

Name of meeting: Licensing and Safety Committee

Date: 11th June 2019

Title of report: Vehicle Age Policy – Upper Age Limit

Purpose of report:

The purpose of this report is to inform Members of the result of the review of the Council's private hire and hackney carriage upper age limit policy, and seek approval for one of the recommendations

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	No
The Decision - Is it eligible for call in by Scrutiny?	Not applicable
Date signed off by Strategic Director & name Is it also signed off by the Service Director for Finance IT and Transactional Services? Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	03/06/2019 - Karl Battersby Strategic Director – Economy and Infrastructure
Cabinet member portfolio	Councillor Rob Walker

Electoral wards affected: All

Ward councillors consulted: All

Public or private: Public

GDPR Implications:

GDPR has been considered and appropriate sections of the report have been amended.

1. **Summary**

- 1.1 It is a function of the Council to issue Hackney Carriage and Private Hire licences under the Local Government Miscellaneous Provisions Act 1976.
- 1.2 The overriding requirement of the Council, in its capacity as licensing authority, is the protection of the travelling public and others who use (or can be affected by) Hackney Carriage and Private Hire services.
- 1.3 This report, and the proposals it contains, are as a result of a recent consultation on improving the standards within the private hire / hackney carriage trades.

2. **Information required to take a decision**

Background

- 2.1 In 2018, the Licensing service started the process of developing an overarching policy encompassing all the different aspects of hackney carriage and private hire licensing; having such a policy is recommended and seen as good practice.
- 2.2 In October 2018 Members of the Licensing and Safety Committee, gave authority for officers to consult on the overarching taxi policy; with consultation then taking place October 2018 and January 2019.
- 2.3 The new overarching policy drew together all current aspects of taxi and private hire licensing including setting out required standards, expectations, conditions, processes, some changes were also proposed and consulted on.
- 2.4 One of those proposed changes was to remove the Council lower age limit for vehicles wishing to be licensed as private hire / hackney carriages, and replacing the lower age limit with an emissions based system. However, no proposals were made to alter the Council's policy relating to the upper age limit, or the age upon which a vehicle will cease being licensed.
- 2.5 Following consultation and engagement with representatives from the private hire / hackney carriage trades, the Council felt it appropriate to consider whether the changes to an emission based approach would impact on the vehicle age policy and whether there should be changes; particularly if the Council wished to encourage the trade to move to a more environmentally friendly vehicles.
- 2.6 In March 2019, the overarching taxi policy was adopted by Members of the Licensing and Safety Committee. As part of the discussions at that meeting, officers gave a commitment to Members to review the Councils upper vehicle age policy, with a view to a report being presented to a future Licensing and Safety Committee.
- 2.7 Officers have conducted that review, which has included benchmarking with West Yorkshire authorities, seeking views and information from trade representatives, and Transport services and are now in a position to present the result to Members of this Committee.

Current Policy

- 2.8 The Councils current policy, in relation to the upper age limit for licensed vehicles is -

Hackney Carriage/Private Hire vehicles over ten years of age will be refused further licences.

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 fifteen years. Any other wheelchair accessible vehicles used for Hackney Carriage purposes to be licensed to a maximum of twelve years.

- 2.9 In relation to a lower age limit, Members of the March 2019 Licensing and Safety Committee agreed to move away from an age related policy, and towards an emissions based policy. The policy agreed is as follows –

All new vehicles will need to meet the following emissions criteria:-

- *Petro Engines – Must meet Euro 5 Standards*
- *Diesel Engines – Must meet Euro 6 Standards*

- 2.10 Adopting an emissions based policy for new vehicles supported the Council's commitment to reducing pollution within the district; and has resulted in the trade being able to licence a new, petrol based vehicle that is older than 6 years of age, which was the previous lower vehicle age policy. However, a diesel vehicle, will need to be less than 6 years of age.

Trade Representatives

- 2.11 Officers and the Chair of the Licensing and Safety Committee held a meeting with trade representatives in April 2019.
- 2.12 In general the trade would like to see the upper age limit increased to 15 years old across all types of vehicles. However, the trade also considered it reasonable that the upper age limit increase to 15 years of age for certain type / class of vehicle, for example hybrids, electric and adapted vehicles / specialist vehicles.
- 2.13 The trade were supportive of a move to more environmentally friendly vehicles such as hybrids and electric, but felt the current upper age limit, coupled with the cost of more eco-friendly vehicles made it cost prohibitive and there would be no return on their investment if they purchased, for example, an electric vehicle for it to cease being licensed once it reached ten years of age.

Transport Services

- 2.14 Officer also held a meeting with officers from the Council's transport services, to seek views from those that test the current fleet of licensed vehicles.
- 2.15 Officers from fleet services could see the merit in increasing the upper age limit slightly in certain circumstances, but did not support to 15 years. The officers felt it could be reasonable to increase the upper age limit to 12 years with certain conditions on that increase, such as between the age of 10 and 12, the vehicle must pass its compliance test first time, and / or the vehicle is subject to a compliance test two times per year.
- 2.16 Officers from fleet services were concerned regardless of the type of vehicle electric, hybrid, petrol / diesel all still have mechanical similarities such as steering, suspension and braking mechanisms etc. that can fail and that are still subject to the same wear and tear as their petrol / diesel counterparts. Officer's highlighted significant mileage is undertaken by licensed private hire and hackney carriage

vehicles and this wear and tear is significantly increased, irrespective of whether it is an electric, hybrid or petrol / diesel vehicle. This was a safety concern and impacts all vehicles.

- 2.17 Fleet services have provided twelve months of data on vehicles passing and failing compliance tests, a summary of this data can be found at **Appendix A**.

Comparison across other Local Authorities

- 2.18 Officers have contacted other West Yorkshire Authorities (inc York), as well as authorities outside of West Yorkshire; the results can be found at **Appendix B**.
- 2.19 The table at Appendix B shows the Council's current vehicle age policy of 10 years is in line with other nearby authorities, including Wakefield Council who, as recently as March 2018, introduced a maximum vehicle age of ten years for standard vehicles, and twelve years for wheelchair / larger people carriers, with no caveats.

Other Factors

- 2.20 Members should also take into consideration the ongoing West Yorkshire (inc. York) Harmonisation Policy. Where officers are looking at whether it is possible to achieve a common vehicle standard / specification. It is not clear yet whether vehicle age limits will be a factor that is considered for harmonisation across the region.

3 Implication for the Council

3.1 Working with People

One of the Licensing Service key priorities is to ensure there is a raising of standards across the taxi trade in order to protect the travelling public; and ensure people across West Yorkshire are transported safely and protected from harm; that people in Kirklees experience a high quality, clean, sustainable and green environment, as well as improve the customer experience.

3.2 Working with Partners

In developing its policies the licensing services works with a number of partners, including, Kirklees Safe Guarding Children's Board, West Yorkshire Police, Public Health, Environmental Health, Overview and Scrutiny Committee, Community Safety Partnership and other West Yorkshire Authorities (inc York).

3.3 Place Based Working

The proposed policy brings together into one place a number of existing policies. The changes outlined in this report, seek to address some of the issues surrounding air-quality within Kirklees.

3.4 Improving outcomes for children

The Council wants to ensure children have the best start in life and to ensure that the people of Kirklees feel safe and are protected from harm. The Council has a duty to protect the travelling public and safeguard children travelling in licensed vehicles and in particular for the purposes of school transport.

3.5 Other (eg Legal/Financial or Human Resources)

Legal

The principle legislation is the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

The purpose of taxi licensing is detailed in the Department for Transport “Taxi and Private Hire Licensing Best Practice Guide” paragraph 8 which states: “The aim of local authority licensing of the taxi and Private Hire Vehicle (PHV) trades is to protect the public.”

Taxi and Private hire vehicle licensing in England and Wales is undertaken by licensing authorities, which have the responsibility for ensuring that the public travel in safe, well maintained vehicles driven by competent drivers; as well as providing a fair and reasonable service for the taxi and private hire vehicle trade. Council’s following best practice will meet or communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistent and robust in decision making.

Equality Implications

The Equality Act 2010 creates the Public Sector Equality Duty (PSED) and in order to fulfil the PSED the Council is required to assess the impact of any proposed action on the equality objectives set out above. The way in which the Council approaches this task is to conduct Equality Impact Assessments (EIA).

A stage 1 Equality Impact Assessment has been completed and is available <http://www.kirklees.gov.uk/youkmc/deliveringServices/impactAssessments/impactassessments.asp>

In summary the assessment is that the level of impact is low although it is acknowledged from day to day contact and interaction with drivers it will impact mainly upon men of Asian ethnic background.

4. **Consultees and their opinions**

- 4.1 Consultation took place between w/c 5th November 2018 and 18th January 2019. This report, and the proposals contained within, are as a result of the views expressed by those who responded to that consultation.

5. **Next steps and timelines**

- 5.1 The next steps are for Members to consider the options in relation to the upper age limit policy, these options are –
1. Retain the existing policy in relation to the age upon which a vehicle will cease to be licensed;
 2. Increase the upper age limit.

6. Officer recommendations and reasons

- 6.1 Members are recommended to keep the existing policy on the upper age limit for licensed vehicles.
- 6.2 Licensed vehicles are subject to more wear and tear, and accrue significantly more mileage than your average vehicle, this gives rise to significant safety concerns.
- 6.3 Information from transport services shows that nearly 30% of vehicles fail their compliance test on the first occasion, with a high proportion of those failing on serious items, for example 115 vehicles failed on brake related matters, 240 on steering related matters.
- 6.4 Information from transport services also shows that vehicles failing their compliance test first time is not limited to just petrol or diesel engines, a number of those failing were Hybrid vehicles.
- 6.5 Whilst it is acknowledged the private hire / hackney carriage will incur additional cost in purchasing new vehicles after ten years, the primary consideration for the Licensing Authority is the safety of the travelling public.
- 6.6 Retaining the existing policy will also ensure the Council upper vehicle age policy remains consistent with other neighbouring authorities.
- 6.6 If Members are minded to agree to increase the upper age limit, then officers recommend it is limited to Ultra Low Emission Vehicles only and an extension is not automatic. Instead, each case would be dealt with on its own individual merits, taking in to consideration, but not limited to, the following –
- Submission of a formal application (including fee),
 - If extension is granted, vehicle will be subject to two compliance tests per licence year,
 - Vehicle has to have a full service history,
 - Receipts of work / repairs undertaken on the vehicle,
 - The vehicle / drivers history with the licensing service, including –
 - If the vehicle has failed any previous compliance test,
 - Complaints about the condition of the vehicle,
 - Complaints about the proprietor / driver of the vehicle,
 - Any other matters considered material to the application,

7. Cabinet portfolio holder's recommendations

- 7.1 Councillor Rob Walker supports the policy review.

8. **Contact officer**

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9. **Background Papers and History of Decisions**

- Report to Licensing and Safety Committee – 11th October 2018
<https://democracy.kirklees.gov.uk/documents/s24810/Item%207%202018-10-11%20Licensing%20Report%2011%20Oct%202018%20002%20002.pdf>
- Report to Licensing and Safety Committee – 18 January 2016
<https://democracy.kirklees.gov.uk/documents/s9165/Licensing%20and%20Safety%20002%2018%20Jan%202016%20-%20Constitution%20Taxi%20and%20Private%20Hire%20Vehicles%20-%20Report%20delegat.pdf>
- Background Papers: Institute of Licensing – Guidance on determining the suitability of applications and licensees in the hackney and private hire trades

10. **Strategic Director responsible**

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