

<b>Subject:</b>	To consider the removal of age restrictions on licenced vehicles.	<b>Status:</b>	For Publication
<b>Report to:</b>	Licensing Committee	<b>Date:</b>	28 <sup>th</sup> February 2012
<b>Report of:</b>	Director of Business	<b>Portfolio Holder:</b>	Environmental Services
<b>Key Decision:</b>	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	<b>General Exception</b>	<input type="checkbox"/> <b>Special Urgency</b> <input type="checkbox"/>
<b>Community Impact Assessment:</b>	Required: No	<b>Attached:</b>	No
<b>Biodiversity Impact Assessment</b>	Required: No	<b>Attached:</b>	No
<b>Contact Officer:</b>	Tracy Brzozowski	<b>Telephone:</b>	01706 238602
<b>Email:</b>	<a href="mailto:tracybrzozowski@rossendalebc.gov.uk">tracybrzozowski@rossendalebc.gov.uk</a>		

1.	<b>RECOMMENDATION(S)</b>
1.1	That the age restriction on vehicles which are licenced for use as Hackney Carriages and Private Hire remain unchanged. Should elected members seek to explore the option of removing the age restriction, a community impact assessment should be carried out and the matter brought back to licensing committee for further consideration.

## 2. PURPOSE OF REPORT

- 2.1 Rossendale Taxi Association has requested elected members consider that vehicles being used as hackney carriages and private hire vehicles are not restricted by age as to when they can no longer be re licenced for use.

This report sets out the history and the issues involved. To date, no written representations have been received from the Association setting out their arguments in favour the removal of the age restriction on vehicles and, therefore, certain presumptions have been made.

## 3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:

- **A clean and green Rossendale** – creating a better environment for all.
- **A healthy and successful Rossendale** – supporting vibrant communities and a strong economy.
- **Responsive and value for money local services** – responding to and meeting the different needs of customers and improving the cost effectiveness of services.

## 4. RISK ASSESSMENT IMPLICATIONS

- 4.1 All the issues raised and the recommendation in this report involve risk considerations as set out below:

- An unrestricted age limit on vehicles being used as hackney carriages or private hire vehicles would enable vehicles to be continued to be licensed by this Authority for an indefinite period, however due to the excessive use of the vehicles and the deterioration as the vehicle gets older there is an increased risk of mechanical failure and accidents. The Council has a responsibility to ensure the safety of passengers being carried in hackney carriages and private hire vehicles licensed by them.

## 5. BACKGROUND AND OPTIONS

- 5.1 The Local Government (Miscellaneous Provisions) Act 1976 directs that the Local Authority

has a responsibility to licence hackney carriages and private hire vehicles.

5.2 Section 47 covers the licensing of Hackney Carriages and states:

1. A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary.
2. Without prejudice to the generality of the foregoing subsection, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.
3. Any person aggrieved by any conditions attached to such a licence may appeal to a magistrates' court.

5.3 Section 48 covers the licensing of Private Hire vehicles and states:

1. Subject to the provisions of this Part of this Act, a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:  
Provided that a district council shall not grant such a licence unless they are satisfied—
  - a) that the vehicle is—
    - i. suitable in type, size and design for use as a private hire vehicle;
    - ii. not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
    - iii. in a suitable mechanical condition;
    - iv. safe; and
    - v. comfortable;
  - b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of [F1Part VI of the Road Traffic Act 1988], and shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the council.
2. A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.
7. Any person aggrieved by the refusal of a district council to grant a vehicle licence under this section, or by any conditions specified in such a licence, may appeal to a magistrates' court.

5.4 Best practice suggests no age limit on vehicles and the Rossendale Borough Council Taxi Policy requires all hackney carriages and private hire vehicles to undertake and pass two MOT tests and two Rossendale Borough Council Taxi tests annually.

5.5 Rossendale Borough Council does not have its own qualified vehicle inspectors and the testing of all hackney carriages and private hire vehicles is designated to three garages throughout the borough. The garages have been requested to notify the public protection unit of any vehicles which fails the first MOT test. Attached at **Appendix A** is a table detailing the age of the vehicle and the number of first test failures.

- 5.6 The public protection unit of Rossendale Borough Council also undertake joint operations through the year with regard to vehicle inspections of licenced vehicles. On a recent operation 7 vehicles were stopped and taken to be examined by a VOSA officer where it was found 6 failed the vehicle examination providing a failure rate of 85.7%. A large percentage of these failures were the result of defective tyres with insufficient tread
- 5.7 At Appendix B you will find information regarding what our neighbouring Councils have in place for their vehicles. This information does not include any 'in house' tests and is limited to those Councils that responded.

**COMMENTS FROM STATUTORY OFFICERS:**

**6. SECTION 151 OFFICER**

- 6.1 There are no specific financial implications

**7. MONITORING OFFICER**

- 7.1 The Council must make a decision based on all relevant information and following consideration of all relevant Council policies.

**8. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)**

- 8.1 There are no specific human resources implications.

**9. CONSULTATION CARRIED OUT**

- 9.1 None

**10. CONCLUSION**

- 10.1 The rationale behind the licensing regime is to provide a service to the public that is accessible and safe and seen to be so. In issuing licences in respect of hackney carriages and private hire vehicles, public safety is paramount and the regime is intended to prevent direct danger to the passenger from the driver of the vehicle and, perhaps slightly less danger to the passengers from the vehicle itself or the manner in which it is driven. In view of the number of failures when vehicles are tested it is apparent that the hackney carriage and private hire drivers do not have an established maintenance schedule and rely on the required annual and 6 monthly tests to reveal any vehicle defects. It can also be seen that there are more failures as a vehicle gets older.

In view of the above it is the recommendation to the Licensing committee that the age limit for vehicles remains at the current standard as follows:

- A vehicle may be first licensed before it reaches the age of 5 years and 364 days. Once licensed, the vehicle cannot be licensed once it reaches the age of 7 years and 364 days. These limits also apply to mini busses with the exception that they may be licensed up to the age of 9 years and 364 days.

Background Papers			
Document	Place of Inspection		
Copy of Local Government (Miscellaneous Provisions) Act 1976	Public Protection Unit		
Copies of failed MOT tests for vehicles	Public Protection Unit		
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Appendices	
Document	Appendix Number
Table of age of vehicle and failures on first MOT test	<i>Appendix A</i>
Details obtained from neighbouring Councils	<i>Appendix B</i>

## D3 - Appendix A

<b>Rossendale Borough Council Licensed Vehicles</b> Between February 2011 and 10 <sup>th</sup> January 2012 <i>(Figures only relate to the notifications received as not all garages have been forwarding all failures)</i>				
<u>Year of Registration</u>	<u>Vehicles Licensed</u>	<u>Number of MOT Tests</u>	<u>MOT Failures</u>	<u>% Failure (on basis of two tests per vehicle)</u>
2002	2	4	0	0%
2003	5	10	2	20%
2004	42	84	6	7.1%
2005	46	92	26	28.2%
2006	32	64	30	46.9%
2007	32	64	8	12.5%
2008	10	20	2	10%
2009	7	14	0	0%
2010	4	8	0	0%
2011	4	8	0	0%
<b>Totals</b>	<b>184</b>	<b>368</b>	<b>74</b>	<b>20.1%</b>



<u>Council</u>	<u>Hackney</u> <u>age limit for a</u> <u>vehicle to</u> <u>become</u> <u>licensed for the</u> <u>first time</u>	<u>Hackney</u> <u>Upper age limit</u>	<u>Private Hire</u> <u>age limit for a</u> <u>vehicle to</u> <u>become</u> <u>licensed for</u> <u>the first time</u>	<u>Private Hire</u> <u>Upper age</u> <u>limit</u>	<u>M.O.I</u> <u>Test Per Year</u>
<u>Burnley</u>	3 years <i>Minibus – 6 years old</i>	12 years <i>Minibus – 12 year old</i>	8 years	12 years	Vehicle under 8 years – every 6 months Over 8 years – every 4 months
<u>Pendle</u>	7 year old 9 years old for a wheelchair accessible vehicle.	9 year old	3 years	7 years	Vehicle under 5 years – 1 per year Over 5 years – 2 per year (If failed once – 4 month suspension)
<u>Hyndburn</u>	7 Years	10 years	7 Years	10 Years	7 years – every 6 months Over 7 years – every 4 months
<u>Ribble Valley</u>	No age limit	No age limit	No age limit	No age limit	Vehicle under 3 years – 1 per year 3-7 years – 2 per year Over 7 years – 3 per year

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<u>Bury</u>	Up to 3 years	10 year old When the vehicle reaches 10 years old it has to pass the garage test with 5 or less faults to get a re-plate.	10 year old	10 years When the vehicle reaches 10 years old it has to pass the garage test without a fault to get a re-plate	Vehicle under 2 years old – 1 per year Vehicle 2-10 years old – 2 per year A private hire vehicle over 10 years old - 2 per year Vehicle over 10 years old – 2 per year
<u>Chorley</u>	No age	No age	No age	No age	Under 4 years old – 1 per year Over 4 years old – 2 per year
<u>Oldham</u>	5 years	10 years	5 years	10 years	All vehicles under the age of 8 – 1 per year Older than 8 years – 3 per year