

LICENSING COMMITTEE

9 APRIL 2014

REPORT OF CORPORATE DIRECTOR- PUBLIC EXPERIENCE

A.3 TO DETERMINE A REQUEST SUBMITTED BY THE TENDRING DISTRICT TAXI ASSOCIATION TO INCREASE THE MAXIMUM UPPER AGE LIMIT WHICH A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE CAN BE LICENSED

(Report prepared by Simon Harvey)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

The Licensing Committee is asked to consider and determine a request submitted by the Tendring District Taxi Association (TDTA) for an amendment to the Council's current policy on the maximum upper age limit for licensed vehicles.

The Association has asked for an increase to the upper age limit which a Hackney Carriage or Private Hire vehicle can be licensed from ten to twelve years for saloon, estate and MPV (people carrier) type vehicles and from twelve years to fourteen years for London style taxis (e.g. Black Cabs such as the TX range).

EXECUTIVE SUMMARY

- The TDTA has submitted a request for the Licensing Committee to review the Council's policy on the maximum upper age limit that Hackney Carriage and Private Hire vehicles can be licensed for. See attached to this report as **Appendix 1**
- Currently this policy stands at a maximum upper age limit of ten years for saloon, estate and MPV (people carrier) type vehicles and at twelve years for a purpose built London style Taxi such as an FX4 and TX1, TXIV etc.
- The TDTA would like to see the maximum upper age limit that hackney carriage and private hire vehicles can be licensed for increased to twelve years for saloon, estate and MPV type vehicles and from twelve years to fourteen years for 'London type/style' taxis.

RECOMMENDATION(S)

That the Licensing Committee agrees to:

- a) Amend the current policy to allow saloon, estate & MPV type hackney carriage and private hire vehicles to be licensed up to and including a maximum of twelve years from the date that the vehicle is first registered provided that the vehicle is mechanically and bodily sound and is capable of passing the Council's hackney carriage and private hire vehicle inspection requirements.
- b) Amend the current policy to allow purpose built wheelchair accessible hackney carriage and private hire vehicles and 'London black cab' style purpose built wheelchair accessible Taxi's such as the TX1's to TXIV range etc to be licensed up to and including a maximum of fifteen years from the date that the vehicle is first registered provided that the vehicle is mechanically and bodily sound and is capable of passing the Council's hackney carriage and private hire vehicle inspection requirements.

- c) **Adopt a procedure of visual inspection to be carried out by licensing officers for the interior and exterior of licensed hackney carriage and private hire vehicles by at the time of renewal on the tenth and eleventh years for saloon, estate and MPV type vehicles and between the twelfth and fourteenth years for purpose built wheelchair accessible vehicles and 'London style' black cabs and build in an appeal hearing process to the Licensing (General Purposes) Sub Committee for licence holders in the event of a refusal by licensing officers to renew a vehicle licence beyond its tenth year in respect of saloon, estate and MPV type vehicles and twelfth year for purpose built wheelchair accessible vehicles and 'London style' black cabs.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

A revision of the Council's current policy on the maximum upper age limit for hackney carriage and private hire vehicles from ten to twelve years and for purpose built wheelchair accessible vehicles and purpose built 'London style' taxis (black cabs) from twelve years to fifteen years would help to support the following Council corporate priorities:

Our Prosperity

Promote sustainable economic growth – by supporting the taxi trade in the District which as a trade sustains large direct and indirect employment.

Our People

Reduce health inequalities and disadvantage – by offering an incentive to taxi and private hire proprietors to purchase purpose built wheelchair accessible vehicles that they will be able to keep and licence for a longer period it will also offer mobility impaired passengers the opportunity for greater independence and public transport provision.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

There is no additional staffing or time costs for the Licensing team or Council associated with this proposal.

Any decision made by the Licensing Committee in regards to matters of grant, renewal, suspension or revocations of licences and its policies or conditions of licence can be further appealed by an appellant to the Magistrates' Court and from there to the Crown Court. In the event of the appeal being allowed by these Courts, the costs of any such hearing could be awarded against the Council. In terms of policy decisions, appeals are most likely to be challenged by way of a Judicial Review to the Queen's Bench Administrative High Court of appeal and again in the event of an appeal being allowed by this Court the costs of the hearing could be awarded against the Council.

Risk

Any risk to the Council may come from any potential legal challenge to its hackney carriage and private hire maximum upper age vehicle policy which could result in costs being awarded against the Council and a potential damage to its reputation should the Council lose any such challenge.

Legal Background

The Local Government (Miscellaneous Provisions) Act 1976 confers discretion on Councils to attach conditions to the grant of hackney carriage and private hire driver, vehicle and operator licences as it may consider reasonably necessary.

As with all other areas of its activity, a local authority is entitled to adopt policies in relation to hackney carriage and private hire licensing. Policies are an integral part of the decision making process and should be used to inform, guide and provide a valuable aid to the decision makers in assisting them with consistent decision making.

There is no statutory requirement upon a local authority to set hackney carriage or private hire policies and instead policy will be developed and evolved voluntarily and organically by a Licensing Committee to assist with its consistent decision making. Policies should not fetter the discretion of a Licensing Committee however and it continues to be the case that regardless of policy, each request, review, application, or case must be considered and decided in its own right and on its own merits taking into account the policy in question. Therefore a policy is there to guide a local authority or its Licensing Committee in its decision making process, not to bind it.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Human Rights Implications

A licence is to be regarded as the property of the holder and their right to the use of that property must be balanced against any other public interest in this matter.

CRIME AND DISORDER

There are no crime and disorder implications.

EQUALITY AND DIVERSITY

The policy which is a local policy is currently applicable to all hackney carriage and private hire vehicle licence proprietors. Other Councils will have different age limit policies, but the legislation (Local Government (Miscellaneous Provisions) Act 1976 allows for the setting of reasonable and proportionate local conditions and differences between Local Authority areas to suit local circumstances and requirements.

Increasing the maximum upper age limit for purpose built wheelchair accessible vehicles and purpose built London type/style taxis may help to promote greater opportunities for travel in taxis and private hire vehicles by persons who experience mobility impairment.

AREA/WARDS AFFECTED

All

CONSULTATION

Questionnaires were sent in mid-December 2013 to all 350 hackney carriage and private hire drivers licensed by this Authority to gauge either their agreement, disagreement, neither agreement or disagreement and/or any comment that they may wish to make on the request made by the TDTA to raise the maximum upper age limit of hackney carriage and private hire vehicles from ten to twelve years for saloon, estate and MPV type vehicles

and from twelve years to fourteen years for London style taxis. A copy of this questionnaire attached to this report as **Appendix 2**.

The recipients were all given over a full calendar month to return the questionnaires with a closure date for the survey of the 31 January 2014. Sixty questionnaires were returned. These will be available at the Committee meeting to look through on the evening if Members so wish. The results from the sixty questionnaires returned are as follows:

Agree with the proposal	53
Disagree with the proposal	5
Neither agree or disagree	2
Total received	60

Random examples of the types of comment that have been received back in favour of the proposal are:

“Yes I agree about time this happened”

“Most vehicles today are capable of a lot of miles and if well maintained 12 years would be ok”

“I agree that the age limit on all Hackney carriage Vehicles be raised from 10yrs –to 12 yrs”

Most of the vehicles, if well looked after, even 10 years old can still be in mint condition (Body work, interior, engine etc especially private owner, independent driver) so long as the test is carried out and everything is fine, I don’t see why not”

“I would like to think that the testing station should decide on whether to give a taxi another two years. I.e. state of vehicle etc”.

“Personally I think that the age restriction on vehicles should be done away with altogether. I have seen vehicles that have been in excellent condition inside and out but have been too old to be accepted as a taxi. These cars have been in better condition and been better looked after than some of the vehicles on the taxi circuit. I think that no matter what age a car is it should be judged on an individual basis for condition inside and out not just age. I think this would improve the quality of the service we provide”.

Random example of comments received against the proposal:

Companies will welcome this new extended term as this lowers expenses. A car running for this long will exceed 300,000 miles a firm will buy another engine in and run it to the term. Myself an owner driver feel 10 years is enough as appearance of the vehicle and wanting to remain up to date with technology of the day. If I purchase a car at 65,000 miles do 35,000 per annum in 5 years time mileage is approx. 240,000”

“My opinion is that a vehicle is to worn and tatty after 10 years. This is if the vehicle is used regularly & maintained properly. Increasing the 5 year rule to 6 at least, this would be best, then even reduce the 10yr rule to 9 or leave this as it is. I know that a low mileage, good condition vehicle is better than an older one with high miles”.

“Vehicles in Town nearly 10 years old look tired and past their best. I have seen some with

parcel tape holding wing mirrors together and don't feel such vehicles promote either the taxi trade or TDC to the standard needed to continue customer support. Also older vehicles are more likely to mechanical failure".

Random example of comments received neither for or against the proposal:

"I suggest instead that the 5 year old upper limit for a replacement is increased to 7 years. This would reduce the need to keep high mileage 10-year old vehicles on the road by reducing replacement costs. It could be on the basis of the replacement being both newer and lower mileage (as recorded on the MOT certificate) than the vehicle to be replaced. It would be in addition to the 12 year change, but reducing the need for it".

The Council's hackney carriage and private hire vehicle testing station has also been verbally consulted on the proposal and their view is that they would not be against the proposal, but think that it would be reasonable, proportionate and prudent for there to be an additional visual inspection of the interior and exterior of the vehicle at the time of its annual renewal if the licence holder wished to extend the licensed life of the vehicle by a further two years to a maximum of twelve years in the case of salon, estate and MPV type vehicles or three years in the case of purpose built wheelchair accessible vehicles or 'London style' black cabs.

This inspection would be a visual inspection only; it would be in addition to the relevant mechanical tests that the vehicle is still subject to during the life of its licence and would take place on the tenth and eleventh years of its annual renewal, allowing for a vehicle to be licensed up to a maximum of twelve years. I.e. the Council would not renew any vehicle licence after the vehicle had reached an age of twelve years (or more) from the date of its first DVLA (V5) registration.

For purpose built wheel chair accessible vehicles and 'London style' black cabs the visual inspection would take place from the twelfth to the fourteenth year of renewal application. I.e. the Council would not renew any vehicle licence for a purpose built wheelchair accessible vehicle or 'London style' black cab after the vehicle had reached an age of fifteen years (or more) from the date of its first DVLA (V5) registration.

As it is a visual inspection of the vehicle interior and exterior only it could be carried out by licensing officers using an objective and proportionate judgement on the interior and exterior condition of the vehicle and whether that condition was of a reasonably good standard to be able to extend the licensed life of the vehicle for a further year. A pro-forma check list will be devised for this purpose and consultation will take place with hackney carriage trade representatives to ensure that they feel the criteria applied are fair, reasonable, transparent and proportionate.

Licence holders would have the opportunity to make any restoration to the vehicle interior or exterior that the licensing officer thought was reasonably necessary in order for the vehicle to be of a sufficiently good standard to warrant a further renewal of licence for that year up to a maximum renewal age of twelve years or fifteen years in the case of purpose built wheelchair accessible vehicles or 'London style' cabs.

Such an inspection should not be time consuming or intensive for licensing officers to undertake, particularly given that there is sufficient room and parking space at Weeley offices to carry out such a visual inspection. Prior appointments would have to be made by the licence holder for such an inspection to be carried out. Officers would not be able to accommodate vehicle licence holders arriving for such inspections without an appointment

being made and therefore prior confirmation that a relevant officer is available to carry out a visual inspection. A pass or fail notice would be given to the licence holder with reasons given as to why a vehicle failed and what remedial work is required in order to bring it up to a good standard.

Photographs of the vehicle interior and exterior would also be taken by the licensing officer which would be used as confirmation that the vehicle was of a sufficiently good standard and may also be used in the event of any dispute between the licensing officer and licence holder over the condition of the vehicle when presented for its visual inspection.

Provided that the taxi trade agrees to strictly adhere to those conditions then it is not proposed that any inspection fee should be levied and these visual inspections could be accommodated as part of the licensing team's pre-planned work. It is also not anticipated that there would be large or unmanageable numbers of these visual inspections over the course of a year.

If the Committee is minded to adopt this proposal it would be prudent to build in a process of appeal to the Licensing (General Purposes) Sub Committee for hackney carriage or private hire vehicle licence holders to appeal any refusal of a licensing officer to renew a vehicle licence on the basis of a visual inspection at the time of its tenth and eleventh year renewal application in respect of saloon, estate or MPV type vehicles and its twelfth, thirteenth and fourteenth year of vehicle licence renewal application for purpose built wheelchair accessible vehicles and 'London style' black cabs.

The Licensing (General Purposes) Sub Committee could then arbitrate over such an appeal and decide its outcome taking into account the licence holders opinions, photographic evidence taken by the licensing officer at the time of the visual inspection and any supporting written evidence and also Members own visual inspection of the vehicle at the time of the appeal hearing should it be necessary.

Again it is not anticipated that there should be many occasions where the vehicle licence holder and licensing officer are unable to reasonably resolve any dispute between them without the need to appeal the matter to the Licensing (General Purposes) Sub Committee.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Council's upper age limit policy in relation to hackney carriage and private hire vehicles was determined and introduced at a meeting of the Control and Protection Committee held on the 9 September 1987. Minute 84 refers. The policy adopted a maximum upper age limit to hackney carriage and private hire vehicles of ten years from the date of first registration other than FX4 (London style black cabs) which the Committee determined to be a maximum of twelve years from the date of first registration.

The policy will have been adopted in order to maintain the reliability, safety and overall standards of the hackney carriage and private hire vehicles licensed by the Council.

This position and policy was last reviewed by the Licensing Committee at its meeting of the 14 April 2011 following a request received from the TDTA to raise the maximum upper age limit of hackney carriage and private hire vehicles from ten to twelve years for saloon, estate and MPV type vehicles.

At this meeting Members determined to refuse the request and keep the status quo of the policy to a maximum ten years upper age limit. See copy of minute 44 from the Licensing Committee meeting 14 April 2011 attached to this report as **Appendix 3**

CURRENT POSITION

The TDTA has submitted a further request to the Licensing Committee to review and amend the Council's current policy on the maximum upper age limit that a hackney carriage and private hire saloon, estate or MPV vehicle can be licensed for from its present ten years up to and including twelve years from the date of first registration. It also requests that the upper vehicle age limit for London style Taxis (e.g. Black Cabs such as the TX taxi range) is increased from its current twelve year limit to fourteen years.

The Association cites its reasons for this request as assisting taxi owners at a time when trade is bad for them. It acknowledges that standards for vehicles need to be upheld, but advises that many vehicles of ten years of age are perfectly acceptable and that the current Council vehicle inspections will ensure that mechanical condition is maintained. It also states that some other Local Authorities do accept older cars and therefore believes that if Members amended the current maximum upper age limit policy for hackney carriage and private hire vehicles it would not set a precedent. The Association advises that it represents 69 taxi proprietors across the Tendring area.

The power for a local authority to adopt policy and attach conditions to hackney carriage and private hire vehicle licensing is extremely wide and therefore there is a wide range of policies and conditions that can vary nationwide and often council by council.

For example in relation to the maximum upper age limit that hackney carriage and private hire vehicles can be licensed throughout Essex the position is shown in the table below.

Council	Maximum Years Upper Age – Saloon/Estate/MPV	Maximum Years Upper Age Wheelchair Accessible/London style 'Black Cab'
Basildon	8	15
Braintree	None	None
Brentwood	None	None
Castle Point	10	15 years
Chelmsford	10	12
Colchester	12	15
Epping Forest	None	None
Harlow*	None	None
Maldon	None	None
Rochford	10	12
Southend on Sea	10	20
Tendring	10	12
Thurrock	7 (under review to move to 10)	10 (under review to move to 15)
Uttlesford	12	12

***Harlow stipulates that all of their Taxis pass a Euro 3 Exhaust Emissions Test (This test and exhaust emission standard is more difficult for older and/or less well maintained vehicles to meet).**

The table is shown for the information of the report only and should not be a significant consideration when determining this matter. Each local authority shown in the table above will have had their own local reasons and policy for adopting the policy position that they have in relation to licensing their hackney carriage and private hire vehicles.

The Courts have upheld a Council's powers to set local conditions and policy on a number of occasions as stated cases and in particular policies regarding the setting of a maximum age limit for licensed vehicles or age limits for licensed vehicles.

The most recent stated cases of interest being R v Hyndburn Borough Council ex p Rauf and Kasim 12 February 1992 QBD and R v City & County of Swansea (Respondent) Ex Parte Julie Amanda Jones (Applicant) 1996 EWHC Admin 290

In respect of Hyndburn Borough Council their maximum age policies in relation to hackney carriage and private hire vehicles were challenged at the Administrative Court of Appeal as being unlawful and were going beyond the powers contained in the Local Government (Miscellaneous Provisions) Act 1976 and were therefore 'Wednesbury' unreasonable.

Hyndburn Borough Council had introduced a policy that said that no licence would be granted to a vehicle that was over a specified age. Namely:

- 1) That private hire and hackney carriage vehicles must be no more than 3 years old when first registered (i.e. licensed as a private hire or hackney carriage vehicle)
- 2) That the maximum age of a private hire and hackney carriage vehicle must be no more than 7 years;
- 3) That the maximum age of an FX4 (purpose designed and built hackney carriage) must be no more than 11 years.

Justice Kennedy dismissed the appeal challenge and upheld the Council's powers to set such a policy stating as part of his summing up that "the stance adopted by the local authority in relation to the application was a lawful one and therefore on substantive ground the application fails".

In R v City & County of Swansea (Respondent) Ex Parte Julie Amanda Jones (Applicant) 1996 EWHC Admin 290 the Court held that a vehicle age policy can be appropriate if each case is treated on merits and the policy does not unreasonably fetter the discretion of the Council. Councils can set limits so as to achieve a high standard of service.

The Department for Transport (DfT) does not recommend the setting of age limits for hackney carriage and private hire vehicles. In its document 'Taxi and Private Hire Vehicle Licensing Best Practice Guidance dated March 2010 the DfT advise the following:

26. The legislation gives local authorities a wide range of discretion over the types of vehicle that they can license as taxis or PHVs. Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.

27. Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, local authorities might usefully set down a range of general criteria, leaving it open to the taxi and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way there can be flexibility for new vehicle types to be readily taken into account.

- Age Limits. *It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license 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 more than five years old.*

Hackney Carriage and Private Hire vehicles licensed in Tendring are already subject to a twice yearly (i.e. six monthly) vehicle inspection at the Council's testing station and in addition to this an MOT certificate would also be required for hackney carriages over a year old from the date of first registration and private hire vehicles over three years old from the date of first registration.

The maximum number of times that a hackney carriage or private hire vehicle can be routinely tested under Section 50 of the Local Government (Miscellaneous Provisions) Act 1976 (LGMPA 1976) is three. There is no requirement as to the interval between each inspection. The powers in this section are in addition to those under S68 of the LGMPA 1976 under which any authorised officer of the Council or Police officer may at all reasonable times inspect and test any hackney carriage or private hire vehicle as to its fitness or any taximeter fitted to a vehicle.

The Committee will therefore wish to balance the advice and opinions that they have been given by the various interested parties in relation to the question of increasing hackney carriage and private hire vehicle age limits, against its current maximum vehicle age policy which was adopted in order to maintain the reliability, safety and overall standards of the hackney carriage and private hire vehicles licensed by the Council.

In doing so, they will wish to consider the advice and opinion given by the Court's and the DfT for example, the Council's hackney carriage and private hire vehicle testing station, the request itself and also the supporting information that has been submitted by the TDTA and the fifty three respondents to the Questionnaire who have supported the request to increase the maximum upper age limit.

In other words the Committee will need to be reasonably and proportionately satisfied that increasing the maximum upper age limit for saloon, estate, MPV type vehicles and 'London style' taxis (black cabs) will not compromise the reliability, safety and overall standards of the hackney carriage and private hire vehicles licensed by the Council.

Shown below are the figures for Council vehicle inspections and failures of tests during the period May 2012 to September 2013.

	No Tests Taken	No Re-Tests for Failure	No Vehicle licensed during period	Ages vehicle that failed
May 2012 to April 2013	Unknown	25	1 yr 9 2 yrs 11 3 yrs 27 4 yrs 40 5 yrs 68 6 yrs 48 7 yrs 25 8 yrs 24 9 yrs 4 10 yrs 4	1 yr 3 (33%) 2 yrs 0 (0%) 3 yrs 0 (0%) 4 yrs 4 (10%) 5 yrs 4 (6%) 6 yrs 1 (2%) 7 yrs 2 (8%) 8 yrs 3 (12.5%) 9 yrs 4 (100%) 10 yrs 4 (100%)

			TOTAL 260	TOTAL 25
May 2013 to September 2013	248	14	1 yr 9 2 yrs 11 3 yrs 24 4 yrs 40 5 yrs 68 6 yrs 48 7 yrs 25 8 yrs 24 9 yrs 4 10 yrs 3 TOTAL 252	1 yr 0 (0%) 2 yrs 0 (0%) 3 yrs 0 (0%) 4 yrs 0 (0%) 5 yrs 3 (4%) 6 yrs 2 (4%) 7 yrs 2 (8%) 8 yrs 3 (12.5%) 9 yrs 3 (75%) 10 yrs 1 (33%) TOTAL 14 (5.5%)
October 2013	53	2	1 yr 0 2 yrs 2 3 yrs 3 4 yrs 3 5 yrs 7 6 yrs 16 7 yrs 11 8 yrs 7 9 yrs 6 10 yrs 0 TOTAL 55	1 yr 0 (0%) 2 yrs 0 (0%) 3 yrs 0 (0%) 4 yrs 0 (0%) 5 yrs 0 (0%) 6 yrs 1 (6%) 7 yrs 0 (0%) 8 yrs 0 (0%) 9 yrs 1 (16%) 10 yrs 0 (0%) TOTAL 2 (3%)
November 2013	50	0	1 yr 1 2 yrs 0 3 yrs 3 4 yrs 3 5 yrs 6 6 yrs 11 7 yrs 12 8 yrs 5 9 yrs 5 10 yrs 4 TOTAL 50	1 yr 0 (0%) 2 yrs 0 (0%) 3 yrs 0 (0%) 4 yrs 0 (0%) 5 yrs 0 (0%) 6 yrs 0 (0%) 7 yrs 0 (0%) 8 yrs 0 (0%) 9 yrs 0 (0%) 10 yrs 0 (0%) TOTAL 0 (0%)
December 2013	41	2	1 yr 2 2 yrs 2 3 yrs 2 4 yrs 7 5 yrs 2 6 yrs 10 7 yrs 7 8 yrs 4 9 yrs 4 10 yrs 1 TOTAL 41	1 yr 0 (0%) 2 yrs 0 (0%) 3 yrs 0 (0%) 4 yrs 0 (0%) 5 yrs 0 (0%) 6 yrs 0 (0%) 7 yrs 0 (0%) 8 yrs 0 (0%) 9 yrs 1 (25%) 10 yrs 1 (100%) TOTAL 2 (4%)
January 2014	51	4	1 yr 1 2 yrs 4 3 yrs 1 4 yrs 6 5 yrs 6 6 yrs 11 7 yrs 8 8 yrs 8 9 yrs 4 10 yrs 2 TOTAL 51	1 yr 0 (0%) 2 yrs 0 (0%) 3 yrs 0 (0%) 4 yrs 1 (16%) 5 yrs 1 (16%) 6 yrs 1 (9%) 7 yrs 1 (12.5%) 8 yrs 0 (0%) 9 yrs 0 (0%) 10 yrs 1 (50%) TOTAL 4 (7%)
February 2014	47	2	1 yr 0 2 yrs 3 3 yrs 1 4 yrs 8 5 yrs 14 6 yrs 7 7 yrs 7	1 yr 0 (0%) 2 yrs 0 (0%) 3 yrs 0 (0%) 4 yrs 0 (0%) 5 yrs 0 (0%) 6 yrs 0 (0%) 7 yrs 1 (14%)

		8 yrs 5	8 yrs 1 (20%)
		9 yrs 2	9 yrs 0 (0%)
		10 yrs 0	10 yrs 0 (0%)
		TOTAL 47	TOTAL 2 (4%)

The table shown above would suggest that it is older vehicles that fail the Council's hackney carriage and private hire vehicle test proportionately more than newer vehicles.

However the Committee may feel given that the Council is already carrying out a hackney carriage/private hire vehicle testing at the frequency suggested by the DfT of two Council tests per year, this frequency along with pro-active on street enforcement by licensing enforcement officers are sufficient safeguards which are already in place to be able to agree to an extension of the maximum upper vehicle age limit for saloon, estate and MPV type vehicles from its current ten year limit to twelve years and from twelve years to fourteen years for purpose built wheelchair accessible vehicles and purpose built London style taxis.

If the Licensing Committee does wish to amend their current policy and increase the maximum upper age limit for hackney carriage and private hire vehicles from ten years to twelve for saloon, estate and MPV type vehicle and from twelve years to fourteen years for 'London style' taxis consideration should be given to increasing the upper age limit for **all** purpose built wheelchair accessible vehicles as well as 'London style' black cabs such as the TX range.

Increasing the upper age limit for wheelchair accessible vehicles may give an incentive to proprietors to purchase these vehicles in order to meet the travelling requirements of persons with mobility impairments such as wheelchair assisted passengers in the District.

Therefore an extension of the Council's policy of three years to the upper age limit for such purpose built wheelchair accessible vehicles from its current twelve to fifteen years for example may be seen as a more appropriate and proportionate incentive for proprietors to purchase purpose built wheelchair accessible vehicles which can cost anything in the region of between £25,000 to £30,000 to buy. This could be considered a substantial outlay and investment for proprietors to make for a vehicle that will be currently licensed for a maximum period of twelve years in our District.

BACKGROUND PAPERS FOR THE DECISION

Questionnaires received back from Taxi trade over consultation on increasing maximum upper age for licensed vehicles.

APPENDICES

APPENDIX 1 – Request from Tendring District Taxi Association

APPENDIX 2 – Blank copy of consultation questionnaire

APPENDIX 3 – Copy of Licensing Committee Minutes from 14 April 2011

T D T A

Tendring District Taxi Association

LICENSING SECTION	
RECEIVED	DATE 02 OCT 2013
FEE PAID:	
RECEIVED:	
UNIFORM REF:	

Secretary; Bryan Place
 81 Jaywick Lane
 Clacton-on-sea
 CO16 8BG
 Email; bryananddog@talktalk.net

26th September 2013-09-26

Dear sir/Madam,

It has been brought to my attention by Mr Colin Bennett, that your committee may re-consider raising the age limit on saloon cars from 10 years to 12 years, and London-type cabs from 12 years to 14 years.

It was agreed at our Annual General meeting held in April 2010 that this would be a positive step that would assist taxi owners at a time when trade is bad. This is still relevant today, and would help to keep drivers in business. This association currently represents 69 proprietors across the Tendring area.

It goes without saying that standards must be kept up, but many vehicles of 10 years of age are perfectly acceptable, and the current Council vehicle inspections will ensure that mechanical condition is maintained.

I understand that some other Local Authorities do accept older cars, so no precedent would be made if TDC were to adopt this policy.

I would therefore be obliged if you could bring this matter to your committee at their next meeting.

Yours faithfully,

B. Place

APPENDIX 1

LICENSING SECTION

RECEIVED
DATE 29 OCT 2013
FEE PAID: _____
RECEIPT NO: _____
UNIFORM REF: _____

T D T A

Tendring District Taxi Association

Secretary; Bryan Place
81 Jaywick Lane
Clacton-on-sea
CO16 8BG
Email; bryananddog@talktalk.net

Emma King
Licensing Officer
Tendring District Council
Weeley
CO16 9A

25th October 2013

Age limit on taxis

Dear Emma,

Further to my letter of 26th September, and your conversation with Mr Colin Bennett, I understand that you consider that the 69 members that we represent are not enough to warrant further progress on the issue of raising the age limit on taxis.

It is difficult for us, as an association, to contact non-members for their opinions. We have no access to proprietors names and addresses, and of course the Tendring area includes proprietors that we seldom meet.

Therefore, would it be possible for the licensing department to canvass opinions, possibly when issuing your regular Taxinews item?

Yours faithfully,



Age of Licensed Vehicle- Questionnaire

TO:

Licensing Office
Tendring District Council
Weeley Council Offices
Thorpe Road
Weeley
Essex
CO16 9AJ

The Tendring Taxi Association has requested that the maximum age that a vehicle can be licensed is to be raised from 10 years old to 12 years old from the date it was first registered with the DVLA.

Please confirm whether you agree, disagree or neither agree or disagree with this proposal, or have an alternative proposal to include for the committees consideration. If so this could be shown in the comments section below.

Agree <input type="checkbox"/>	Disagree <input type="checkbox"/>	Neither agree or disagree <input type="checkbox"/>
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Comments:



Search



Council

Meetings & decisions

Committee list

Decisions

Forward Plan

Licensing Committee Minutes

Date: Thursday 14 April 2011
Time: 7:30 p.m.
Place: Council Chamber,
Council Offices, Thorpe
Road, Weeley, CO16 9AJ

Please note: all Minutes are subject to approval at the next Meeting

Attendance Details

Present: Councillor G L Downing (Chairman), Councillor T J Fawcett (Vice-Chairman), Councillor V E Guglielmi, Councillor A J Mitchell, Councillor H A Shearing, Councillor S E Shearing, Councillor N W Turner.

In attendance: Assistant Head of Legal Services (Licensing and Parking Services), Solicitor (WRR), Licensing Officer, Senior Democratic Services Officer.

Item Number	Item/Description
PART A	

APPENDIX 3

Item Number	Item/Description
	<p>Policy and considered whether to recommend to Council to adopt such Statement in accordance with the statutory requirements.</p> <p>Members were informed that a total of 93 consultation letters/emails had been sent to both statutory and non-statutory consultees and that, in addition, the draft Policy Statement had been posted on the Council's website in order to enable other individuals and organisations to comment on the document. No comments had been received as a result of the consultation process.</p> <p>It was moved by Councillor N W Turner, seconded by Councillor Mitchell and:-</p> <p>RECOMMENDED - That the Statement of Sex Establishment Policy, as set out in the Appendix to item A.2 of the Report of the Head of Legal Services and Monitoring Officer, be formally adopted with effect from 1 July 2011.</p>
44	<p>MAXIMUM AGE THAT A VEHICLE MAY BE LICENSED AS A HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE</p>

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Item Number	Item/Description
	<p data-bbox="895 210 1171 239"><u>A3 Report (63K/bytes)</u></p> <p data-bbox="895 277 1294 589">Members' approval was sought to amend the age limit at which a vehicle would no longer be eligible to be licensed as a Hackney Carriage/Private Hire vehicle.</p> <p data-bbox="895 633 1305 1227">The Committee were informed that a request had been received from the Tendring District Taxi Drivers' Association to increase the maximum age at which a Hackney Carriage/Private Hire vehicle could be licensed from the current 10 years to a maximum of 12 years, subject to the vehicle in question being both mechanically and bodily sound.</p> <p data-bbox="895 1270 1251 1384">Having considered the background to the request:-</p> <p data-bbox="895 1429 1294 1585">It was moved by Councillor H A Shearing, seconded by Councillor S E Shearing and:-</p> <p data-bbox="895 1628 1276 1785">RESOLVED - That the Tendring District Taxi Drivers' Association request be not granted.</p>
45	<p data-bbox="895 1792 1305 1901">TENDRING QUALITY TAXI PARTNERSHIP AGREEMENT</p> <p data-bbox="895 1912 1201 1984"><u>A4 Report and Appendix (2M/bytes)</u></p>