



Report of: Director of Leisure and Wellbeing

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**SUBJECT: HACKNEY CARRIAGE AND PRIVATE HIRE POLICY STATEMENT 2016 –
LICENSED VEHICLE AGE REQUIREMENTS**

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

- 1.1 To provide information regarding the current licensed vehicle age requirements contained in the Hackney Carriage and Private Hire Statement of Licensing Policy 2016.

2.0 RECOMMENDATIONS

- 2.1 That the licensed vehicle age requirements and associated vehicle testing regime contained in the Hackney Carriage and Private Hire Statement of Licensing Policy 2016 remain unchanged.

3.0 BACKGROUND

- 3.1 In determining a related matter on 7 June 2016, Members requested information outlining the current licensed vehicle age requirements.
- 3.2 Members will be aware that the current licensed vehicle age requirements are contained in the Hackney Carriage and Private Hire Statement of Licensing Policy 2016 (the Policy). The relevant sections of the Policy are provided in Appendices 2 and 3 and refer to the requirements for Private Hire (PH) vehicles and Hackney Carriages (HC) respectively. This information also contains details on the current vehicle testing regime for PH vehicles and HC, as this is directly relevant to the requirements for vehicle age.
- 3.3 Members will also be aware that these requirements have been in place since the Policy was first approved by this Committee on 16 February 2010. The Policy has been subject to formal review by this Committee on three occasions since that time in 2012, 2013 and most recently on 2 February 2016. On each occasion, a draft version of the Policy was presented to Members, then subject to

a period of public consultation before being returned to this Committee for approval.

3.4 In reaching its decision in 2010, the Committee received a considerable number of representations from the licensed trade and so the [then draft] Policy was subject to significant debate on two separate occasions. The paramount concern of the Committee was [and is] to ensure the safety of the travelling public. However, it also wanted to provide a mechanism to support the continual replacement of older vehicles with more modern, efficient and environmentally friendly vehicles as a means to improving the quality of the entire fleet of licensed vehicles for the travelling public. Therefore, in approving the Policy, the Committee sought to address the views of the licensed trade without compromising the safety of the travelling public.

3.5 Accordingly, the Committee determined the following vehicle age requirements:

- That the maximum age for HC be 18 years and the maximum age for PH vehicles be 15 years;
- That the maximum age for PH vehicles licensed for the first time be 6 years, and that the maximum age for HC licensed for the first time be 3 years younger than the vehicle it is replacing (i.e. if replacing an existing HC);
- That the maximum age for a HC licensed for the first time be 4 years (i.e. not replacing an existing HC).

3.6 In the aforementioned representations, HC drivers made the distinction between PH vehicles and HC. It was stated that HC are purpose built vehicles and are designed for a longer operational life than the vehicles routinely used for PH. It was also stated that a HC costs considerably more than a PH vehicle to purchase and operate. The Committee accepted these opinions, hence the differing age requirements between HC and PH vehicles.

3.7 It was agreed that the 2010 Policy should remain in effect for three years; therefore requiring review before 31 March 2013. However, in response to issues raised at the Council's HC and PH Trade Forum and changes brought about by the Council's Major Service Review in October 2011, several aspects of the Policy were amended and approved by this Committee on 21 February 2012. The amendments predominantly related to HC and PH vehicles, as follows:

- The [then] version of the Policy did not stipulate an age requirement for replacement PH vehicles (i.e. when a driver/owner wishes to change their vehicle from the one currently licensed prior to the maximum permitted age). The amendment allowed a driver/owner to replace their vehicle at any time, so long as it is at least 3 years younger than the current vehicle;
- Permitted the use of space saver spare wheels and 'run flat' tyres on vehicles manufactured with such equipment;
- Introduced a specific and measureable requirement for the level of permitted vehicle window tint;
- Increased the duration of HC and PH vehicle licences from 6 to 12 months (decided under the Council's Major Service Review at that time);

- Changed the specification and testing criteria for HC and PH vehicles to reflect the increased duration of vehicle licences by introducing a Vehicle Inspection Standard devised from the National Inspection Standards for Hackney Carriages and Private Hire Vehicles, published by the Public Authority Transport Network;
- To reflect the decision to increase the duration of vehicle licences, the number of vehicle testing stations contracted by the Council decreased from 4 to 2.

3.8 The Policy was also reviewed by this Committee on 9 April 2013. However, no significant issues related to HC or PH vehicles at that time.

4.0 ISSUES

4.1 As Members will be aware, there is no specific requirement that dictates how the Council should determine licensed vehicle age. The most relevant document is the Department for Transport (DfT) Taxi and Private Hire Vehicle Licensing: Best Practice Guidance, March 2010. The relevant section of this document is provided at Appendix 4 to this report.

4.2 As stated in this guidance, there is considerable difference between local authorities on this matter; as such policies are based on local requirements. The information contained in Table 1 serves to demonstrate this by highlighting the differing approaches between several authorities within Lancashire.

Table 1

Authority	Vehicle age requirement	Vehicle testing duration
Blackburn	No age limit	6 months if > 3 years old 12 months if < 3 years old
Chorley	No age limit	6 months
Fylde	No minimum age. Maximum age 12 years	12 months
Lancaster	No age limit	6 months if > 2 years old 12 months if < 2 years old Vehicles > 10 years must meet exceptional condition policy then tested every 4 months
Pendle	Maximum age 11 years	6 months
Preston	No age limit	6 months
Wyre	No age limit	12 months

4.3 The DfT guidance also states that an older vehicle could be maintained in the same safe operational state as a more modern vehicle and therefore it may not be appropriate to establish an upper vehicle age limit. However, relevant case law relating to HC clearly supports the setting of age limits for newly licensed and/or older vehicles. Furthermore, given the large number of miles that licensed vehicles are subject to, an older vehicle is likely be less efficient, less

environmentally friendly or less appealing to the travelling public. Many drivers / owners also do not want to use older vehicles due to increased running and maintenance costs.

- 4.4 Based on the above and in the absence of information that would indicate otherwise, the current vehicle age requirements contained in the Policy appear to be appropriate. The Policy has been regularly reviewed and subject to public consultation so as to take account of local issues; and so the resultant regime appears to work well. The Council holds contracts with two separate vehicle testing stations (one in Skelmersdale and one in Burscough) to carry out the required checks on each licensed vehicle every 12 months. Licensing Officers also carry out routine unannounced enforcement visits to randomly check vehicles during the period of licence. Therefore the recommendation of Officers is that the current licensed vehicle age requirements and associated vehicle testing regime remain unchanged at this time.

5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 5.1 The Policy has the potential to impact upon many areas within the Community. The Licensing Objectives, therefore, has some associations with the Community Strategy, and the proposals have the following links with the Community Strategy: Community Safety (issues A, C and E); Economy and Employment (issue D).

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 6.1 No additional financial or other resources are required.

7.0 RISK ASSESSMENT

- 7.1 The Council has a legal duty to administer the Hackney Carriage and Private Hire licensing regime, but not to prepare and operate a Policy document. However, given the complexity of the licensing regime, it is good practice for the Council to formulate and publish relevant policies and standards.
- 7.2 If Members are minded to amend the Council's vehicle age requirements, the following implications and risks must be considered:
- Any change to the vehicle age requirements must also include consideration of the frequency and specification of vehicle testing. i.e. If vehicle age limits were removed, more frequent vehicle testing should be considered;
 - Any proposed amendment to the Policy should be subject to a period of public consultation (a 12 week period is usually deemed as best practice). Members would need to grant the Director of Leisure and Wellbeing delegated authority to conduct this consultation and return the responses to this Committee for determination;
 - A significant staff resource is required to formally amend the Policy. The most recent review of the document formed part of the work programme for the Licensing Service during 2015/16 and resources were planned accordingly. Any further amendment to the Policy would require additional and unplanned staff resources, which are likely to hinder service delivery;

- The Policy was only approved by this Committee on 2 February 2016 and came into force on 1 April 2016. Any amendment to the vehicle age and testing requirements so soon after approval is likely to be met with criticism without appropriate justification for the timing and content of the amendment;
- The contracts held between the Council and the two aforementioned vehicle testing stations expire on 31 March 2017. A tender exercise is scheduled to begin in August 2016 to procure this work based on the current regime. Vehicle age and testing requirements must be agreed before a tender exercise can be conducted, as the decision directly affects the nature and content of the contract. Accordingly, there would be insufficient time for the Policy to be amended and the resultant contracts to be awarded within the necessary statutory timescales before 31 March 2017. An exemption to Contract Procedure Rules could be sought to continue the use of the testing stations until the Council was able to tender the work, but this presents a significant risk as the current vehicle testing stations would not be compelled to extend their services accordingly. This would also require a significant additional and unplanned staff resource, which is likely to hinder service delivery.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

Appendices

1. Equality Impact Assessment
2. Extract from the Council's Hackney Carriage and Private Hire Statement of Licensing Policy 2016 – Private Hire vehicle age and vehicle testing requirements
3. Extract from the Council's Hackney Carriage and Private Hire Statement of Licensing Policy 2016 – Hackney Carriage age and vehicle testing requirements
4. Extract from Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance, March 2010

Appendix 1

Equality Impact Assessment Form



Directorate: People and Places

Service: Community Services

Completed by: Paul Charlson

Date: 19/07/16

Subject Title: HACKNEY CARRIAGE AND PRIVATE HIRE POLICY STATEMENT 2016 – LICENSED VEHICLE AGE REQUIREMENTS

1. DESCRIPTION	
Is a policy or strategy being produced or revised:	Yes <i>*delete as appropriate</i>
Is a service being designed, redesigned or cutback:	No
Is a commissioning plan or contract specification being developed:	No
Is a budget being set or funding allocated:	No
Is a programme or project being planned:	No
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations):	No
Details of the matter under consideration:	
<p><i>If you answered Yes to any of the above go straight to Section 3</i> <i>If you answered No to all the above please complete Section 2</i></p>	
2. RELEVANCE	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	No <i>*delete as appropriate</i>
If Yes , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered Yes go to Section 3</i>	
If you answered No to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>	
3. EVIDENCE COLLECTION	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	All licensed HC & PH drivers and operators.
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	All sections of the public use licensed HC & PH vehicles, this report relates to the Council's implementation of relevant licensing legislation.
Which of the protected characteristics are most relevant to the work being carried out?	<i>*delete as appropriate</i>
Age	No
Gender	No
Disability	No
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No

Marriage and Civil Partnership Pregnancy and Maternity	No No
4. DATA ANALYSIS	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	All licensed HC & PH drivers and operators.
What will the impact of the work being carried out be on usage/the stakeholders?	Revised licence requirements and procedures.
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	Any proposed changes to the Policy will be subject to public consultation and reported back to Committee.
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	Any proposed changes to the Policy will be subject to public consultation and reported back to Committee.
If any further data/consultation is needed and is to be gathered, please specify:	N/A
5. IMPACT OF DECISIONS	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	None.
6. CONSIDERING THE IMPACT	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	N/A
What actions do you plan to take to address any other issues above?	No actions <i>If no actions are planned state no actions</i>
7. MONITORING AND REVIEWING	
When will this assessment be reviewed and who will review it?	The current policy lasts for 5 years. It can be reviewed at any time, but will be reviewed after this 5 year period.

Appendix 2

Extract from the Council's Hackney Carriage and Private Hire Statement of Licensing Policy 2016 – Private Hire vehicle age and vehicle testing requirements

Maximum age of vehicles

- 13.12** The Authority shall consider how far its Policy can and should support any local environmental initiatives by future initiatives such as setting vehicle emissions standards or promoting cleaner fuels, as well as ensuring a modern standard and aesthetic of its licensed vehicles.
- 13.13** Vehicles manufactured prior to 1994 do not have to meet emission limits designed to improve air quality. Therefore, in the interests of improving air quality, any application for the renewal of a Private Hire vehicle licence, shall, where the vehicle in question is more than 15 years old, be refused.
- 13.14** All vehicles licensed under a new application must be a maximum of 6 years old and, if compliant with the requirements for licence, shall therefore be granted a vehicle licence until the age of 15 years, whereupon the vehicle must be replaced with one of a maximum age of 6 years. If a vehicle is replaced at any time, this must be with one a minimum of 3 years younger than the current licensed vehicle. However, if a vehicle is replaced at any time for reasons that are beyond the control of the driver, for example as of the result of criminal damage, this must be with one no older than the previously licensed vehicle.

Vehicle testing

- 13.15** Private Hire vehicles shall be granted licences for a maximum period of 12 months. Prior to being granted a licence each vehicle shall be examined and tested at a vehicle testing station approved by the Authority.
- 13.16** As the term implies, Private Hire vehicles are used for reward purposes and as such are subject to much higher annual mileages and more arduous driving than normal private vehicles. Therefore, in the interests of passenger and other road user's safety, a more stringent maintenance and testing regime is required. This Policy Statement considers the MOT Inspection Manual for Car & Light Commercial Vehicle Testing issued by VOSA as the basic inspection standard for Private Hire vehicles. However, the standards contained in the Hackney Carriage and Private Hire Vehicle Inspection Standards (Appendix R, page 95) are in addition to those in the MOT Inspection Manual. Therefore, when assessing the mechanical condition of a vehicle, it is more likely an item which would ordinarily pass an MOT test with an advisory note, could fail the Hackney Carriage and Private Hire vehicle test.
- 13.17** All Private Hire vehicles must be maintained to no less than the standards set out in the VOSA publication 'MOT Inspection Manual - Car and Light Commercial', ISBN 0-9549239-0-1 as amended and the Hackney Carriage and Private Hire Vehicle Inspection Standards (Appendix R, page 95).
- 13.18** The purpose of the Private Hire vehicle test is to confirm vehicles meet the more stringent standards set out in this Policy Statement. Vehicles must be submitted fully prepared for the test. It is not intended that the test be used in

lieu of a regular preventative maintenance programme. It is an offence under the Road Traffic Regulations to use a vehicle that is not roadworthy on the public highway. Private Hire drivers/operators who fail to maintain their vehicles in a safe and roadworthy condition may have their licence(s) suspended, curtailed or revoked by the Council.

- 13.19** The inspection regime for vehicles has not been designed to create difficulties for the Hackney Carriage and Private Hire trades, but it is primarily to promote vehicle safety for the protection of passengers and not for the benefit of operators. The Council therefore considers the inspections requirements to be justified by the risks it aims to address.

Appendix 3

Extract from the Council's Hackney Carriage and Private Hire Statement of Licensing Policy 2016 – Hackney Carriage age and vehicle testing requirements

Maximum age of vehicles

- 17.14** The Authority shall consider how far its Policy can and should support any local environmental initiatives by future initiatives such as setting vehicle emissions standards or promoting cleaner fuels, as well as ensuring a modern standard and aesthetic of its licensed vehicles.
- 17.15** Vehicles manufactured prior to 1994 do not have to meet emission limits designed to improve air quality. Therefore, in the interests of improving air quality, any application for the renewal of a Hackney Carriage vehicle licence, shall, where the vehicle in question is more than 18 years old, be refused.
- 17.16** All vehicles licensed under a new application be a maximum of 4 years old and, if compliant with the requirements for licence, shall be granted a vehicle licence until the age of 18 years, whereupon the vehicle must be replaced with one of a minimum of 3 years younger. If a vehicle is replaced at any time, this must be with one a minimum of 3 years younger than the current licensed vehicle. However, if a vehicle is replaced at any time for reasons that are beyond the control of the driver, for example as of the result of criminal damage, this must be with one no older than the previously licensed vehicle.
- 17.17** To apply for a new vehicle licence, the applicant must be able to supply a suitable vehicle and provide proof that the applicant can finance and maintain the vehicle. The applicant must also provide a statement, including documentary evidence, as to why they believe there is a demand for another Hackney Carriage in the Borough.

Vehicle testing

- 17.18** Hackney Carriages shall be granted licences for a maximum period of 12 months. Prior to being granted a licence each vehicle shall be examined and tested at a vehicle testing station approved by the Authority.
- 17.19** As the term implies, Hackney Carriages are used for hire or reward purposes and as such are subject to much higher annual mileages and more arduous driving than normal private vehicles. Therefore, in the interests of passenger and other road user's safety, a more stringent maintenance and testing regime is required. This Policy Statement considers the MOT Inspection Manual for Car & Light Commercial Vehicle Testing issued by VOSA as the basic inspection standard for Hackney Carriages. However, the standards contained in the Hackney Carriage and Private Hire Vehicle Inspection Standards (Appendix R, page 95) are in addition to those in the MOT Inspection Manual. Therefore, when assessing the mechanical condition of a vehicle, it is more likely an item which would ordinarily pass an MOT test with an advisory note, could fail the Hackney Carriage and Private Hire vehicle test.
- 17.20** All Hackney Carriages must be maintained to no less than the standards set out in the VOSA publication 'MOT Inspection Manual - Car and Light

Commercial', ISBN 0-9549239-0-1 as amended and the Hackney Carriage and Private Hire Vehicle Inspection Standards (Appendix R, page 95).

- 17.21** The purpose of the Hackney Carriage test is to confirm vehicles meet the more stringent standards set out in this Policy Statement. Vehicles must be submitted fully prepared for the test. It is not intended that the test be used in lieu of a regular preventative maintenance programme. It is an offence under the Road Traffic Regulations to use a vehicle that is not roadworthy on the public highway. Hackney Carriage drivers/operators who fail to maintain their vehicles in a safe and roadworthy condition may have their licence(s) suspended, curtailed or revoked by the Council.
- 17.22** The inspection regime for vehicles has not been designed to create difficulties for the Hackney Carriage and Private Hire trades, but it is primarily to promote vehicle safety for the protection of passengers and not for the benefit of operators. The Council therefore considers the inspections requirements to be justified by the risks it aims to address.

Appendix 4

Extract from Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance, March 2010

Vehicle Testing

32. There is considerable variation between local licensing authorities on vehicle testing, including the related question of age limits. The following can be regarded as best practice:

Frequency of Tests.

The legal requirement is that all taxis should be subject to an MOT test or its equivalent once a year. For PHVs the requirement is for an annual test after the vehicle is three years old. An annual test for licensed vehicles of whatever age (that is, including vehicles that are less than three years old) seems appropriate in most cases, unless local conditions suggest that more frequent tests are necessary. However, more frequent tests may be appropriate for older vehicles (see 'age limits' below). Local licensing authorities may wish to note that a review carried out by the National Society for Cleaner Air in 2005 found that taxis were more likely than other vehicles to fail an emissions test. This finding, perhaps suggests that emissions testing should be carried out on ad hoc basis and more frequently than the full vehicle test.

Criteria for Tests.

Similarly, for mechanical matters it seems appropriate to apply the same criteria as those for the MOT test to taxis and PHVs*. The MOT test on vehicles first used after 31 March 1987 includes checking of all seat belts. However, taxis and PHVs provide a service to the public, so it is also appropriate to set criteria for the internal condition of the vehicle, though these should not be unreasonably onerous.

*A manual outlining the method of testing and reasons for failure of all MOT tested items can be obtained from the Stationary Office see <http://www.tsoshop.co.uk/bookstore.asp?FO=1159966&Action=Book&From=SearchResults&ProductID=0115525726>

Age Limits.

It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.

Number Of Testing Stations.

There is sometimes criticism that local authorities provide only one testing centre for their area (which may be geographically extensive). So it is good practice for local authorities to consider having more than one testing station. There could be an advantage in contracting out the testing work, and to different garages. In that way the licensing authority can benefit from competition in costs. (The Vehicle Operators and Standards Agency – VOSA – may be able to assist where there are local difficulties in provision of testing stations.)