

**Name of meeting and date: Licensing & Safety Committee 26<sup>th</sup> March 2013**

**Title of report: Licensed Vehicle Age Limits**

<b>Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	<b>Not Applicable</b>
<b>Is it in the Council's Forward Plan?</b>	<b>Not Applicable</b>
<b>Is it eligible for "call in" by Scrutiny?</b>	<b>Not Applicable</b>
<b>Cabinet member portfolio</b>	<b>Regeneration, Environment &amp; Transportation</b>

**Electoral wards affected and ward councillors consulted: ALL**

**Public or private: Public**

## **1 SUMMARY**

1.1 To consider the existing Licensed Vehicle Age Policy.

## **2 INTRODUCTION**

2.1 Hackney carriages and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where other public transport is either not available (for example in rural areas, or outside "normal" hours of operation such as in the evenings or on Sundays), or for those with mobility difficulties. It is vitally important that the provision of a professional and respected hackney carriage and private hire trade is maintained, by continued partnership working with the trade and also by monitoring and implementing improvements of the required standards of service.

2.2 Licensing Authorities have a wide range of discretion over the types of vehicle that they can licence as hackney carriages or private hire vehicles. The Department of Transport's Best Practice Guidance suggests that local Licensing Authorities should adopt the principle of specifying as many different types of vehicle as possible. Authorities are encouraged to leave it open to the trade to put forward vehicles of their own choice which can be shown to meet basic criteria. In that way, emerging new designs for vehicles can be readily taken into account.

## **3.0 PURPOSE OF THE AGE POLICY**

3.1 The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a hackney carriage or private hire vehicle licence. Hackney carriages and private hire vehicles provide a necessary service to the public, so it is appropriate to set standards for the external and internal condition of the vehicles, provided that the standards are reasonable and proportionate. It has long been the case that Kirklees have imposed limits on the age of vehicles it will licence.

3.2 Kirklees Council currently works to the following criteria on vehicle age limits for licensed vehicles.

(1) Applications for Hackney Carriage/Private Hire Vehicles be considered for first licensing up to five years of age.

(2) Hackney Carriage/Private Hire Vehicles over ten years of age will be refused further licences.

(3) That the only exemption to the maximum age limit of ten years will be applied to London cab type vehicles, the maximum age for such vehicle will be 15 years. Any other wheelchair accessible vehicles used for Hackney Carriage or Private Hire purposes to be licensed to a maximum of twelve years.

3.3 A request has been received from Mr Ismail Bhana, the Chair of the Hackney Carriage Association requesting that the current upper age limits for licensed vehicles in Kirklees be removed entirely. A copy of Mr Bhanas request is attached at Appendix One. A representation regarding the current age policy have also been received from Mr Akooji Badat and that representation is attached at Appendix three.

#### **4 VEHICLE AGE AND OTHER CRITERIA**

4.1 Whilst our current age policy has operated with little or no issues, it is perfectly possible for an older vehicle to be in good condition. The DOT Best Practice Guidance suggests that the setting of an age limit beyond which a local authority will not licence 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 of more than a certain age.

4.2 In addition to compliance testing the physical condition of a licensed vehicle is an important criteria used when assessing the suitability of a vehicle. In exceptional circumstances a licence may not be renewed if the physical condition of the vehicle is not of a suitable standard despite having passed a Compliance test.

4.3 Currently Kirklees licensed vehicles have a mandatory yearly compliance test. This ensures that the vehicle is of the required standard. Any vehicle which fails its annual compliance test because of poor maintenance is required to undergo a further compliance test at the 6 month stage.

#### **5 PROPOSED ACTION**

5.1 The Committee is asked to consider whether it wishes to remove the current upper age limits on licensed vehicles in Kirklees. On order to assist the Committees decision, licensing staff have undertaken a bench marking exercise across a number of other licensing authorities to ascertain what if any age criteria on vehicles is applied in those authorities. Information was difficult to collate

across these authorities but the outcome of the exercise is attached at Appendix two.

If Members determine to relax/remove the upper age limit then consideration should also be given to whether the frequency of the vehicle testing is increased in respect of these vehicles.

## **6 RESOURCE IMPLICATIONS**

6.1 If a decision was made to increase/remove the age limit there would be a need for an increased use of officer time for inspections & assessment of vehicle suitability.

## **7 LEGAL IMPLICATIONS**

7.1 None

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