

Consideration to review Hackney Carriage upper - age limits

Licensing Committee

Date: 15 June 2017

Author: Licensing Manager

Wards: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1 The purpose of this report is to consider a request from Mr Keith Radway the proprietor of Swindon Black Cabs to remove the upper age limit on purpose built wheelchair accessible Hackney Carriage vehicles.
- 1.2 A letter requesting removal of the current upper age limit has been received from Mr Keith Radway of Swindon Black Cabs and is shown at Appendix A.

2. Recommendations

The Committee is recommended to:

- 2.1 Consider the request for the removal of the upper age limit on wheelchair accessible vehicles which is currently 15 years and to:
- Refuse the request to remove the upper age limit on wheelchair accessible vehicles; or
 - To agree to the request of removing the upper age limit on wheelchair accessible vehicles; or
 - To propose a lower new upper age limit for wheelchair accessible vehicles.
- 2.2 Consider increasing to 3 MOT inspections per year for vehicles between 12 years and 15 years to ensure the mechanical fitness of the vehicle is maintained.
- 2.3 Continue to grant delegated authority to the Licensing Manager to refuse to licence a wheelchair accessible Hackney Carriage vehicle after inspection if in their opinion the vehicle has not been properly maintained in accordance with the Councils approved guidelines.

3. Detail

- 3.1 The upper age limit for purpose built wheelchair accessible vehicles is currently 15 years. The vehicles can be first licensed at 5 years or less and will continue until 15 years at which point it is considered too old to be licensed. This age limit has been in force since 2012.

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- 3.2 Currently purpose – built wheelchair accessible Hackney Carriages can be licensed for 15 years with an annual inspection in the 11th to 15th year and two MOT tests per annum at one of the garages contracted by the Council.
 - 3.3 Vehicle specifications have improved significantly since 1997 when the initial age limit of 10 years was first imposed. This age limit was increased in 2008 to an upper age limit of 12 years. In 2012 the Licensing Committee re-considered this age limit and determined that as specifications had improved significantly, vehicles were capable of providing a safe and comfortable service beyond the 12 year limit. The Committee resolved that the age limit be extended to 15 years.
 - 3.4 The overarching principle behind the licensing of private hire and hackney carriage vehicles is one of public safety. Based on this overarching principle the Council implemented a policy that limits the age upon which a vehicle can be first licensed, and an age upon which it must cease being licensed.

2.8 In March 2010 the Department for Transport issued non statutory 'Best Practice' guidance relating to private hire and hackney carriages. This guidance states the following in relation to age limits: - "Age Limits it is perfectly possible for vehicles to be in good condition. So the setting of an age limit beyond which a local authority will not licence vehicles may be arbitrary and inappropriate. But greater frequency of testing may be appropriate for older vehicles-for example, twice yearly checks for vehicles over five years old.

- 3.5 The Licensing Authority regularly inspects vehicles to ensure that they are 'fit' for carrying fare paying passengers and there has been the need to issue defect notices or indeed suspend vehicles particularly they approach the upper age limit.
- 3.6 There is no proposal or request to change the upper age limit on a Hackney Carriage saloon or private hire vehicles.

4. Alternative Options

- 4.1 The Licensing Committee could choose not to proceed with the any of the options available if it considers that there is no benefit in doing so.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There are no direct financial implications arising from the report.
- 5.2 The removal of the upper age limit would not impose additional costs nor generate any income for the Council. However, there will be cost to the Council in terms of officer time in the carrying out of the more extensive inspections to

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ensure that officers do not fetter their discretion. Legal and Human Rights Implications

Legal and Human Rights Implications

- 5.3 Legal and Human Rights considerations have been taken fully into account in compiling this report. The recommendations of this report are compatible with Convention Rights as they are fully in accord with the requirements of relevant legislation. The Council is required to comply with the statutory provisions referred to in the report, which the adoption of this policy will ensure it does. All other legal and human rights implications have been considered in the preparation of this report.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.4 This report relates to the requirements of licensing legislation. Public safety is the driver for the policy and has been taken into account in its drafting and designation. There are no staffing, sustainability or rural implications arising from this report.

Diversity Impact Assessment

- 5.5 A Diversity Impact Assessment is not required for this report.

6. Consultees

- 6.1 The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 Local Government (Miscellaneous Provisions) Act 1976
7.2 Town Police Clauses Act 1847

8. Appendices

- 8.1 Appendix A – Letter from Mr Keith Radway (To follow)