on however, under the proposed guidelines, the upper age limit would be 9 years. Drivers considered that this age limit was untenable and would mean that a driver would have to spend at least £6,000 for a car that would give 2-3 years use. There was also concern that repayments for purchasing a new car would not be financially viable when taking into account earnings made by drivers. The petition statement identifies that a 12 year limit would be a fairer age limit for newly registered vehicles.

Matters to Consider

4. At the last meeting of the Committee, this matter was thoroughly discussed. The consultation with the trade supported the introduction of a 7 year limit for first time licensed vehicles and after a thorough debate, a 9 year limit for all

vehicles, meaning that a vehicle licensed for the first time at 7 years could only be licensed for a maximum of 2 years.

5. When the consultation was carried out a 12 year limit was proposed to apply to existing licensed vehicles. The trade overwhelmingly rejected the proposal for a 12 year limit. Members were therefore well aware that the trade would also be opposed to a lower 9 year limit when the Committee recommended to full Council to impose such a limit.
6. These age limits are being proposed on the grounds of public safety. In keeping with neighbouring Councils, the Council requires all vehicles to undergo 6 monthly VCT (Vehicle Compliance Check). Like MOTs, a VCT is only valid on the day of issue and an older vehicle is likely to deteriorate quicker than a new vehicle.
7. In 2013, Rother abolished age limits on vehicles, which had previously been 8 years (Minute LG12/25). When the decision was made Members required Officers to review the matter. Officers did so and were concerned by the increase in the average age of vehicles to over 10 years.
8. As a consequence of this, Officers are now spending a disproportionate amount of time dealing with the condition of older vehicles, which will increase costs, which have to be borne by the trade as a whole, through increases in taxi fees. The introduction of these criteria may be seen as simplistic, but it is a cost effective way of maintaining standards.
9. The introduction of the 7 year limit for vehicles licensed for the first time will mean that vehicles will comply with Euro 4 standards for air polluting emissions.
10. Although not a public safety consideration, Officers believe it is in the best interests of the Rother taxi trade to reduce the average age of vehicles, to give a better impression to the public. Eastbourne and Wealden have the same rules (9 year upper limit) and Hastings will only licence vehicles 5 years old for 2 years. Rother residents are free to book taxis from our neighbouring districts. If a 9 year limit is not imposed then a likely consequence will be that vehicles that are too old to be licensed in neighbouring authorities will be licensed in Rother.
11. It is important to emphasise that these new rules cannot be applied retrospectively and will only apply to vehicles licensed for the first time. The 9 year limit will therefore take some time to have an effect. The statement in the petition that a "driver will have to spend at least £6,000 for a car that will only give then 2 – 3 years of use" is misleading-only applying to a vehicle just under the 7 year limit for a first licence and running it until it is 9 years old (the upper limit). When it is nine years the vehicle can be sold and there will be some residual value to put towards another vehicle. In addition, a suitable 6 year old vehicle can be purchased for much less than £6,000.
12. Buying a 5 or 6 year old vehicle means less depreciation than a brand new vehicle and therefore it makes sense to replace cars more often, subject to mileage.
13. Some vehicles which are 2 or 3 years old may have very high mileage but the norm is that older vehicles have higher mileages.

14. Members may wish to recommend to full Council a policy that the 7 year limit on vehicles licensed for the first time and either (i) a 9 year limit on all vehicles or (ii) consider phasing in the 9 year limit over the next 24 months or (iii) impose a 10 year limit or (iv) impose a 12 year limit.

Conclusion

15. Members are therefore invited to reconsider this matter and make an appropriate recommendation to Council or otherwise.

Dr Anthony Leonard
Executive Director of Business Operations

Risk Assessment Statement

Failure to impose appropriate age limit criteria on licensed vehicles will increase costs, as a result of officers having to allocate more time to inspecting older vehicles, to ensure public safety.

Rother District Council

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| Report to | - | Licensing and General Purposes Committee |
| Date | - | 23 October 2017 |
| Report of the | - | Executive Director of Business Operations |
| Subject | - | Hackney Carriage and Private Hire Licence Licensing |

Recommendation to COUNCIL: That the introduction of an age criteria for licensed vehicles be reintroduced and adopted from 1 January 2018;

AND

It be **RESOLVED:** That the revised Hackney Carriage and Private Hire Licensing Handbook 2017 be noted.

Service Manager: Richard Parker-Harding

Introduction

1. The Council is responsible for licensing hackney carriage and private hire vehicles. Rother can set criteria for accepting licensing applications and can set licensing conditions, in order to protect public safety.

Reinstatement of an age limit for licensed vehicles

2. In January 2013 (Minute LG12/25) the Council's previous age criteria for a licenced vehicle a maximum of eight years old was removed. At this time Members were advised that this would be kept under review. It is now proposed that an age criteria is reinstated as we now have a significant number of licensed vehicles more than nine years old (Appendix A).
3. Since January 2013, licensing officers have noticed a steady increase in applications for older vehicles (including 2005 plate and older). Dealing with these applications takes up a disproportionate amount of officer time and resources. Many vehicles are borderline in terms of meeting our vehicle specifications, some are refused but even if they are licensed the condition deteriorates very quickly to the point that they reflect badly on the trade.
4. An additional benefit of re-introducing an age criteria is that over time licensed vehicles will have relatively modern engines and lower emissions e.g. a new licensed vehicle up to seven years old in November will meet at least Euro 4 standards.
5. Analysis highlights that 45% of first applications for a vehicles licence granted in 2016 would have been outside the previous age criteria if it was still in place and therefore they would not have been licensed; 21% in 2017 (6 months to June).

6. Table 1 (Appendix A) is an overview of the age of the current licensed fleet for hackney carriages and private hire vehicles. The table shows a clear weight of vehicles that are currently licensed on a 2009 plate and older that would be no longer licensed (or nearing that date) under the previous age criteria regime.

7. The proposed criteria for the an age criteria is as follows:

From 1 January 2018, a vehicle will only be accepted for licensing if the date of first registration is less than seven years at the date the licence is issued. Once licensed, a seven year old vehicle will be licensed for a maximum of two years. The age of a vehicle for licensing purposes shall be determined by the date of first registration on the V5 document.

Exemption to the age criteria:

- Applications may be considered to licence and re-licence a classic, novelty or vintage vehicle for example a Rolls Royce. The expectation being that they would not work from a taxi rank or carry out routine work.

Consultation

8. A consultation exercise was undertaken between June and August, proposing introducing a 7 year limit on new vehicles and a maximum age limit of 12 years on vehicles originally licensed at 7 years. There was a six percent return, the responses are reproduced in Appendix B and C. The majority were in favour of introducing a 7 year age-limit on new vehicles but against a 12 year age limit on existing vehicles, but it should be borne in mind that this will not apply to vehicles currently licensed by the authority. Members should note that although 247 Transport Solutions Ltd responded to the consultation the company is not licensed by Rother as an operator.

9. Hastings Borough Council only licence vehicles five years old for two years. Eastbourne and Wealden Councils will only licence vehicles seven years old for two years.

Hackney Carriage and Private Hire Licensing Handbook 2017

10. The Handbook is an important reference document for all Hackney Carriage and Private Hire licence holders, licensing officers, legal officers and Council Members. The Handbook sets out the council's requirements for the Hackney Carriage and Private Hire service. The Council adopted the previous version in 2015 (Minute LG12/25).

11. The current Handbook requires updating to include legislative changes and the opportunity to improve the layout and include more detailed guidance.

12. There are no policy changes but significant changes to note are as follows:

- Immigration Act 2016 - mandatory checks on right to work before a licence can be issued (paragraph 9). Statutory provision, no committee decision required.

- Spoken English, Literacy and Numeracy Assessments (paragraphs 82-85). Previously adopted via the Council's Criminal Convictions Policy 2015. The structure and detail of the assessments is the subject of a separate committee report.
13. Additional driver related guidance has been provided e.g. inappropriate communication with passengers etc. (paragraphs 121-127), and assistance to passengers entering or alighting from the vehicle (paragraph 132).
 14. Existing licensed vehicle requirements have been clarified in more detail:
 - Tinted windows (refer to paragraph 217).
 - The inclusion of the word 'pristine' to reflect the condition of the vehicle (refer to paragraphs 171, 209 & 210).
 - Guidance on volume of adequate luggage capacity per passenger licensed (paragraph 200) 3.5 cu. ft. per passenger licensed (0.09 m³ or 100 litres). A medium suitcase is approximately 75 litres and a large suitcase 117 litres.
 15. The existing vehicle licence condition for access to a 6, 7 & 8 seater private hire or hackney vehicle state:

Vehicles should have not less than four doors *to allow passengers direct access to all seats without displacing/tilting any other seat within the vehicle and by form of an aisle.*

The provision of four doors is not an issue but the trade have reported difficulty in sourcing vehicles that enable direct access to third row seating without moving any other seats. The Handbook therefore via paragraph 231 contains detailed guidance and a more practical approach for passenger access in 6, 7 & 8 seater vehicles. The aisle requirement remains for mini-buses with only one passenger side access door (in addition, a rear emergency access door is required).
 16. The Handbook is reproduced in Appendix D.
 17. The Handbook will be updated to include the decision made about introducing an age criteria for licensed vehicles, once approved by full Council.

Conclusion

18. The proposed age criteria for licensed vehicles is:

From 1 January 2018, a vehicle will only be accepted for licensing if the date of first registration is less than seven years at the date the licence is issued. Once licensed, a seven year old vehicle will be licensed for a maximum of two years. The age of a vehicle for licensing purposes shall be determined by the date of first registration on the V5 document.

Exemption to the age criteria:

Applications may be considered to licence and re-licence an older novel vehicle for specific limited purposes e.g. Weddings. These vehicles will not undertake circuit work e.g. supermarkets.

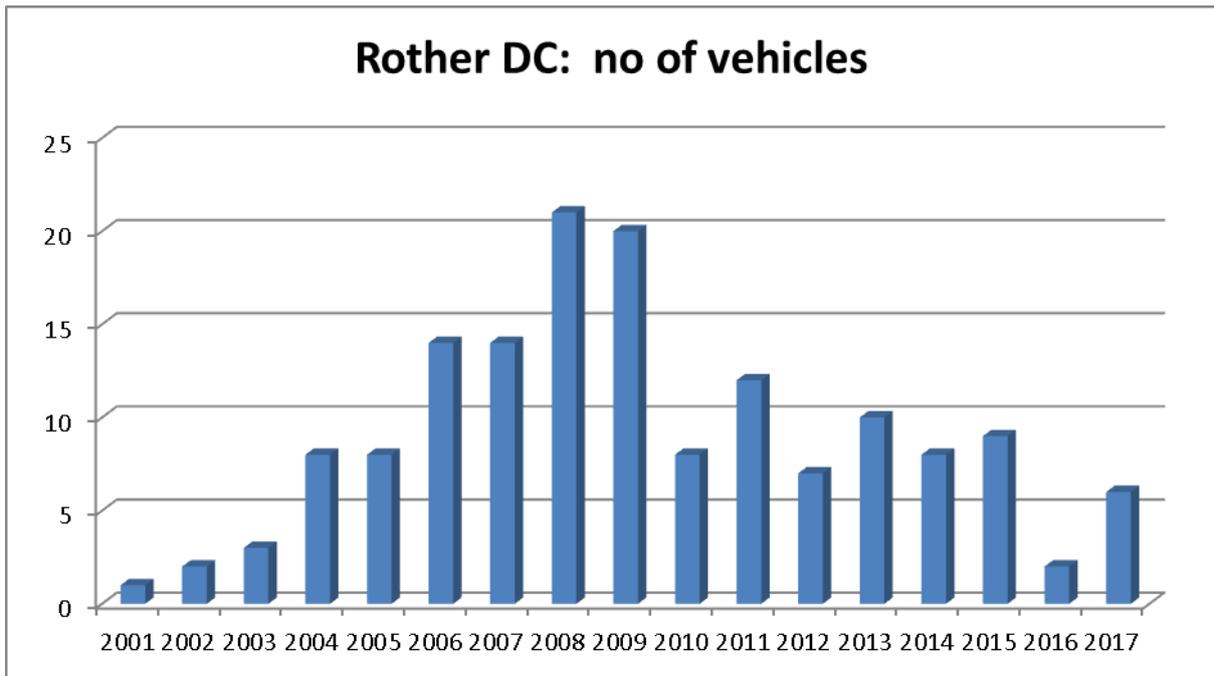
19. The Hackney Carriage and Private Hire Licensing Handbook has been updated and reformatted.

Dr Anthony Leonard
Executive Director of Business Operations

Risk Assessment Statement

No risks have been identified.

Table 1: June 2017 - age of licensed vehicles in the hackney and private hire fleet.



Consultation Responses- Age Limits

I think the introduction of no older than seven years from first registration is a very good idea but feel all the time that taxi passes the [compliance] test put in place by Rother then the taxi is fit for use.

I think by introducing a 12 year total age limit you will find a lot of drivers that work just from offices or provide long distance services to airports & sea ports will look at just plating their cab for private hire with another council cheaper than Rother that has no compliance testing and will work under the code of cross boarding which is Already happening with 247 taxis & roadrunners.

If the above was to happen then Rother would have no control over those drivers.

7 year For
12 year Against

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I can understand why you wish to return to Vehicles having to be less than 7 years old, at the time of first licensing, and agree in principle with this. However, following this, as long as these Vehicles continue to pass their VCT's, it would seem that their Owner/ Operators are keeping them in good working condition, and as such, they should still qualify for their hackney licence renewals.

7 year For
12 year Against

I am in agreement to the proposal that new licensed vehicles must be no older than 7 years at first application as this may serve to reduce the number of new applications as it makes it more cost preclusive.

I do not agree with your proposal in relation to existing licenses. The current conditions require a vehicle to have two vehicle compliance tests per year, in addition to this most of us have an MOT done annually as well. These checks should ensure that all the time a vehicle is passing these tests then in my opinion it remains fit for purpose. Any age restrictions would have to negate the need for two tests and therefore a return to the old policy of an annual test only. Any issues that the council have with the current testing regime by the approved VCT providers would have to be addressed by them.

7 year For
12 year Against

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I am concerned by the statement that substandard vehicles are slipping through the VCT test unchallenged. It was my understanding that the VCT was bought into place by yourselves and consists of vigorous tests/checks to check the safety of a vehicle (more in depth than an MOT) so that the public can travel in safety. If this is not the case then surely the council needs to be approaching the VCT operators not penalising the Taxi drivers?

I would also like to know what figures you have available to support the statement that has been made in the proposal-

Many vehicles are borderline in terms of meeting our vehicle specifications, some are refused but even if they are licensed the condition deteriorates very quickly to the point that they reflect badly on the trade.

As for the cars I see around Bexhill, they all appear in a good state of repair and have obviously passed through an MOT AND a VCT every 6 months so this statement seems puzzling to me.

Due to the encroachment of taxi companies from outside the Rother area earnings and potential earning for drivers in Rother has dropped. I would also like to remind you that Rother has also recently increased prices further on the taxi meter making Bexhill hackney taxis prices even more expensive.

So if we apply the facts that earning potential has dropped, and there are less local customers, I wonder how Taxi drivers in the area are going to be able to afford the cost of a new vehicle.

Furthermore, there are many drivers in the higher age range which also decreases their ability to obtain credit to purchase newer vehicles, the introduction of a 7 year old car rule would have the potential to also stop them from working completely.

Bexhill needs local business and to continue to employ local people and I feel that bringing in a 7 year car rule will only make it easier for bigger -non Rother Taxi companies to obtain more business from Bexhill.

The proposal appears not in the public or the drivers' best interests.

7 year Against

12 year Against

I think it's a good idea that vehicles should be no older than 7 years at date of first registration. Emissions, wear and tear and airbag renewal are just a few of the issues I can mention.

7 year For
12 year Against

I am not happy about the above proposal I recently purchased another vehicle which the council passed as showroom condition & now the council are proposing to change the rules, I am certainly against this proposal.

7 year Against
12 year Against

Whilst I can see the logic of age restrictions, having seen the extremely poor mechanical and cosmetic condition of some taxis and private hire vehicles under 7 years old in Rother, I would suggest that the testing and inspection system should be more robust to alleviate all these problems, not just older vehicles.

In my case, I have a mid-2002 Ford Tourneo 8 passenger minibus, which even meets the current emission standards for TFL and on testing produces a fraction of the maximum emissions to pass the testing. Everything on the vehicle is replaced on a preventative basis, which has not only a safety benefit, but also rarely has any time off the road or breakdowns. The passengers find it extremely comfortable and spacious. Customers first comments are often "Wow ..." on opening the doors, knowing they are going to have a really comfortable journey.

I feel that tightening up the existing system is required, with perhaps additional reporting and testing for offenders, as the current system should pick up any problems if correctly enforced.

My problem is that I don't believe you will licence later versions of my vehicle, as they don't meet the same convenience of access as mine. Alternatively, an exemption to the 12 year rule for minibuses, as with the the other specialist vehicles. with an annual inspection by the Council, should address any issues and a simpler solution.

7 year against
12 year against

I cannot see how it takes more council time to licence older vehicles as all necessary checks are done prior to council inspection by your VCT garages, if there are some slipping through the net surely a crackdown on them is in order.

As for the emissions, all cars presented for a VCT are tested to current government legislation.

By changing the rules again it will put an added burden on drivers who may have to take on additional commitments to be able to continue, making it more difficult to make a living, along with the current down turn in business, company's doing cheap fares and cross border hiring.

Over the past few weeks I have personally asked customers, do you know how old this car is, 95% said no, and didn't care as long it was clean and tidy and got them home safely, at the end of the day it's only a number plate.

Proposal: No age limit on renewals and no vehicle over 10 years old on first application, this will avoid older cars being presented and current driver's peace of mind.

7 year Against
12 year Against

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The re-plating of older vehicle takes up a disproportionate of officers' time and resources- This is why we pay the sum of £240 per year. This in effect will create more time for officers and resources.

Some vehicles slip through the VCT-The VCT regime was issued by yourselves. If you are suggesting your recommended garages are not performing correctly then I suggest you inform VOSA.

The new system will improve / help with emissions from vehicles The current system requires all vehicles to pass the current UK emissions levels. The new system will not alter this because this is already in place.

The arguments put forward by yourselves therefore I feel are not necessary and therefore other implementations are needed to improve the system.

7 year Against
12 year Against

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