

Subject: Determination of an age restriction on purpose built hackney carriages **Status:** For Publication

Report to: Licensing Committee **Date:** 2nd December 2008

Report of: Executive Director of Business

Portfolio

Holder: Finance and Resources

Key Decision: No

Forward Plan General Exception Special Urgency

1. PURPOSE OF REPORT

1.1 To request elected members of the Licensing Committee review a decision of the Licensing (Taxi and Private Hire) sub-committee held on the 8th December 1999, where it was resolved that from 17th December 1999 all “purpose built vehicle types” will be exempt from a vehicle age limit

2. CORPORATE PRIORITIES

2.1 The matters discussed in this report impact directly on the following corporate priorities and associated corporate objective/s.

- Delivering Quality Services to Customers (Customers, Improvement)
- Well Managed Council (Improvement, Community Network)

3. RISK ASSESSMENT IMPLICATIONS

3.1 There are no specific risk issues for members to consider arising from this report.

4. BACKGROUND AND OPTIONS

4.1 Local Government (Miscellaneous Provisions) Act 1976 S. 47, licensing of hackney carriages

- 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

4.2 Local Government (Miscellaneous Provisions) Act 1976 S. 48, licensing of private hire vehicles

- 1) Subject to the provisions of this Part of the Act, a District Council may on receipt of the 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

- 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

4.3 At a meeting of the Licensing (Taxi and Private Hire) sub-committee held on the 8th December 1999 when determining vehicle age limits (Appendix A) it was resolved:

- i) that with effect from 17th December, 1999, all new applications for private hire and hackney carriage vehicle licenses be limited to those vehicles no more than 5 years old, at the time of application.
- ii) that all vehicles currently licensed as hackney carriages or private hire cars as at 17th December, 1999 be exempted from the age limit for a period of 3 years from 17th December, 1999.

- iii) that purpose built hackney carriages are to be exempt from these provisions, and
 - iv) that all vehicles licensed as hackney carriages and private hire cars are to undergo two taxi tests per year.
- 4.4 A purpose built hackney carriage is defined as a vehicle purposely built in design and manufactured to carry passengers for hire and reward. When the sub-committee exempted this type of vehicle it was perceived this was the traditional London style of black cabs or vehicles such as the Metro cab.
- 4.5 Rossendale Borough Council has licensed these types of vehicles in the past. The most recent of which were in excess of ten years old from the first date of registration.
- 4.6 Despite having met with the hackney carriage vehicle licence conditions at first application, and assumed to be due to the age of these vehicle's, the general condition of the bodywork quickly deteriorated on these vehicles (Appendix B). The vehicles at Appendix B were purchased for £300.00 each.
- 4.7 If maintained correctly, these vehicles could have been considered an asset to this authority as this type of vehicle is accessible. However, they were not purchased with accessibility in mind; the purchase price of the vehicle is the deciding factor.
- 4.8 Manchester City Council currently have an upper age limit of 12-years for their purpose built hackney carriages with a condition attached to the vehicle licence requiring them to have an emissions test at 10-years from the first date of registration at the proprietors expense.
- 4.9 It is predicted that most will fail the 'emissions test' and to rectify the issue is not cost effective. As a neighboring authority we should consider that we will be at risk of inheriting these vehicles as we do not have an emissions test and we will be at risk of this type of vehicle, having failed emissions tests in other authorities, driving around the Borough emitting exhaust emissions considered harmful by our neighboring authorities.
- 4.10 Local Authorities have a part to play in promoting a cleaner environment and reducing harmful exhaust emissions in an effort to meet Government guidelines. One such criterion is the reduction of harmful exhaust emissions which are primarily omitted from older type vehicles.
- 4.11 The Licensing Committee are reminded that Rossendale Borough Council does not have a vehicle works department and therefore the Licensing Unit considers it cannot at this time adopt a similar emissions test without increasing further costs attributed to the taxi trade.
- 4.12 The Licensing Committee further advise there are currently no purpose built hackney carriages licensed by Rossendale Borough Council.

4.13 At a meeting of the Licensing Committee on 30th January 2002 (Appendix C) in relation to licensed mini-buses, it was resolved that:

- i) that the Committee introduce an age limit in respect of mini buses whereby vehicles which have not previously been licensed by the Council, must be no more than 6 years old from the date of first registration; thereafter, such vehicles may remain licensed until the age of 9 years and 364 days,
- ii) that the Chief Executive Officer be requested to submit details of the ages of all currently licensed minibuses to the next meeting of the Committee

COMMENTS FROM STATUTORY OFFICERS:

5. SECTION 151 OFFICER

5.1 There are no material financial implications

6. MONITORING OFFICER

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

7. HEAD OF PEOPLE AND ORGANISATIONAL DEVELOPMENT (ON BEHALF OF THE HEAD OF PAID SERVICE)

7.1 There are no specific human resources implications

8. CONCLUSION

8.1 To consider the report and to make the appropriate determination

9. RECOMMENDATION(S)

9.1 Under the Local Government (Miscellaneous Provisions) Act 1976 S.47 and S.48, amend the vehicle age criteria for purpose built hackney carriage type vehicles licensed by Rossendale Borough Council in line with our current age criteria for a mini-bus as follows:

- The purpose built hackney carriage must be no more than 6 years old from the date of first registration on application to become licensed; thereafter, such vehicles may remain licensed until the age of 9 years and 364 days.

10. CONSULTATION CARRIED OUT

10.1 Taxi Liaison Group, no objections to these proposals

10.2 Consultation Letter issued to all licensed vehicle proprietors during March 2008, no objections to these proposals

11. EQUALITY IMPACT ASSESSMENT

Is an Equality Impact Assessment required Yes
Is an Equality Impact Assessment attached No

12. BIODIVERSITY IMPACT ASSESSMENT

Is a Biodiversity Impact Assessment required No
Is a Biodiversity Impact Assessment attached No

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Appendices	
Document	Appendix Number
Minutes of the Licensing (Taxi and Private Hire) sub-committee held on the 8th December 1999	A
Photographs	B
Minutes of the Licensing Committee held on 30 th January 2002	C

IMPORTANT CONSULTATION PAPER

At a meeting of the Taxi Liaison Group which was held on the 4th March 2008, an agenda item was discussed in relation to the Council's proposal to introduce an age limit on Black Cab type vehicle applications, and a maximum age when the vehicle will remain licensed.

Currently Rossendale Borough Council current vehicle conditions state, that any new proposed vehicle applications must not be holder than 5 years 364 days from the 1st date of registration this condition applies to MPV (multi purpose vehicle) types, saloon cars and estate type cars. When licensed the vehicle will remain licensed (unless the license is suspended, revoked, or surrendered) or the vehicle as reached a maximum of 8 years.

If the vehicle by definition is of a Mini Bus type and design it must not be holder than 5 years 364 days, it will then be allowed to remain licensed , until the vehicle as reached a maximum of 10 years from the 1st date of registration (unless the license is revoked, suspended, or surrendered).

At a meeting of the Licensing (Taxi and Private Hire) sub-committee held on the 8th December 1999, it was resolved that from 17th December 1999, that all “ purpose built vehicle types” will be exempt from a vehicle age limit.

Purpose built Hackney Carriages are defined as “a vehicle purposely built, designed and manufactured to carry for hire and reward passengers” when the sub-committee exempted this type of vehicle is was perceived they meant “ black cabs” or vehicles such as the Metro Cab this vehicle is of a similar design as the traditional London Black Cab.

Rossendale Borough Council as previously licensed two black cabs, those to vehicles where both over ten years old, both vehicles on 1st application met with our hackney carriage vehicle license conditions criteria, both vehicles passed their initial Mot test and have subsequently as part of the vehicle license conditions a 6 monthly vehicle Mot/inspections.

The two black cabs which where licensed by Rossendale Borough Council, mechanical and bodywork conditions began to deteriorate rapidly, and as consequence both vehicle licences where no renewed as the cost to repair and present them for a renewal became uneconomical.

There is an argument, that older black cabs type vehicles if maintained correctly for them to be licensed with this authority taking into account that most if not all of them are “ wheel chair facilitated” something we are actively encouraging.

The licensing unit as contacted Manchester City Council their position is that their black cabs have always had an upper age limit of 12 years, after which they will no longer license them they are insisting that at 10 years they undertake an additional exhaust emission test at the owner's expense.

It is predicted that most will fail and the cost to rectify them will not be cost effective, therefore are sold on, and presumably to be used in other towns and cities and as consequence the re-sale value and general condition drops accordingly.

To counter the prospect of ex local authorities black cabs driving around the Borough emitting harmful exhaust emissions and operating in a poor disrepair we need to introduce an age limit.

It is proposed we adopt the same conditions in respect of age limit on 1st application and as a consequence adopt the same conditions attached to our current fleet of hackney carriages and private hire vehicles.

Local Authorities have a part to play in promoting a cleaner environment in an effort to reduce harmful exhaust emissions we need to bring the age limits our of black cabs in line with our in current vehicle conditions in an effort to support and promote a cleaner environment.

What do you think?

The proposals outlined above will be going to a meeting of the Licensing Committee for determination as soon as the appropriate consultation period has passed. This is your opportunity to have a say in these proposals with a view to ensuring that during any determination relating to this matter, elected members can take all matters and or concerns or objections into consideration.

With this in mind I am inviting you to have your say. Please indicate your support or objections to these proposals in writing by close of business on Friday 4th April 2008.

Freepost RRCB-CUJC
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I have enclosed an envelope for your convenience.

Yours Sincerely

Tracy Brzozowski
Licensing Manager
For and on behalf of
Executive Director of Regulatory Services.