

Appendices

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**NORTHAMPTON**
BOROUGH COUNCIL**Item No.**

7

Ward: N/A

Name of Group:	LICENSING
Meeting Date:	27 September 2011
Directorate:	Public Protection
Head of Service:	Steve Elsey
Corporate Director	Julie Seddon

Report Title	Hackney and Private Hire Vehicles. Introduction of age policy.
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1. Recommendations

That the report be considered with a view to consulting with interested parties as to the feasibility and necessity of introducing a combined Hackney and Private Hire vehicle age policy.

2. Summary

At present the Council will not licence a Hackney Carriage if it is older than three years from the date of first DVLA registration. There are no similar conditions on licensing Private Hire vehicles.

Research has been carried out to determine whether faults found on Hackney and Private Hire vehicles are age or mileage related and whether they could be avoided by introducing an age or mileage restriction on first plating. Also to introduce an upper age limit when a vehicle will be assessed as no longer suitable for use as a licensed vehicle.

3. Report Background

Northampton Borough Council currently licence 140 Hackney vehicles and 550 Private Hire vehicles.

The Chairman of the Licensing Committee has requested that research be carried out into the feasibility of introducing an age related policy in respect of Private Hire vehicles. The committee may feel that in the interests of public safety this should be extended to cover all vehicles licensed by the authority for use in the 'taxi' trade.

Members will recall that there are two trades providing exclusive driver and car hire services.

- (a) Taxis which ply for hire from taxi ranks (hackney carriages) and can be hired in the streets; and
- (b) Private Hire Vehicles, which must be pre-booked by telephone or by calling in person at the operator's office (mini-cabs).

The Councils current policy with regard to Hackney carriages, introduced in October 1997, is that they must be less than 3 years old when licensed for the first time. There is no upper age limit placed on these vehicles thereafter. These are, however, a purpose built vehicle and as such are generally more robust than the average family saloon.

Private Hire Vehicles are usually "normal" vehicles representative of the private car fleet e.g. medium/large saloon cars, people carriers with up to 8 passengers capacity and some limousine type vehicles for specialist hire.

Technical specifications for private hire vehicles

There are many different makes and styles of vehicle on the road today.

Not all vehicles would be suitable for use as a private hire vehicle and the Council has therefore approved certain standards to guide proprietors on the type of vehicle considered suitable bearing in mind public comfort/safety and the legal requirements previously mentioned.

The specifications we apply to vehicles are as follows:

- 1. That your vehicle is in an immaculate condition both mechanically and cosmetically. There is no age limit on this type of licence, but vehicles are expected to remain in a first class condition.*
- 2. That your vehicle is right hand drive. We will not accept any "conversions" from left to right hand drive under any circumstances. The vehicle must not have less than four road wheels. They will still need to pass the Council test.*
- 3. That your vehicle (if a car) has a minimum of 4 doors giving adequate access and egress from the vehicle. The design of the car can be saloon, hatchback, estate, or MPV.*
- 4. That your vehicle has a back seat width (when measured in a continuous line from edge to edge) of at least 1220mm (48 inches).*
- 5. That your vehicle provides easy access from a door to any passenger seat.*

6. That your vehicle is constructed or adapted to carry a minimum of 4 passengers in comfort.

7. That your vehicle (if a minibus or "people mover") has sufficient doors of sufficient size to allow passengers to get in and out quickly and safely.

8. It is a requirement of the Council that seat belts be provided for all persons, irrespective of age, and according to the licensed capacity of the vehicle.

9. The licence number shall be displayed on the outside of the vehicle on the official plates provided.

10. Our policy being a vehicle, 4-door saloon or estate of not less than 1400 cc, and includes specific measurements relating to the interior and exterior of the vehicle, and other nominated specialist vehicles.

The licensing authority may not restrict the number of such vehicles.

This Council has no current policy regarding the age of Private Hire Vehicles. A number of Councils have introduced an age policy with regard to these vehicles; all have proved successful in improving the quality of Private Hire vehicles and enhancing the image of the trade in general. There has also been a noticeable decrease in the failure rate when these vehicles are tested. Daventry introduced an age policy in 1995, Wellingborough and Kettering more recently.

From research carried out older and high mileage vehicles are more prone to faults than the newer, more advanced models. A significant number of vehicles also fail to satisfy the new EU Emission Limits, mainly due to their age and changes in emission levels. It is possible to provide an exemption for exceptional vehicles that are also able to satisfy Emission controls set by the EU.

There is no doubt that having an age policy in respect of Hackney Vehicles has helped to maintain a fleet of vehicles that are a credit to the licence issuing authority, a similar policy in respect of Private Hire Vehicles would no doubt have a similar result.

Recommendations

The proposal is that, following relevant consultation with interested parties, any Private Hire Vehicle licensed for the first time will be no more than 3 years old from the date of first registration and, providing the standard is maintained, the vehicle will be licensed for a further 5 years.

A Private Hire vehicle will not be able to renew that licence once it is more than 8 years old from the date of first registration.

The three year limit would also ensure that Private Hire Vehicles would not only benefit from European Union emission controls but also manufacturers improvements in technology which offer greater safety and security for both

passengers and drivers. Features such as anti-lock brakes, side impact bags and bars, air bags, intelligent seat belts etc.

Introducing an age limit in respect of Private Hire Vehicles would bring their entry age limit into the trade in line with Hackney Carriage Vehicles. This could be argued to be in the interest of fair competition. It would also improve the image of the trade and ensure that persons entering the trade are committed to their investment.

Granting licenses only to suitable, new, or used vehicles less than three years old on entry to the Private Hire trade, would lead to a high quality fleet of more reliable, safer, less polluting vehicles. This supports the Council's objective of improving the local environment.

It is also recommended that the minimum CC of any new vehicle should be increased from the present 1400cc to 1600cc.

This will not only bring Northampton in line with most other authorities within our region but also take into consideration the diversity of journeys that these vehicles now have to make. Initially Mini-Cabs were as the name implied, small cars making short journeys. This has now changed and a great deal more is expected from each individual driver and vehicle. At the request of the hirer, airport runs are a part of everyday life and a two to three hundred mile round trip is not unusual. An engine of a reasonable size is essential for both the safety and comfort of passengers and drivers.

It is recommended that the seat width condition remains the same.

The purpose of any age limit is to try and ensure that the licensed vehicles are as safe, reliable and comfortable as possible; this is the responsibility of the Local Authority. An age limit is not in itself arbitrary, because it must be a policy and the local authority must then consider any application that falls outside the age policy on its own individual merits.

Vehicles of exceptional condition and low mileage will still be considered for a licence but, should a vehicle fail its first test when over 8 years old, it cannot then be considered as being in exceptional condition.

The committee may also feel that a Private Hire vehicle adapted for specific wheelchair use, a considerable investment by the driver, should be able to continue to be licensed past any limit set by the authority. This could also encourage drivers to invest in these vehicles thereby increasing the number of vehicles for use by those with a disability.

It is fair that for reasons of public safety and quality control the same standards should apply to both hackney carriage and private hire vehicles. The Committee may wish to introduce an upper age limit on Hackney vehicles as although, purpose built, these vehicles are not immune to wear and tear through heavy use.

It is recognised that any vehicle used as a Private Hire Vehicle becomes a "tool of the trade" and takes on an arduous life covering over five times the UK average

vehicle mileage.

Private Hire Vehicles whether undertaking a local short journey or a long motorway airport trip are subject to sustained heavy use when compared to “normal” vehicle usage.

It is also recommended that the committee consider that when a vehicle is brand new on first plating, Hackney or Private Hire, following its initial test it would not need to be retested until the vehicle is 1 year old from first registration. This would not affect the bi-annual plating procedure, a check on essential documentation, and would give a small additional incentive for those willing to make that investment.

It is a legal requirement that Hackney vehicles have to be tested annually the usual three year exemption does not apply. If this is a legal requirement for a Hackney vehicle common sense would suggest that the same rules should apply to the Private Hire trade.

Emission Controls

The European Union has developed a number of emission control measures that all new vehicles must comply with. The aim of the Euro standards is to reduce overall vehicle pollution. Requiring Private Hire Vehicles to be new or less than three years old when first licensed would help meet the European emission regulations reducing significantly emissions from the vehicles exhaust. A ten-year-old vehicle will emit approximately 20 times the emissions of a new vehicle.

It is therefore considered that efforts should be made to improve, as far as is reasonable, the efficiency of vehicles licensed by the Authority, particularly in the emission of pollutants. Newer vehicles will have improved fuel efficiency and emit fewer pollutants, if they are properly maintained, than older vehicles.

It is of 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.

By adopting the suggested age limits Northampton Borough Council will be playing a small part in the reduction of overall pollution within the borough.

Vehicle Checks.

At present, all licensed vehicles, Hackney and Private Hire, are tested bi-annually by the testing stations approved by the council. When tested during the council’s ‘spot checks’, older vehicles are consistently failing with sometimes-serious mechanical defects, brake pipes have disintegrated when tested, leaving a vehicle with no power to stop. Vehicles of most make and models are affected. So-called prestige vehicles are not immune when faults start to develop due to high mileage and general wear and tear.

It is of concern to the enforcement team that these faults are present when carrying fare-paying passengers. The prime consideration when licensing these vehicles must be the safety of the public.

Although there is a school of thought that the 'trade' will be adversely affected with a reduction in vehicles and drivers, this is not borne out by research. By engaging in the consultation process it should be possible to minimise any adverse effect on individual drivers and consider how their human rights might be affected.

It is possible that there may be a slight decrease in licensed vehicles initially, but we can minimise this by staggering the introduction of the vehicle upper limit (8 years) over two years.

If this were introduced with immediate effect it would adversely affect 166 vehicles. If it were to be staggered over a period of two years the number of vehicles affected would be reduced to 36, the number of vehicles currently over ten years old.

Some drivers have already realised the advantage of purchasing newer vehicles. Other drivers have consistently purchased older vehicles in the hope that they will pass the council test for two to three years, after which they will purchase another "old" vehicle with similar expectations.

Should the Committee be in agreement the intention would be to renew those licenses of vehicles at present over 8 years until they reach an upper age limit of 10 years, subject to satisfactory testing by the council approved testing station. This will only apply to those vehicles reaching 8 years at their next plating. There will need to be a proviso whereby if a vehicle, when presented for its test, fails with a serious mechanical defect then that vehicle will be barred from applying for a renewal of its licence.

A serious mechanical defect will be any defect that affects the vehicle and may relate to any part of the vehicle that the tester, at the time of the test, considers to be detrimental to overall passenger/driver safety.

3A. Any Relevant Policies

Hackney and Private Hire Licensing.

4. Options and Evaluation of Options

That the Committee evaluate the report.

5. Resource Implications (including Financial Implications)

The Licensing Team already enforce the Private Hire Operator, Driver and Vehicle conditions. They will continue to do so.

6. Consultees (Internal and External)

Internal	
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External	<ul style="list-style-type: none"> • Wellingborough Council. • Kettering Borough Council • Daventry District Council. • East Northants Council. • South Northants Council. • Peterborough City Council. • Corby Council. • Milton Keynes Council. • Kent County Council. • Swansea Council. • Members of the National Association of Licensing Enforcement Officers. • Jackson’s MOT Centre. • NCS MOT Centre.
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7. Compliance Issues

Finance Comments

N/A

Legal Comments

Local Authorities must take into account any rights the existing owners may have under Article 1, Protocol 1 of the European Convention of Human Rights,(which entitles every person to the peaceful enjoyment of their possessions).

“ In making any decision, the Committee must be mindful of the case of **The Queen (on application of Lionel Morris) and Newport City Council [2009] EWHC 3051** where Mr Justice Beaston noted the settled law on Consultation, namely that:

- a) *Consultation must be at a time where proposals are still at a formative stage*
- b) *Sufficient reason must be given for any proposal to enable intelligent consideration and response*
- c) *Adequate time must be given for such consideration and response*
- d) *The product of consultation must be conscientiously taken into account in finalising any proposals*

As to point (d) above, the Newport City Council’s relevant decision reports did not include relevant representations, including those made at a meeting held by the Council and the Taxi Association. The Association had then commented:

- i. It was opposed to an age limit on vehicles due to “the credit crunch”*
- ii. Vehicles were tested twice a year and could also be called for random tests*
- iii. Even where a vehicle is over 10 years old, the owner could have maintained it to an exceptional standard, whereas some younger vehicles were not maintained to an acceptable standard and may not be in such good condition.*
- iv. More stringent testing should be undertaken and vehicles not meeting the standard should be taken off the road.*

As Newport City Council failed to take all these points on board, a restriction to set age limit on all vehicles made by the Council was set aside and the Association was entitled to claim a remedy from the Council"

Crime and Disorder Issues

Under Sec.17 Crime and Disorder Act 1998, we will ensure an increase in safety for the residents of Northampton.

Equality Impact Assessments

The Equality Act 2010

This provides a new cross-cutting legislative framework to protect the rights of individuals and advance equality of opportunity for all; to update, simplify and strengthen the previous legislation; and to deliver a simple, modern and accessible framework of discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.

Ensuring that Hackney and Private Hire vehicles, will be subject to the same guidelines; will give a greater sense of 'fair play'.

Other compliance issues

None

8. Background Papers

Title	Description	Source
Local Government (Miscellaneous Provisions) Act 1976.	Legislation relating to the regulation and licensing of private Hire Vehicles.	Mr P Bayliss
Conditions of fitness and licensing of Private Hire Vehicles.	Department for Transport (Taxi/Private Hire best practice).	
European Union emission control standards.	Legislation and guidelines relating to emission controls.	
Ford Motor Company research.	Reducing vehicle exhaust emissions.	

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