

**CHILTERN DISTRICT COUNCIL
LICENSING AND REGULATION COMMITTEE – 5 DECEMBER 2013**

Background Papers, if any, are specified at the end of the Report

HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

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RECOMMENDATIONS:

The Licensing and Regulation Committee:

- 1 consider the EIA in relation to the Hackney Carriage and Private Hire Policy.**
- 2 consider the further request by the taxi trade in relation to the policy previously agreed on the 13th June 2013**
and,
- 3 if appropriate make any changes in relation to the points raised by the trade before the policy is endorsed by full Council.**
- 4 consider varying proposals of the taxi policy as suggested in paragraph 21 of this report.**

Background:

The final version of the Hackney Carriage and Private Hire Policy was agreed by the Licensing & Regulation Committee on the 13th June 2013.

- 1 This followed significant consultation including:
 - 12 week formal consultation period for the revised policy concluding on the 30th September 2012.
 - Direct SMS messaging of all drivers and operators, a dedicated web page with a large banner directing people from the Chiltern website homepage, newspaper coverage of the consultation, direct email to all Councillors, police, highways, neighbouring authorities and interested stakeholders e.g. residents groups. Several reminder communications also went out to drivers prior to the official closing date.
 - Informal meetings with the trade were arranged and held prior to the start of the consultation and also during the consultation to allow any clarifications or items to be considered.

- A workshop (led by the Chairman of the Licensing and Regulation Committee) was held with the trade on the 20th September 2012 to consider in detail subsequent issues or concerns.
 - The Task and Finish Group then met on three separate occasions to discuss the proposed amendments in great detail,
 - The Task and Finish Group met with the Trade as a final feedback session on 11 April 2013 and the proposed amendments were discussed in detail with the Trade representatives.
- 2 As a result of the significant dialogue already held with the trade, key elements of the policy were redrafted several times. The responses from the trade on each occasion were discussed in detail and several amendments were made to the original proposals as a direct result of the on-going consultation feedback and task and finish group meetings.
- 3 The completed equalities impact assessment for the policy is provided as **Appendix**.

Matter for consideration:

- 4 Since agreement on the final policy was made by the Licensing and Regulation committee, representatives from the trade have approached the Council requesting that the following specific matters are reconsidered before the Policy is formally endorsed by Full Council,
- Vehicle Age proposals
 - Overall costs that the policy will put upon the trade
- 5 The aim of a local licensing authority is to protect the public. Local licensing authorities will be aware that the public should have reasonable access to safe and well maintained Hackney Carriage (HC) and Private Hire Vehicle (PHVs). For example, it is clearly important that somebody using a HC or PHV should be confident that the vehicle is safe.

As the term implies, Hackney Carriage and private hire vehicles are vehicles used for hire and 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.

- 6 The existing adopted Council policy in relation to vehicle age is as follows:

All vehicles shall not be more than 4 years old when first licensed and should not be older than 10 years in the case of any subsequent application for renewal of license. The age of the vehicle will be taken from the vehicle registration document. The age limit may be exceeded if the vehicle complies with the standards for conditions of appearance.

- 7 The first consultation suggested the introduction of a vehicle age policy where all new vehicles (first license and change of vehicles) are 4 years of

age or less and all existing vehicles could be licensed until they reached 10 years of age.

- 8 Following consultation, review of feedback and considerable deliberation by Members, this policy proposal was significantly changed to reduce the burden on the trade. It was subsequently agreed that:

All new vehicles to be licensed (first license and all change of vehicles if not a current licensed vehicle) to be 7 years of age or lower.

All vehicles to be licensed until they reach 12 years of age.

It is also proposed to introduce an exceptions policy as follows;

Licensees of current licensed vehicles may apply for a one year extension annually, for vehicles over 12 years of age. An application must be made in writing/via email no less than 30 days before the date of expiry of the license. The interior and exterior of the vehicle must meet the Council's specifications. The vehicle must have had a Certificate of Compliance within the last 3 months and will require an inspection by one of the Council's approved garages, for which there will be a £25 charge.

- 9 It was noted that all bar one of the eight closest local authorities had vehicle age policies including South Bucks, and that Chiltern District Council's proposed revised vehicle age policy would be the most flexible.
- 10 As a deregulated Hackney Carriage and Private Hire Licencing Authority the policy cannot be strictly applied solely on the grounds of age and appearance, but must relate to the safety of the vehicle.
- 11 Section 32 of the Department for Transport's Taxi and Private Hire Vehicle Licensing Best Practice Guidance, issued in February 2010 states 'a greater frequency of testing may be appropriate for older vehicles'.
- 12 Section 50 of the Local Government (Miscellaneous Provisions) Act 1976 allows for the Council to require a vehicle to be tested up to a maximum of three times per year.
- 13 In the course of researching this report, Officers found and considered the following information:

According to the 'Motor Vehicles Dismantlers' Association', the average lifespan of an ordinary domestic car is 13.5 years.

There is no evidence to demonstrate the average lifespan of a taxi or private hire vehicle. This is possibly reflected in the varying age restrictions imposed by various local authorities. However, the vehicle manufacturing industry suggests that the lifespan of a vehicle is generally attributable to the way the vehicle is used and maintained. Members considered that the maximum age a vehicle should be licenced would be 12 years, but with ability for cars to be

licenced beyond 12 years e.g. vintage cars following a visual check for which there would be a charge made.

- 14 A review of the information available on the risk of vehicle failure in relation to age identified the following figures reported to Calderdale MBC Licensing and Regulatory Committee, 11 June 2012.

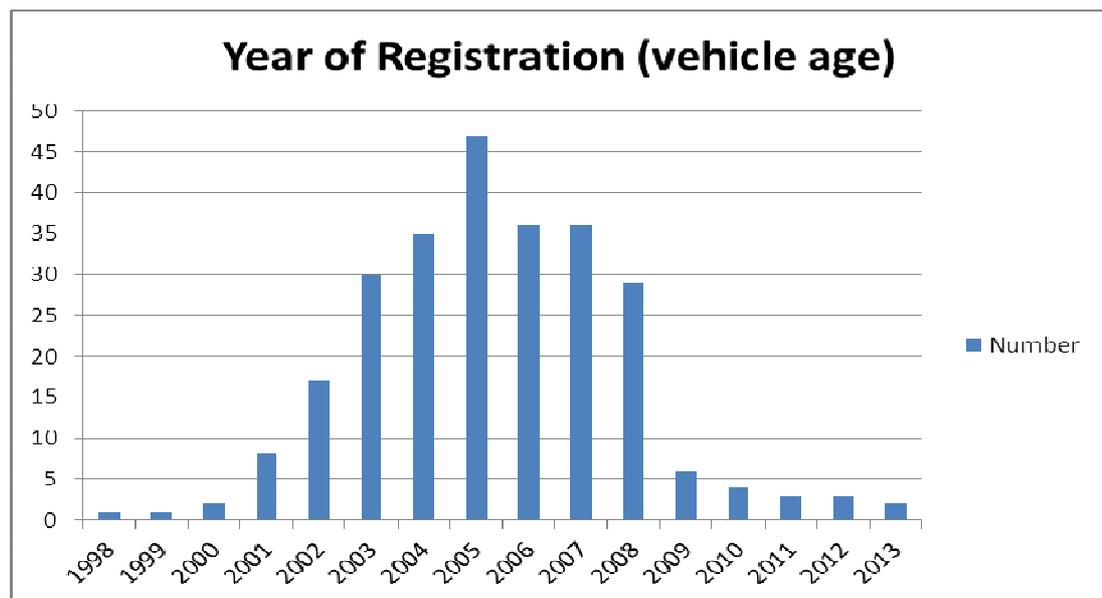
In April 2012 there have been 117 compliance tests undertaken.

Vehicles over 6 years old - 29 had minor failures and 13 had major failures.

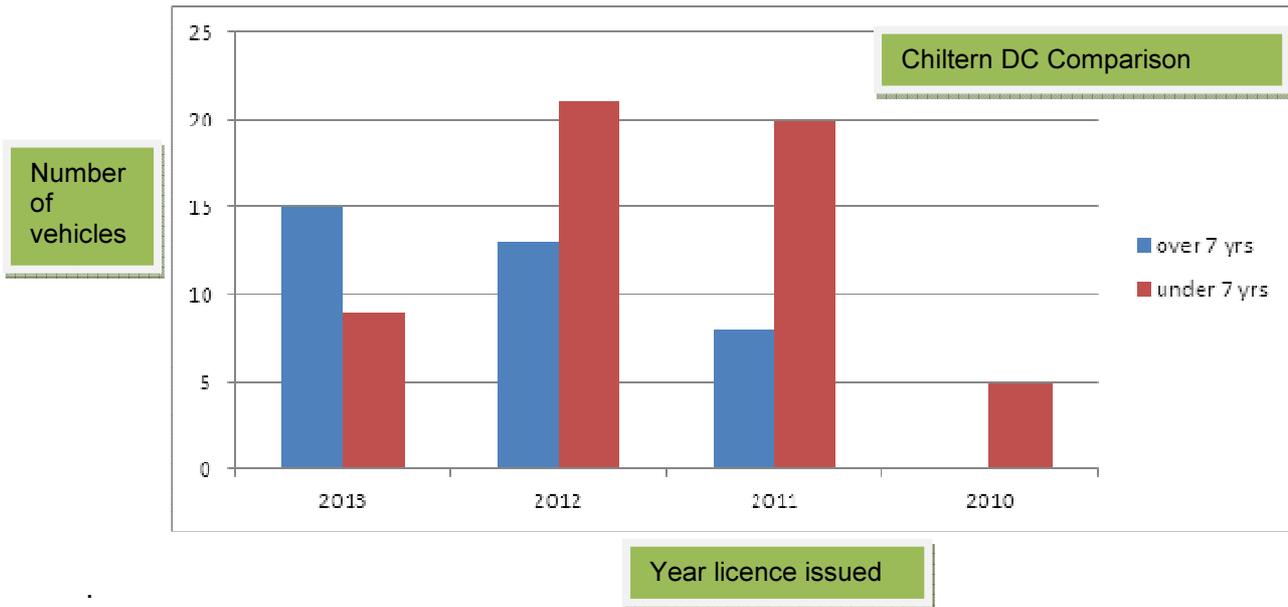
Vehicles under 6 years old - 14 had minor failures and 2 had major failures.

This Council does not currently have any failure statistics from its own compliance testers but the authority will seek this information for future reference.

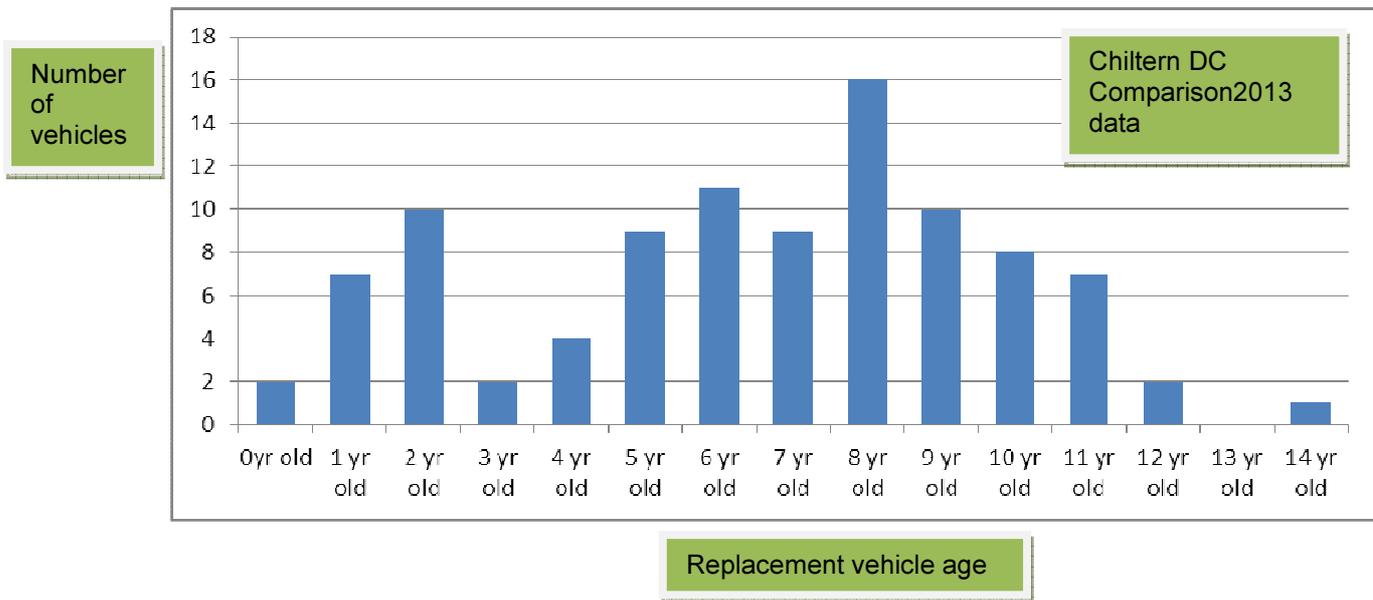
- 15 The following graph shows the year of registration (age) figures for all Chiltern vehicles at the time of writing this report:



- 16 When looking at **new licences** issued over the period of 2010-2013, 93 have been issued. The graph below shows these broken down into 'over 7 years old' or 'less than 7 years' at first licence.



17 Analysis of **change of vehicles** has also been undertaken. There have been 98 changes of vehicles since January 2013 at the time of writing this report. The graph below shows the age of replacement vehicle at the time of change.



18 The graph shows that the average vehicle age for a change of vehicle is 6.5yrs of age. The oldest vehicle is 14 years old and the youngest being brand new vehicles. The majority of vehicles are within the 4 to 11 years age range.

19 The trade has explained that many proprietors cannot afford to purchase new vehicles at their current turnover based on the Hackney Carriage Fares and available trade. That since the recession the trade has been more difficult with businessmen not traveling to the airport as frequently as before; many

international meetings are being undertaken by tele and video conferencing and not face to face. The trade has also see a reduction in income opportunities through loss of school contracts to operators based in Wycombe and Aylesbury.

20 The trade appear to accept the proposed policy conditions of a 7 year age limit on first licensing a vehicle as these enable the flexibility required to operate. In practice very few vehicles are affected by the 12 year limit and the issue of safety can be addressed through more frequent vehicle examination. The Council currently requires two compliance checks per year for all vehicles over six years of age. The compliance check considers both vehicle safety and appearance. Should Members seek to increase the number of checks for older vehicles, they may consider three tests per year.

21 It is therefore suggested that the agreed proposal is amended to the following;

All new vehicles to be licensed (first license and all change of vehicles if not a current licensed vehicle) to be 7 years of age or lower

All vehicles to be licensed until they reach 12 years of age, should a vehicle continue to be licensed beyond 12 years it will be required to have 3 compliance tests/yr.

22 The second point raised by the trade is in relation to the overall financial burden from the proposed changes to policy. Officers have therefore listed those policy elements with associated additional costs.

Element	Description	Impact	Amount (per year)
Policy element 1:	Disability Awareness Every 4 years	Cost if needed	+£11.50
Policy element 2:	Removal of need for additional medical	Cost Reduction	- £
Policy element 3:	Low emission vehicle discount	Cost Reduction	- £
Policy element 4:	Conviction guidance	No Change	£0
Policy element 5:	Monitoring of contraventions	No Change	£0
Policy element 6:	New applicant – Good Conduct	No Change	£0
Policy element 7:	Vehicle Age	See discussion above	
Policy element 8:	Vehicle Age	See discussion above	
Policy element 9:	Executive Plates criteria	No Change	£0
Policy element 10:	Remove need for notification	Cost Reduction	- £
Policy element 11:	Minimum Size of sign	No Change	£0

As can be seen the perceived increases to the trade relate only to the requirement for disability awareness training and the testing of vehicles over 12 years of age. The disability awareness is not required for those drivers already having undertaken the relevant training and can provide proof and is also the same training required by BCC for those companies undertaking school contracts. The frequency of every 4 years would equate to a maximum expenditure of £11.50 per year.

23 It should also be noted that the fees charged by the Council have not risen for 6 consecutive years.
