

<b>TITLE</b>	<b>:</b>	<b>MPV (Multi Purpose Vehicles)</b>
<b>TO/ON</b>	<b>:</b>	<b>Licensing Committee, Thursday, 16<sup>th</sup> March 2006</b>
<b>BY</b>	<b>:</b>	<b>Derek Hamill- Licensing Enforcement Officer</b>
<b>LEAD MEMBER</b>	<b>:</b>	<b>Judith Driver– Street Scene and Liveability</b>
<b>STATUS</b>	<b>:</b>	<b>For Publication.</b>

## **1. PURPOSE OF THE REPORT**

- 1.1 To inform members of the requests from the Licensed Hackney Carriage & Private Hire Trade within Rossendale, to change the age limit on MPV's to come on at 6 and remain licensed up to 10 years of age from date of first registration.

## **2. RECOMMENDATIONS**

- 2.1.1 That the Licensing Committee note the report.
- 2.1.2 That the Committee consider the representations of the Licensed Hackney Carriage Trade and the Licensed Private Hire Trade.
- 2.1.3 That the Committee resolve to retain the current age limit where MPV's can come onto the fleet at 5 and come off at 8.

## **3. REPORT AND REASONS FOR RECOMMENDATIONS AND TIMETABLE FOR IMPLEMENTATION**

- 3.1 A District Council has a responsibility to licence Hackney carriage and Private hire vehicles and as a lawful authority to impose age restrictions and conditions on such vehicles.
- 3.2 A District Council may attach to the grant of a licence such conditions as they consider necessary.
- 3.3 The High Court case of *R V Hyndburn Council Ex Rauf and Kasim 1992* confirms the lawful authority of a Council to impose age restrictions and conditions on

vehicles. On the 22<sup>nd</sup> of September 2004 the Licensing Committee resolved to adopt the changes in the MPV vehicle licence applications to bring them into line with saloon type vehicle applications and therefore not extend their licence beyond 7 years and 364 days from first registration.

- 3.4 Minibuses must be no more than 6 years old when first licensed and cannot stay licensed after 10 years old.
- 3.5 Vehicle age limits were introduced in the interests of road safety to ensure that they are mechanically sound and cosmetically fit to be licensed to carry the public.
- 3.6 Added value to age restrictions is achieved by ensuring that our fleet with finite age limits, meet the Euro 2 emission standards, thereby improving the environment.
- 3.7 Minibuses were given additional age benefits with the rationale being that they were a greater capital investment for the operator and were a secondary vehicle which achieved a lower and less demanding mileage than motor cars.
- 3.8 The increase in the use of MPV's and the tendency to use them as normal Hackney Carriage and Private Hire vehicles, incurring higher mileage is not consistent with them being granted an exemption in age limits above that of normal cars.
- 3.9 Such MPV's are not designed to a higher standard of commercial use and the rationale for granting them an exemption is no longer valid.
- 3.10 The legal definition of a minibus is contained within the Motor Vehicles (Construction and Use) Regulation 1986 as 'a motor vehicle constructed or adapted to carry more than 8 but not more than 16 seated passengers in addition to the driver'.
- 3.11 Members should consider that MPV's such as the Vauxhall Zafira (6 seats), Peugeot 806 (6 seats), Toyota Previa (6 seats) and Nissan Serena (7 seats) should not be given the same extended operational life as vehicles built for commercial use such as the Ford Transit minibus.
- 3.12 The advantage to the operators who use such vehicles cannot be justified.
- 3.13 The mileage of such vehicles is equal to that of normal cars on the fleet.
- 3.14 The extended life afforded to them undermines improvements in the Euro 2 emission controls based on the age of vehicles.

#### **4. CORPORATE IMPROVEMENT PRIORITIES**

##### **4.1 FINANCE AND RISK MANAGEMENT**

4.1 Not applicable

##### **4.2 MEMBER DEVELOPMENT AND POLITICAL ARRANGEMENTS**

4.2 Not applicable

### **4.3 HUMAN RESOURCES**

4.3 Not applicable

### **4.4 ANY OTHER RELEVANT CORPORATE PRIORITIES**

4.4 Quality services for local people and confident communities.

### **5. RISK**

There is a theoretical risk of civil action against the Council if they are found not to have exercised due diligence in licensing vehicles.

### **6. LEGAL IMPLICATIONS ARISING FROM THE REPORT**

6.1 As outlined in the main body of the report.

### **7. EQUALITIES ISSUES ARISING FROM THE REPORT**

7.1 There are no equalities issues.

### **8. WARDS AFFECTED**

8.1 All Wards could be affected

### **9. CONSULTATIONS**

9.1 Nil

**For further information on this report please contact;**  
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