

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 7

Brighton & Hove City Council

Subject:	Hackney Carriage Age Limits		
Date of Meeting:	28 June 2012		
Report of:	<i>Head of Regulatory Services, Planning and Public Protection</i>		
Contact Officer:	Name:	<i>Martin Seymour</i>	Tel: 29-6659
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Wards Affected:	All		

1. SUMMARY AND POLICY CONTEXT:

To amend the age limits for Hackney Carriage Vehicles.

2. RECOMMENDATIONS:

2.1 That Committee agree the age limits for hackney carriage vehicles should be amended as follows:-

- (a) In the case of a first application for a hackney carriage vehicle licence the vehicle must not normally exceed 7 years of age from date of initial DVLA registration and not more than 10 years of age in the case of any subsequent application for renewal of licence and not to be left-hand drive.
- (b) In the case of a vehicle which conforms to the Conditions of Fitness as prescribed by Transport for London, (i.e. purpose built London type hackney carriage vehicles), or is M1 ECWVTA (EC Whole Vehicle Type Approved) and wheelchair accessible, the vehicle must not normally exceed 12 years of age from date of first registration, and not more than 12 years of age in the case of any subsequent application and not be left hand drive.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 The current age limits for Brighton & Hove Hackney Carriages are:-

In the case of a first application for a hackney carriage vehicle licence the vehicle must not normally exceed 7 years of age from date of initial DVLA registration and not more than 7 years of age in the case of any subsequent application for renewal of licence and not to be left-hand drive.

In the case of a vehicle which conforms to the Conditions of Fitness as prescribed by Transport for London, (i.e. purpose built London type hackney carriage vehicles), or is M1 ECWVTA (EC Whole Vehicle Type Approved) and wheelchair accessible, the vehicle must not normally exceed 12 years of age

from date of first registration, and not more than 12 years of age in the case of any subsequent application and not be left hand drive

3.2 The trade have requested that Hackney Carriage Vehicles (saloon cars) may be renewed up until 10 years of age instead of the current 7 years. However, the current maximum age at first licensing should remain at 7 years

3.3 The trade have provided the following rationale for requesting a change to age limits.

- **All vehicles will meet the stringent Euro 4 emissions.**

By not allowing any newly licensed Hackney to be over seven years old will ensure all will meet the more stringent 'Euro 4' emissions conditions keeping the City air cleaner.

- **This will assist proprietors who are suffering during this economic recession.**

There will be many who will continue to purchase new vehicles, however this request is aimed at those who are feeling 'the pinch' and are being forced to 'patch up' their high mileage vehicles rather than replace them.

In these hard times of recession with the escalating costs of insurance, maintenance and fuel of running a taxi, many proprietors simply cannot afford brand new vehicles and this would give them the option to purchase ones of a similar age with low mileage from the private sector rather than as the case is now having to buy high mileage ex 'fleet' vehicles. It is considered that it is better to have a one private owner low mileage car than a newer ex 'reps' car with more than 100,000 miles on it.

- **The Department of Transport considers age limits may be arbitrary.**

The Department first issued Best Practice Guidance in October 2006 to assist those local authorities in England and Wales that have responsibility for the regulation of the taxi and private hire vehicle (PHV) trades.

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.

- **All vehicles will continue to undergo the stringent council MOT.**

It must be reminded that all vehicles undergo a "Condition of Fitness" test at a council approved garage which is far stricter than a normal MoT.

- **Brighton & Hove Private Hire already have a ten year age limit with no detriment to the City.**

Brighton & Hove licensed Private Hire have for some years now been allowed to be licensed up to ten years. This request was made to help the Private Hire drivers

during this recession and this request is made to help the Hackney Carriage Proprietors

- 3.4 Replacing a licensed vehicle on attaining current age limits could, in the current financial climate be punitive to the proprietor and place unreasonable financial and/or personal pressures on Licence holders. However, amending the current age limits could lower standards since age restrictions were established to the detriment of the service to which the public are entitled.
- 3.5 By raising age limits there is the inevitable decline in mechanical standards including greater likelihood of breakdown, inevitable decline in comfort and image. New vehicles have improved safety standards and lower emissions built in at manufacture.
- 3.6 Members may wish to consider if raising age limits may impact in designated Air Quality Management Areas (AQMAs) within the City,
- 3.7 Proprietors are already able to licence vehicles over the current age limits where the vehicle is deemed to be in exceptional condition.
- 3.8 The Hackney Carriage Fares formula is based on hackney carriage vehicles being first licensed at 4 years or under. If members wish to amend vehicle age limits they may wish to amend the current fares formula to reflect the change in the vehicle age limits.
- 3.9 The Department for Transport best practice guidance states:
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.

4. CONSULTATION

The matter has been discussed at the council's Hackney Carriage and Private Hire Consultation Forum and had full support from trade members.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

There are no direct financial implications to the council from the recommendations in this report.

Finance Officer Consulted: Karen Brookshaw

Date: 30/05/12

5.2 Legal Implications:

The Local Government (Miscellaneous Provisions) Act 1976 empowers a local authority to attach to the grant of a licence of a hackney carriage or a private hire vehicle such conditions as they may consider reasonably necessary.

Lawyer Consulted: Louise Hanrahan Date: 22 May 2012

5.3 Equalities Implications:

Many decisions made by the Licensing Committee have been in support of the council's Single Equality Scheme objective to improve disabled people's access to hackney carriage and private hire services. The current 12 year limit provides an incentive to invest in more expensive fully wheelchair compatible vehicles if this differential was smaller the incentive to purchase a wheelchair accessible vehicle would be diminished.

5.4 Sustainability Implications:

Raising vehicle age limits may not contribute to the government's shared transport priority of improving air quality and accessibility.

5.5 Crime & Disorder Implications:

None.

5.6 Risk and Opportunity Management Implications:

The transport industry should be safe, profitable and be a positive experience for residents and visitors.

5.7 Corporate / Citywide Implications:

Tourism needs to provide a warm welcome to visitors and the tourism strategy depends upon effective partnership with transport operators particularly to achieve safe late night dispersal for the night time economy.

SUPPORTING DOCUMENTATION

None