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Regulatory Committee

Monday, 19 March 2007 6.30 p.m.
Council Chamber, Runcorn Town Hall

A handwritten signature in black ink, appearing to read 'David W R', is centered on the page.

Chief Executive

COMMITTEE MEMBERSHIP

Councillor Ged Philbin (Chairman)
Councillor Stephen Pearsall (Vice-Chairman)
Councillor Arthur Cole
Councillor Carl Cross
Councillor Philip Drakeley
Councillor Robert Gilligan
Councillor Diane Inch
Councillor Alan Lowe
Councillor Steff Nelson
Councillor Ernest Ratcliffe
Councillor Kevan Wainwright

*Please contact Gill Ferguson on 0151 471 7395 or e-mail gill.ferguson@halton.gov.uk for further information.
The next meeting of the Committee is on Date Not Specified*

**ITEMS TO BE DEALT WITH
IN THE PRESENCE OF THE PRESS AND PUBLIC**

Part I

Item No.	Page No.
1. MINUTES	
2. DECLARATION OF INTEREST	
Members are reminded of their responsibility to declare any personal or personal and prejudicial interest which they have in any item of business on the agenda, no later than when that item is reached and (subject to certain exceptions in the Code of Conduct for Members) to leave the meeting prior to discussion and voting on the item.	
3. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE AGE POLICY REVIEW	1 - 15

In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

REPORT TO	Regulatory Committee
DATE	19 March 2007
REPORTING OFFICER	Chief Executive
SUBJECT	Hackney Carriage and Private Hire Vehicle Age Policy Review
WARDS	Boroughwide

1. PURPOSE OF REPORT

- 1.1 To determine the outcome of the Council's consultation exercise on the age limits of Hackney Carriage and Private Hire Vehicles in the Borough

2. **RECOMMENDED: That the Committee consider the information available and the comments from the taxi trade and determine the changes (if any) to the Council's age policy for Hackney Carriage and Private Hire Vehicles**

3. SUPPORTING INFORMATION

- 3.1 At its meeting held on 18 September 2006 the Council's Regulatory Committee decided that a review of the age policy on Hackney Carriage and Private Hire Vehicles in the Borough be undertaken.
- 3.2 On 26 October 2006 members of the Taxi Consultative Group were advised of the review and asked for their comments and the reasons for the comments in writing
- 3.3 Five responses were received from the trade which were collated together with other relevant information and proposals for the age limits and reported back to the meeting of the Taxi Consultative Group on 25 January 2007
- 3.4 At the meeting on 25 January 2007 a document which consisted of the following was presented to the Taxi consultative Group (See the Appendix to this report for full details):

- Minutes of the Regulatory Committee held on 18 September 2006
- Halton Borough Councils current age policy on Hackney Carriage and Private Hire Vehicles
- Responses to the consultation exercise from the taxi trade
- Sample of other Licensing Authorities Vehicle Age policies
- The proposals for vehicle age policy

3.5 At the meeting the members of the group made comments both for and against the proposals and were requested to make recommendations/comments to the proposals in writing to the Licensing Section Legal Services by 16 February 2006

3.6 To date the Licensing Section Legal Services have not received any response from the taxi trade.

4 OPTIONS

4.1 The options available to members are:

- Make no change to the current policy
- Exempt additional classes of vehicle from current age restrictions
- Abolish Age restrictions altogether
- Introduce a more stringent age restriction policy

4.2 Depending on the option adopted the Committee would have to consider the time-scale for introducing changes together with any grandfather rights that may be appropriate.

5 POLICY IMPLICATIONS

5.1 By definition this item concerns an existing Council policy. The existing policy (with minor modifications) has been in place since 2000. Any change in policy would last for an indefinite period.

6 OTHER IMPLICATIONS

6.1 In reaching its decision on the matter the Committee will have to balance a number of competing interests. Vehicle owners have invested significant sums in their businesses. Their views must be given full weight. However, the Council also has wider considerations to take into account in its capacity as licensing authority. No policy will be welcomed by everyone but a proper evaluation of the competing views will discharge the Council's obligations to the trade.

**7 LIST OF BACKGROUND PAPERS UNDER SECTION 100d
LOCAL GOVERNMENT ACT 1972**

Legal Services / Kay Cleary 4th Floor Municipal Building Widnes

Appendix

**Hackney Carriage and Private Hire Vehicle
Age Policy Review**

Consultation 2006/2007

Report submitted to Taxi Consultative Group

25th January 2007

Kay Cleary
Licensing Manager

Hackney Carriage and Private Hire Vehicle Age Policy

At its meeting held on 18th September 2006 the Council's Regulatory Committee decided to undertake a review of its vehicle age policy. Details are set out at **Appendix 1**.

The Regulatory Committee has the following powers and duties that are relevant to this review:

"To be responsible for determining and implementing the Council's policies in connection with the grant, variation, suspension or revocation of licences, permits or consents."

Options

Status Quo

For what this means see **Appendix 2 and Appendix 3**.

Why was the current policy introduced?

The principle of having a vehicle age policy was requested by the trade itself and confirmed in 2000 following consultation undertaken by the Council's Licensing Review Body.

Merits and deficiencies of current policy

The merits of having any form of age restriction are set out at **Appendix 6. The DfT viewpoint does not take into account intangible matters such as "image". Such matters are perfectly legitimate for local authorities to take into account.**

Alternative policies

1. Exempt additional classes of vehicle from current age restrictions
2. Abolish age restrictions altogether
3. Introduce more stringent age restriction policies

Merits and deficiencies in each option

All possible options have positive and negative points. These have to be balanced against purely policy considerations. This is the function of the consultation exercise.

Information derived from the consultation process

Trade response (**See Appendix 4**)

GOVERNMENT POLICIES

DfT viewpoint

Best Practice Guidance October 2006

“Vehicle Testing

22. 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:

- **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.”

Policies of other licensing authorities (**See Appendix 5**)

FTA (August 2006)

3.3 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 disproportionate. Greater frequencies of testing may be appropriate for older vehicles – for example, a minimum of twice-yearly tests for vehicles more than three years old. In addition, to satisfy the vehicle inspector evidence that routine preventative maintenance has been carried out may be deemed appropriate, particularly for older vehicles. Local licensing authorities should take into consideration the excessive mileage covered by HC & PHV’s

The MOT Testing Guide issued by VOSA (March 2002) (para A3.3)

VOSA points out that MOT test certificates relate only to the condition of testable items at the time of the test and should not be regarded as evidence of their condition at any other time or of evidence of the general mechanical condition of the vehicle.

It follows that basing a policy entirely on MOT testing standards has inherent weaknesses.

Conclusions

There has been a disappointing trade response. Regrettably, there has been little strategic content and most responses have been solely on the basis of individual self interest. Nevertheless, all responses have been taken into account.

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The proposed Vehicle Age Policy is set out at **Appendix 6**.

This will be discussed by the Taxi Consultative Group at its meeting on 25th January 2007. There will be a further period of 3 weeks (that is, until 16 February 2007) for comments on this document to be received.

The conclusions in this document together with any further response will then be submitted to the Regulatory Committee at its meeting to be held on 19 March 2007.

The Regulatory Committee will then decide on the policy to be adopted.

Regulatory Committee Minutes 18th September 2006

REG7 TAXI LICENSING MATTER

The Committee considered a request by Mr. A. Scott on behalf of Members of the Halton T & G for the age restriction on all seven seater Hackney Carriage vehicles to be lifted. Mr. Scott, Mr. McIntyre and Mr. Baldwin attended the meeting and addressed Members of the Committee on the proposal. Mr. Scott had listed the following reasons for the request:

- (i) all seven seater vehicles were M1 registered;
- (ii) all the vehicles were wheelchair friendly, this would meet with the new Government Legislation that was being rolled out from 2010;
- (iii) drivers were paying from £19,000 - £30,000 for each vehicle, this meant that they were laying out a lot of capital only to be told that the investment was only good for eight years;
- (iv) the Council test each vehicle, over three years old at least twice a year and could recall any vehicle in for a spot check which meant any vehicle failing the Council did have the power to withdraw the licence;
- (v) a vehicle over eight years old that was totally roadworthy and had constantly passed the Council test, failed only because of its age is ludicrous;
- (vi) unlike cars that had the same age criteria these vehicles were purpose built for the trade; and
- (vii) cars also had a limited life expectancy as far as government legislation was concerned in that each authority would eventually have to have to enforce the wheelchair friendly criteria.

The Council's response to each of the above comments was detailed in the report. At present the Council's criteria on age limits for qualifying vehicles were:

- purpose built Hackney Carriages (approved by the Public Carriage Office) no age limit but generally had been manufactured since 1988;
- saloon, estate, multi-purpose and multi-seat vehicles under eight years old.

An age limit on non-purpose built vehicles was requested by the Taxi Trade to ensure the image and quality of the vehicles was maintained.

Members of the Committee adjourned the meeting to view examples of the vehicles in question.

RESOLVED: That a review of the current policy on age limits of licensed vehicles be carried out in a manner to be determined by the Council Solicitor and that the manner be referred back to the Regulatory Committee in due course for further consideration.

N.B Councillor Wainwright declared a personal interest in the above item as a member of the T & G Union.

REG8 TAXI LICENSING MATTER

Mr. R. Woodward had requested an age increase for a vehicle he intended to purchase and use as a Hackney Carriage Vehicle. In the light of the previous decision, Mr. Woodward agreed to withdraw the request pending the review of the current policy on age limits of licensed vehicles.

Hackney Carriage Vehicles

2. Qualifying Vehicles

In these conditions:

“**MPV**” means a multi-purpose vehicle (that is, a vehicle in which the seats may be removed or reconfigured and which may be wheelchair compatible);

“**MSV**” means a multi-seat vehicle (that is, a vehicle which is fitted with a number of fixed position seats for in excess of 5 passengers and not exceeding 8 passengers).

“**Minimum usable luggage space**” means minimum internal usable luggage space which must be calculated with reference to the comfort and needs of passengers and may result in less passengers being carried at any particular time than the permitted maximum allowed under the licence.

“**vehicle**” means the vehicle which is the subject of a Hackney Carriage Vehicle Licence

2.1 To qualify for a Hackney Carriage Vehicle Licence the vehicle must:

Purpose built hackney carriages

2.1.1 be purpose-built as a hackney carriage and be wheelchair compatible (which means that it must

- (1) be type approved by the Public Carriage Office,
- (2) have a full M1 type approval, and
- (3) generally, have been manufactured since 1988 and
- (4) be painted in any manufacturer's colour); **or**

Saloon, estate vehicles and MSVs

2.1.1 be a saloon, estate vehicle or MSV with the following characteristics –

- under eight years old (calculated as at the end of period of a licence).
- 4/5 doors
- minimum engine capacity rated at 1600 cc or 1500 cc multi-valve
- minimum useable luggage space of 353 litres (12.5 cubic feet)
- minimum knee room spacing (the distance between the front surface of all seat backs and the back(s) in front): 650mm (25.61”)
- minimum foot space (the clear space in front of the seat): 300mm long, 250mm wide and 80mm high (11.82” x 9.85” x 3.15”)
- minimum rear cabin width: 1346mm (53”)
- painted manufacturer's black

MPV style vehicles

2.1.2 be a MPV style vehicle with the following characteristics;

- full M1 type approval or Small Volume Production Certificate
- under eight years old (calculated as at the end of period of a licence).
- painted manufacturer's black

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- minimum engine capacity rated at 1600 cc or 1500 cc multi-valve
- minimum useable luggage space 353 litres (12.5 cubic feet)
- approved seat configuration

Other types of vehicle

2.1.3 be any other type of vehicle, such as a limousine, **which may be approved by the Council from time to time** subject to any special requirements deemed appropriate to such vehicle

2.2 No vehicle shall be permitted to have windows or front or rear windscreens which are fitted with “privacy glass” (the meaning of which shall be determined by the Council).

2.3 The maximum number of passengers which may be carried by any vehicle shall be determined by the Council.

3. Fittings applicable to saloons and estate vehicles and MVP style vehicles

Saloon, estate vehicles and MVP/MSV style vehicles must have the following fitments which are generally fitted as standard on purpose-built vehicles:

3.1 The vehicle must be fitted with approved permanent **mounting brackets** which must be positioned externally on the front near side or centre of the vehicle and the rear off side or centre of the vehicle in an upright position above or below the bumper bar where it is clearly visible and not obstructing lights or indicators;

3.2 The vehicle must be fitted with an approved **roof sign and mounting** as approved which must be fitted and maintained in clean and good working order, positioned above the centre pillars of the vehicle so as to display the red light to the rear. (Vehicles with sunroofs may be subject to special approval for minor positional changes to roof signs);

3.3 The vehicle must be fitted with an approved **“For Hire” sign** which must be positioned by suction to the top near-side of the front windscreen and in such a manner as to conceal all wiring.

3.4 Roof signs and “For Hire” signs shall be illuminated at any time when the vehicle is available for hire but not be illuminated at any time when the vehicle is not available for hire.

Private Hire Vehicles

2. Qualifying Vehicles

In these conditions:

“**MPV**” means a multi-purpose vehicle (that is, a vehicle in which the seats may be removed or reconfigured and which may be wheelchair compatible);

“**MSV**” means a multi-seat vehicle (that is, a vehicle which is fitted with a number of fixed position seats for in excess of 5 passengers and not exceeding 8 passengers).

“**Minimum usable luggage space**” means minimum internal usable luggage space which must be calculated with reference to the comfort and needs of passengers and may result in less passengers being carried at any particular time than the permitted maximum allowed under the licence.

“**vehicle**” means the vehicle which is the subject of a Private Hire Vehicle Licence

2.1 To qualify for a Private Hire Vehicle Licence the vehicle must:

Saloon, estate vehicles and MSVs

2.1.1 be a saloon, estate vehicle or MSV with the following characteristics –

- under **eight years old** (calculated as at the end of period of a licence).
- 4/5 doors
- minimum engine capacity rated at 1600 cc or 1500 cc multi-valve
- minimum useable luggage space of 353 litres (12.5 cubic feet)
- minimum knee room spacing (the distance between the front surface of all seat backs and the back(s) in front): 650mm (25.61”)
- minimum foot space (the clear space in front of the seat): 300mm long, 250mm wide and 80mm high (11.82” x 9.85” x 3.15”)
- minimum rear cabin width: 1346mm (53”)
- painted any colour **other than** manufacturer’s black

MPV style vehicles

2.1.2 be a MPV style vehicle with the following characteristics;

- full M1 type approval or Small Volume Production Certificate
- under **eight years old** (calculated as at the end of period of a licence).
- painted any colour **other than** manufacturer’s black
- minimum engine capacity rated at 1600 cc or 1500 cc multi-valve
- minimum useable luggage space 353 litres (12.5 cubic feet)
- approved seat configuration

Other types of vehicle

2.1.3 be any other type of motor vehicle, such as a limousine, **which may be approved by the Council from time to time** subject to any special requirements deemed appropriate to such vehicle

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2.2 No vehicle shall be permitted to have windows or front or rear windscreens which are fitted with "privacy glass" (the meaning of which shall be determined by the Council).

2.3 The maximum number of passengers which may be carried by any vehicle shall be determined by the Council.

3. Fittings applicable to all vehicles

3.1 The vehicle must be fitted with approved permanent **mounting brackets** which must be positioned externally on the front near side or centre of the vehicle and the rear off side or centre of the vehicle in an upright position above or below the bumper bar where it is clearly visible and not obstructing lights or indicators;

3.2 The vehicle must **not** be fitted with any **roof sign and mounting** ;

3.3 The vehicle must **not** be fitted with any **"For Hire" sign**.

Responses from the Trade

Reply 1 (A Scott)

- Status quo exception-minibus format MPVs that are M1 registered and full wheelchair accessible –lift age restrictions.

Reply 2 (J Peel)

- Same as Reply 1 but adds that although the trade requested the current policy this was before these vehicles were developed.

Reply 3 (J McCormack)

- Remove age restrictions on Fiat Eurocab and Peugeot E7 cab. A Eurocab is a quality alternative to the LTI TX series.
- No other local authority imposes age limits on purpose built vehicles.

Reply 4 (J Gerrard)

- Replies prefaced by a number of (substantially) incorrect points.
- Saloon cars – reduce life-span to 5 years and be less than 13 months old on first licence.
- LTI and Metrocabs - status quo.
- All alternative types of cab be licensed until 15 years old and be fully wheelchair compatible.
- All vehicles licensed to carry more than 4 passengers must be fully wheelchair compatible (e.g. Lti, Metrocab, E7, M8 or similar).
- All vehicles licensed to carry more than 4 passengers that are not fully wheelchair compatible be phased out.
- Colour restrictions on alternative taxis be discontinued

Reply 5 (T Bond)

- Opposed to any age limit on the 'purpose built' Euro Cab as long as the vehicle is up to the necessary standard.
- Alleges that he was informed in 2001 that there would be no age limit.
- If there was an age limit owners would replace them with old MetroCabs, FX4s and TX2s.
- Not viable to have age limit.
- NOTE: This Reply is made under the mistaken belief that no age limit applies already to Euro Cabs.

**POLICIES OF A SAMPLE OF OTHER LICENSING
AUTHORITIES**

COUNCIL	POLICY
Aberdeen	No older than 4 at 1 st registration no upper limit
Basildon	No older than 4 at 1 st registration No older than 7
	Wheelchair and Exec Style 4 No older than 10
	Purpose built (TX – FX – Metro) No older than 15
Blackpool	No restriction (in the process of introducing restrictions)
Caerphilly	No restriction
Chichester	No restriction
Copeland	No older than 5 at 1 st registration No older than 8
	Purpose built No older than 12
Easington	No older than 5 at 1 st registration No upper limit
	Wheelchair compliant exempt.
Fenland	No restriction
Gloucester	No older than 5 at 1 st registration No older than 10
	Purpose built No less than 6 – No older than 15
Hambleton	No restriction
HYNDBURN	Under 5 (6 month tests) to 7.
	7 to 12 (4 monthly tests) No older than 12
Isle of Anglesey	No older than 6 at 1 st registration No older than 8
Kennet	No older than 4 at 1 st registration No older than 7
	(subject to prospective future change and more stringent Testing)
Malvern Hills	No older than 5 at 1 st registration No older than 8
	Purpose built – as saloons < 5 and No older than 8
Peterborough	Purpose built only. No older than 3 at 1 st Reg. No older than 10.
Rossendale	No older than 6 at 1 st registration No older than 8
	MPV No older than 6 at 1 st registration No older than 10
Sunderland	No older than 5 at 1 st registration No older than 7
	Wheelchair compliant <5 No older than 10
South Ayrshire	No older than 6 for Private Hire
	No older than 9 for Purpose built
West Dorset	No older than 6 at 1 st registration. Wheelchair comp and limos. Exempt
West Oxfordshire	No older than 8
Woking	No older than 2 at 1 st registration No older than 8
Wyre Forest	No less than 2 at 1 st registration No older than 7
	Wheelchair compliant No older than 10

APPENDIX 6

PROPOSED VEHICLE AGE POLICY	Maximum age limit
Saloons estate and MSV's	8 years (Status quo)
MPV <u>FULLY</u> wheelchair compliant	12 years
Purpose built (definition to remain the same)	16 years

Grandfather rights period – 2011

Grandfather rights will be given for those adversely affected by any policy change. The current proposals mean that only Hackney Carriage purpose built vehicles could theoretically be adversely affected. By 2011 all purpose built vehicles will be no older than 16 years

REASONS FOR HAVING AN AGE LIMIT

- **Inevitable decline in mechanical standards including greater likelihood of breakdown.**
- **Inevitable decline in comfort (seats / interior looking tired)**
- **Image**
- **Perfectly lawful to have an age limit (Hyndburn)**
- **System currently works**
- **Implication for no age limit would be a massive increase in enforcement to police the vehicles.**
- **Provides an incentive to invest in more expensive fully wheelchair compatible vehicles whilst balancing this against total absence of an age limit which would result in more vehicles of a lesser standard.**
- **Saloon and Estate and MSV's are not included whatever the cost of those vehicles. They do not contribute to increasing fully wheelchair accessible vehicles in the Borough.**