

<b>Subject:</b>	Purpose-Built Taxis and Minibuses Age Limits	<b>Status:</b>	For Publication
<b>Report to:</b>	Licensing Committee	<b>Date:</b>	Tuesday 11 <sup>th</sup> March 2014
<b>Report of:</b>	Director of Business	<b>Portfolio Holder:</b>	Customers, Legal and Licensing
<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	Attached: No
<b>Biodiversity Impact Assessment</b>	Required:	No	Attached: No
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1.	<b>RECOMMENDATION(S)</b>
1.1	That the Licensing Committee determines the age limit on purpose built taxis and Minibuses which are licenced for use as Hackney Carriages and Private Hire.

## 2. PURPOSE OF REPORT

- 2.1 Rossendale Taxi Association has requested elected members consider that purpose built taxis and minibuses being used as hackney carriages and private hire vehicles have their licensable age extended to 12 years. This report sets out the history and the issues involved.

## 3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:
- **Regenerating Rossendale:** This priority focuses on regeneration in its broadest sense, so it means supporting communities that get on well together, attracting sustainable investment, promoting Rossendale, as well as working as an enabler to promote the physical regeneration of Rossendale.
  - **Responsive Value for Money Services:** This priority is about the Council working collaboratively, being a provider, procurer and a commissioner of services that are efficient and that meet the needs of local people.
  - **Clean Green Rossendale:** This priority focuses on clean streets and town centres and well managed open spaces, whilst recognising that the Council has to work with communities and as a partner to deliver this ambition.

## 4. RISK ASSESSMENT IMPLICATIONS

- 4.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:
- The Council has a responsibility to ensure the safety of passengers being carried in hackney carriages and private hire vehicles licensed by them. By extending the age limit by two years for purpose built vehicles and minibuses being used as hackney carriages or private hire vehicles would significantly increase the mileage covered by these vehicles, however due to the excessive use of the vehicles and the deterioration of the vehicle as it gets older there is an increased risk of mechanical failure and accidents.

## 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 [Part 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.
3. 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 To date, only one email has been received from Mr. David Lawrie, requesting the committee consider extending the age of purpose built taxis and mini buses to 12 years. Rossendale Borough Council licensing records show that at the time of writing this report there is one purpose built taxi and fifteen mini buses currently licensed as hackney carriages. There are no purpose built or minibuses licensed as private hire vehicles.

5.5 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.

- 5.6 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 licensing and enforcement unit of any vehicles which fails an MOT test that are to be licensed or are currently licensed.
- 5.7 The two MOT certificates, for each vehicle, which are required to be produced to Rossendale Borough Council annually also, have detailed the recorded mileage of the vehicle at the time of the test. Attached at Appendix A is a table detailing the age of the vehicle and the number of first test failures and the mileage covered in the previous licensed year by the vehicles. Where no mileage is shown this is due to the vehicle not having been licensed for 12 months.
- 5.8 At Appendix B you will find information regarding what our neighbouring Councils have in place for their purpose built vehicles and mini buses. 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
- It is not considered that the proposed changes will have any negative equality impacts for any protected equality group. The proposal has a wider positive benefit to the community for ensuring that purpose built taxis and minibuses are fit for purpose.
  - Research into best practice across other Lancashire authorities has been undertaken to inform this proposal and statutory guidance/legislation consulted to inform the decision making process.
  - The Portfolio Holder has been consulted on this.

### **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. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT**

- 8.1 There are no specific human resources implications.
- 8.2
- It is not considered that the proposed changes will have any negative equality impacts for any protected equality group. The proposal has a wider positive benefit to the community for ensuring that purpose built taxis and minibuses are fit for purpose.
  - Research into best practice across other Lancashire authorities has been undertaken to inform this proposal and statutory guidance/legislation consulted to inform the decision making process.
  - The Portfolio Holder has been consulted on this.

### **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 drivers do not have an established maintenance schedule and rely on the required annual and 6 monthly tests to reveal any vehicle defects.

Looking at the available evidence about the condition of licensed vehicles in Rossendale, we consider that imposing age limits is reasonable and appropriate in the interests of public safety to ensure that licensed vehicles are of an acceptable standard

#### **Background Papers**

<b>Document</b>	<b>Place of Inspection</b>
Copy of Local Government (Miscellaneous Provisions) Act 1976	<i>Licensing and Enforcement Unit</i>
Copies of failed MOT tests for vehicles	<i>Licensing and Enforcement Unit</i>

#### **Appendices**

<b>Document</b>	<b>Appendix Number</b>
Table of licensed purpose built taxis and minibuses and mileage and MOT failures.	Appendix A
Details obtained from neighbouring Councils.	Appendix B