WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE
20TH AUGUST 2010

**Application to Renew a Hackney Carriage Proprietor's Licence
Beyond the Council's adopted Policy of Age Criteria (1997)**

OPEN	
DIRECTOR:	Director of Planning and Regulatory Services
CONTACT OFFICER:	Brian Kent – Ext. 2593 Brian.Kent@wyreforestdc.gov.uk
APPENDICES:	Appendix 1 - Council's Resolution on Age Policy 1997 Appendix 2 - Application for Vehicle Licence Appendix 3 – Hackney Carriage Inspection Form

1.   PURPOSE OF REPORT

1.1   To consider an application for the Renewal of a Hackney Carriage Proprietor's Licence made by Trevor John Owen of Regency Vehicle Hire, 5 Comberton Terrace, Kidderminster which falls outside of the Age Criteria Policy set by the Council in 1997.

2.   RECOMMENDATION

The Committee is asked to DECIDE that:

2.1   the application for renewal of a Hackney Carriage Proprietor's Licence for Vehicle Registration Number Y238 LUM be agreed or not as it falls outside the Age Criteria Policy set by the Council in 1997.

3.   BACKGROUND

3.1   The Hackney Carriage / Private Hire Vehicles cease to be re-licensed after seven years from the date of first registration.

3.2   The Council introduced the age limit policy on its Hackney Carriages and Private Hire Vehicles a number of years ago due to the poor and unreliable state of its licensed vehicles.

3.3   The Wyre Forest District Council Licensing Committee meeting on the 29th July 1997 resolved that:

the Council's policy on <u>age limits</u> on Hackney Carriage and Private Hire vehicles be retained as:

(a)   *only vehicles under the age of four years can be licensed for the first time; and*

(b)   *seven years for the renewal of a Licence. However a vehicle would cease to be licensed after seven years from the date of first registration.*

Exceptions to the age limit were, London styled taxis (black cab type) mini buses and Volvo 940 vehicles (Appendix 1)

4.   KEY ISSUES

4.1   The policy is flexible and grants exception to three classes of vehicle - London style Taxis, Mini-buses, and the Volvo 940 saloon. These models were considered to be special cases because of their quality build providing greater durability.

4.2   The Council does not specify particular makes of vehicle which can be licensed as hackney carriages. It recognises that motor manufacturers continually improve standards of their product and new cars have additional safety equipment compared with older models.

4.3   The age of a vehicle is considered from the date of first registration with the Driver and Vehicle Licensing Agency, according to the registration document relating to the vehicle.

4.4   The Hackney Carriage (HC 78) which is the subject of this application is a Toyota Avensis, Vehicle Registration Number Y238 LUM. This vehicle was first registered on the 2nd August 2001.

4.5   On the 28th April 2010 an application was received by Licensing Officers from Trevor Owen *(Appendix 2).*

4.6   The vehicle was examined on the 27th May 2010 where the mileage was recorded at 449,433. The vehicle was found to be fit for use as a Hackney Carriage and a copy of the Inspection Form is attached at *Appendix 3.*

5.   FINANCIAL IMPLICATIONS

5.1   There are no financial implications arising from this report.

6.   LEGAL AND POLICY IMPLICATIONS

6.1   Every case should be decided on its merits.

6.2   Section 47 of the Local Government (Miscellaneous Provisions) Act 1976, gives the local authority discretionary powers in relation to Hackney Carriage Proprietors' Licences.

"Licensing of Hackney Carriages
Section 47

(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 reasonably consider 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 (Town Police Clauses Act 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 the Magistrate's Court."

6.3   In October 2006 the Department for Transport published

"**Best Practice Guidance to Local Authorities in respect of Taxi and Private Hire Vehicle Licensing**".

In the Introduction it states:

"It is for individual authorities to reach their own decisions both on overall policies and on individual licensing matters in light of their own views of the relevant considerations."

VEHICLES – 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."

Wyre Forest Policy
6.4   Wyre Forest Council Policy is more stringent and requires all Hackney Carriages and Private Hire Vehicles to be tested three times every year.

7.   RISK MANAGEMENT

7.1   There is no risk management issues arising from this report.

8.   EQUALITY IMPACT ASSESSMENT

8.1   There are no issues over Equality Impact Assessment.

9. **CONCLUSION**

9.1   The licensing of vehicles and drivers has the prime aim of protecting the public safety and the vehicle licence conditions ensure that the public of Wyre Forest can use Hackney Carriages and Private Hire Vehicles in the knowledge that they are as safe as the Council can make them.

9.2   Taxis generally cover a high mileage throughout their years of public service. Wear and tear is considerable and vehicles require exchanging for newer models.

9.3   The Toyota Avensis, Vehicle Registration Number Y238 LUM is:

- in excess of the seven year age policy (nine years)

- not considered to be of the quality which would provide grounds to be an exception to the policy.

10.   **CONSULTEES**

10.1   Director of Legal and Corporate Services.

11.   **BACKGROUND PAPERS**

11.1   Department for Transport Best Practice Guidance.