

PART A	

Report to: Licensing Committee
Date of meeting: 15 July 2013
Report of: Head of Community and Customer Services
Title: Amendments to Hackney carriages age limit policy

1.0 **SUMMARY**

1.1 The Council is the licensing authority for hackney carriages and private hire vehicles in the Borough. These vehicles may be licensed to carry up to eight passengers, and the driver.

1.2 In July 2010 the Licensing Committee approved that saloon hackney carriage vehicles will not be licensed for the first time if they are not less than 3 years old.

1.3 Time has shown that there is a need for further amendment to conditions relating to the saloon/estate hackney carriages initial age limit.

2.0 **RECOMMENDATIONS**

2.1 That the Committee approve the amendments to the Council's current conditions for hackney carriage vehicles to allow saloon vehicles to be less than 4 years for getting it initially licensed.

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Report approved by: Head of Community and Customer Services

3.0 **DETAILED PROPOSAL**

3.1 **Saloon/Estate hackney carriages age limit**

Hackney carriages and private hire vehicles licensed by the Council may in law carry up to eight passengers, as well as the driver. (Vehicles that carry nine or more passengers are classed as public service vehicles, licensed by the Traffic Commissioners).

- 3.2 Currently wheelchair accessible, purpose-built and MPV hackney carriage vehicles can be considered for a hackney carriage vehicle licence if they are less than 4 years old when presented for initial licensing and hackney carriage saloon need to be less than 3 years for getting it initially plated.
- 3.3 Several licensed drivers have recently expressed concern about the age limit on saloon/estate type vehicles. They have suggested that the age restriction for saloon vehicles could be slightly relaxed so that vehicles could be first licensed up to four years of age, thus bringing the age of saloon in line with London-style/MPV hackneys. The Watford Hackney Carriage Drivers' Association has suggested that the maximum age for newly licensed saloon, estate and MPVs should be five years. Mechanically there is likely to be very little difference between vehicles but financially there can be a difference in the purchase price. Allowing vehicles up to years (or even five) years old instead could encourage owners to change their vehicles and avoid further confusions when purchasing their vehicles.

3.4 **Best Practice Guide**

The Taxi and Private Hire Licensing: Best Practice Guide (Department for Transport, 2010) does not specifically address minimum age limits but suggests in relation to maximum age limits:

“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.”

- 3.5 The Council's view is that setting a maximum age limit for vehicles when they are first licensed helps raise the standards of vehicles that are available to taxi passengers in the town.

3.6 **Regulators' Compliance Code**

The statutory Regulators' Compliance Code under the Legislative and Regulatory Reform Act 2006 places a duty on the council in relation to encouraging economic progress when determining any general policy or principles as follows:

“Good regulation and its enforcement act as an enabler to economic activity. However, regulation that imposes unnecessary burdens can stifle enterprise and undermine economic progress. To allow or encourage economic progress, regulators must have regard to the following provisions when determining general policies or principles or when setting standards or giving general guidance about the exercise of regulatory functions.

3.1 Regulators should consider the impact that their regulatory interventions may have on economic progress, including through consideration of the costs, effectiveness and perceptions of fairness of regulation. They should only adopt a particular approach if the benefits justify the costs and it entails the minimum burden compatible with achieving their objectives.

3.2 Regulators should keep under review their regulatory activities and interventions with a view to considering the extent to which it would be appropriate to remove or reduce the regulatory burdens they impose.

3.3 Regulators should consider the impact that their regulatory interventions may have on small regulated entities, using reasonable endeavours to ensure that the burdens of their interventions fall fairly and proportionately on such entities, by giving consideration to the size of the regulated entities and the nature of their activities.

3.7 By approving and bringing this age limit in line with the London-style and wheelchair accessible vehicles the trade will have a clear and better understanding of the vehicle age limit whilst licensing and would avoid further confusion. This proposal will assist economic development by making it easier for licence-holders to buy cars that should not be significantly different in mechanical and safety terms. They are often cheaper to purchase however as cars used for normal private use of course require annual MOT tests once they are over three years old, and consequently many people place their cars on the second-hand market at that point.

4.0 **IMPLICATIONS**

4.1 **Financial**

4.1.1 There are no financial implications to the Council arising from this report.

4.2 **Legal Issues** (Monitoring Officer)

4.2.1 This report concerns a change in the licensing conditions for hackney carriage vehicles. A party aggrieved by a licence condition has the right to appeal against that condition to the magistrates' court within 21 days of the grant of that particular licence. The Council is entitled to adopt conditions that are clear, reasonable and proportionate.

4.3 **Equalities**

4.3.1 There are no equalities implications to the Council arising from this report.

4.4 **Potential Risks**

Potential Risk	Likelihood	Impact	Overall score
Legal challenge	2	2	6
Risks are to be scored 1 - 4 for both Likelihood and Impact Likelihood 1=unlikely 2=possible 3= highly likely 4= virtually certain Impact 1= very little 2=not very serious 3= serious 4= catastrophic So overall maximum score is 16			

Appendices

None

Background Papers

The following background papers were used in the preparation of this report. If you wish to inspect or take copies of the background papers, please contact the officer named on the front page of the report:

Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (Department for Transport, 2010)

File Reference

None