

**CYNGOR SIR POWYS COUNTY COUNCIL**

**PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE**

**Date: 6<sup>TH</sup> December 2018**

**REPORT AUTHOR:** Senior Licensing Officer

**SUBJECT:** Hackney carriage and Private Hire Licensing – Vehicle Conditions

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**REPORT FOR:** **Decision**

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**1. Summary**

1.1 To review proposed revisions to the vehicle licence conditions that apply to licensed Hackney Carriage and Private Hire Vehicles, specifically introducing an age policy to licensed vehicles with a view to raising reliability, safety and overall standard of the licensed fleet in Powys

**2. Proposal**

2.1 The authority administers the licensing regime for Hackney Carriages (taxis) and Private Hire Vehicles, currently licences are issued subject to locally set conditions, the power to do this is contained in The Local Government (Miscellaneous Provisions) Act 1976 Sections 47 (Hackney Carriages) and 48 (Private Hire Vehicles). The authority may attach such conditions they consider reasonably necessary; the overriding purpose of the taxi licensing regime is public safety.

2.2 The conditions were last updated in October 2017 when a number of measures were introduced including:

- Requiring Wheelchair accessible vehicles to meet appropriate European Type Approval standards
- Stricter controls on the display of the vehicle licence plate
- Stricter controls on exemptions to display the vehicle licence plate

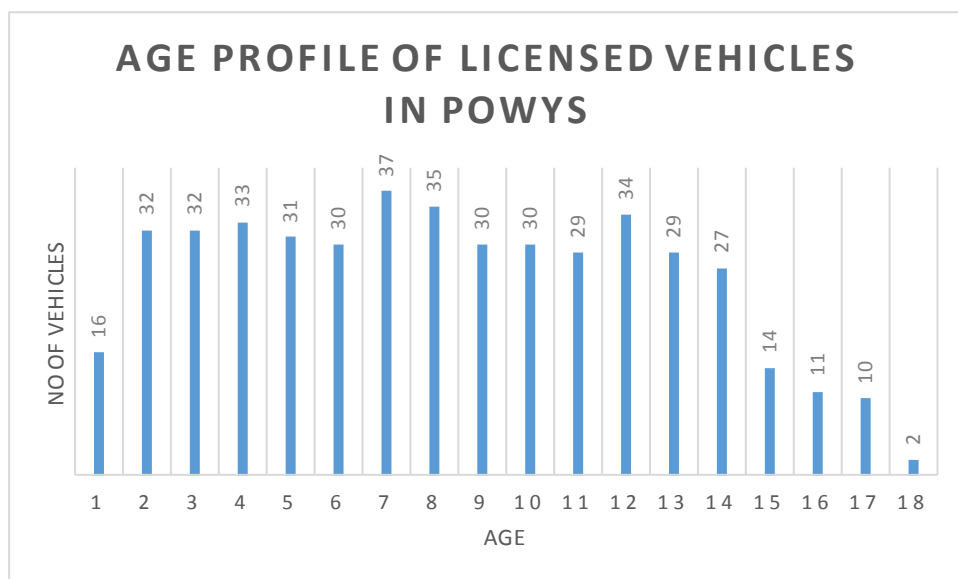
2.3 It is proposed that in order to raise standards further an age condition to licensed vehicles be introduced. Such a policy is in recognition that licensed vehicles are working much of the time and have mileages far in excess than vehicles used for domestic purposes only. In line with many other authority's age policies the condition would be twofold:

- A maximum age of either 6 years or 8 years ( depending on the option taken by committee) for any application presented after 1.419 in respect of a vehicle that has not previously had a licence A maximum age for licensed vehicles of 12 years.

Hence a 5-year-old vehicle would be eligible for licensing, and if licensed could remain so until it reached 13 years, subject to no break in the annual renewal process.

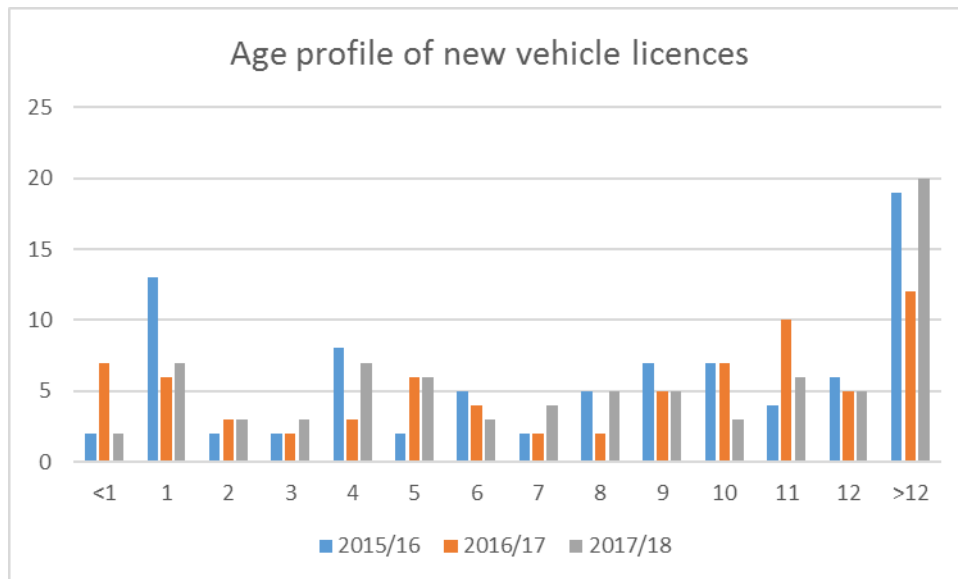
It is further proposed that a lead in time of 12 months be approved for existing licensed vehicles, so for a proprietor with a vehicle approaching an age in excess of 12 years they will be permitted to renew the licence on that vehicle for a further 12 months from the date of commencement of the revised conditions. Allowing adequate notice to make arrangements to replace older vehicles

- 2.4 The age profile of our current licensed fleet is illustrated below (figures as of 01/10/2018):



This policy would affect vehicles over 12 years old of which there are currently a total of 93 (21% of fleet); 29 of these would benefit from the 12-month lead in period and would be eligible for licensing for a further year.

- 2.5 The chart below shows the age of all new vehicles licensed in the last 3 years:



A large proportion of vehicles first presented for licensing are older vehicles, an age limit for vehicles for newly licensed vehicle will have a significant impact on the age of the fleet whether it be a six-year limit or an eight-year limit.

- 2.6 Age policies are a common feature of vehicle licence conditions and it is not uncommon for out of area vehicle proprietors to licence their vehicles with neighbouring authorities to avoid age conditions in their home authority. The introduction of an intended use policy for Hackney Carriages (that required Hackney Carriages proprietors to predominantly operate their vehicles in Powys) and a driver knowledge test in 2014 assisted in tackling an influx of out of area applications in Powys at the time, but it is still perceived amongst those in the trade and by our Licensing staff that some Private Hire Operators who are able to mainly operate their vehicles outside of Powys will try and avoid age conditions in their own authorities.
- 2.6 Historically licensed vehicle conditions do vary from authority to authority. Taxi licensing legislation was devolved to Welsh Government this year and they have announced their intentions to reform the current outdated legislation <https://gov.wales/newsroom/transport/2017/170613-welsh-government-look-to-update-200-year-old-taxi-licensing/?lang=en>. Their proposals for reform include national standards for both vehicles and drivers, which would be very welcome. Unfortunately, it is not likely that such reforms will be implemented for several years yet. It is not known at this stage whether these standards will include an age policy for vehicles, but by bringing our conditions in line with the majority of authorities in Wales it will assist in consistency in the interim
- 2.7 In Wales, of the 22 authorities all but 10, including Powys do not have an age policy. All of the policies vary but most use the two-fold approach with a maximum age anywhere between licensing new vehicles only up

to 5 years old and a maximum age for vehicles currently licensed from 8 to 12 years.

2.8 The table below illustrates the position in relation to vehicle age policies for all of our neighbouring authorities; out of 13 authorities all but 4 have a restriction:

<b>County</b>	<b>Age Policy</b>	<b>Notes</b>
<b>Blaenau Gwent</b>	√	4 years on application / max age of 10 years
<b>Caerphilly</b>	√	4 years on application / max age of 10 years
<b>Carmarthenshire</b>	√	Max 8 years across board
<b>Ceredigion</b>	√	5 years on application / max age of 10 years
<b>Denbighshire</b>	X	
<b>Gwynedd</b>	√	6 years on application / max age of 12 years
<b>Herefordshire</b>	√	5 years on application / nothing registered before 2000 licensed
<b>Merthyr</b>	√	4 years on application
<b>Monmouthshire</b>	X	
<b>Neath Port Talbot</b>	X	
<b>Rhondda Cynon Taff</b>	√	3 years on application / max age of 10 years
<b>Shropshire</b>	X	Have Euro emission standard instead – currently would bar any vehicle registered prior to 2006
<b>Wrexham</b>	X	

2.9 Powys has separate vehicle licensing conditions for stretch limousines, these vehicles are imported, usually from the US and do not comply with our general vehicle licence conditions as they are left hand drive. There are only 2 vehicles currently licensed where these conditions apply, they are both in excess of 12 years old, however they are not vehicles that are working on a daily basis, they have lower mileage than other vehicles of the same age and are usually only used by their operators for special events. It is not intended that the age policy be extended to these vehicle conditions.

2.10 Finally, many of the licensed vehicles in Powys operate on home to school transport contracts. As part of the contract with the Council's Passenger Transport Service vehicles used on such contracts should be no older than 10 years. If a consistent policy were to be applied for licensing then 43% or 186 out of a total of 429 vehicles would be

affected, having a lower age limit for existing licenced vehicles will have less impact on these, whilst the higher age limit for new vehicles presented for licensing will promote a newer fleet overall.

### **3. Options Considered / Available**

3.1 Revised conditions must strike a balance between:

- Providing consistency with other authorities (especially our neighbours)
- Providing consistency with the policy of our Passenger Transport Service
- Protecting the public by raising the reliability, safety and standard of the licensed fleet in Powys
- Not detrimenting vehicle proprietors in Powys with older licensed vehicles who maintain them to a high standard.

3.2 An age limit is a simple means by which to raise the standard of the licensed fleet in Powys and is consistent with the majority of other authorities in Wales.

3.3 A two tier approach is being considered with 2 different options:

Option 1

***Vehicles first presented for licensing must be less than 6 years old from the date of first registration (admission age)***

***Vehicles currently licensed must be less than 12 years old from the date of first registration provided each subsequent licence takes place immediately on expiry of the current licence. (i.e. no breaks in between renewal of the licence).***

Option 2

***Vehicles first presented for licensing must be less than 8 years old from the date of first registration (admission age)***

***Vehicles currently licensed must be less than 12 years old from the date of first registration provided each subsequent licence takes place immediately on expiry of the current licence. (i.e. no breaks in between renewal of the licence).***

### **4. Preferred Choice and Reasons**

4.1 Option 2 is the preferred choice whereby the following condition is proposed:

***Vehicles first presented for licensing must be less than 8 years old from the date of first registration (admission age)***

***Vehicles currently licensed must be less than 12 years old from the date of first registration provided each subsequent licence takes place immediately on expiry of the current licence. (i.e. no breaks in between renewal of the licence).***

***This condition will effect existing vehicle licences from [insert date 12 months from implementation]***

The reason for the eight year recommendation is that the data from the last three years indicates that a large proportion of vehicles presented for first time licensing are older; an eight year limit will have a big impact on reducing the age of the fleet whilst at the same time being slightly less onerous for the trade to bear; the difference between the six year and eight limit is not particularly significant. A future six year limit should not be ruled out, although it is hoped that Nationally set licence conditions bringing a consistent vehicle age across Wales might come into force in due course.

- 4.2 Implementing the above will reduce the age of the fleet of licensed vehicles, in turn raising the standard and increasing public safety. It will be more consistent with our neighbouring authorities and our passenger transport section and reduce the number of applications we receive from private hire operators presenting very old vehicles and avoiding age conditions in other neighbouring authorities.
- 4.3 Any age policy in the licence conditions could be departed from in exceptional circumstances, should a vehicle in exceptional condition be presented for licensing, in this instance the application would be considered by a sub-committee based on the merits of the case. To depart from the policy would be exceptional though.
- 4.4 Prior to implementation of an age policy a consultation will take place with the trade via a Taxi Newsletter to be communicated to all licensed taxi drivers in Powys. Responses in respect of the proposals will be sought over a four-week period and any valid, reasoned opposition raised by the trade will be brought back to committee for consideration
- 4.5 Should there be no reasoned opposition then the licence conditions will be revised to reflect the new policy immediately following the four-week consultation period.

## **5. Impact Assessment**

- 5.1 Is an impact assessment required?                      No

## **6. Corporate Improvement Plan**

- 6.1 Licensing contributes to various aspects of the 'Vision 2025' document - 'Change for Powys – delivering an open, pro-active and engaging council for

2025'. This proposal supports the priority areas of developing a vibrant economy whilst supporting and protecting our residents and communities.

**7. Local Member(s)**

7.1 This report has no particular significance on one or some electoral divisions.

**8. Other Front Line Services**

8.1 Does the recommendation impact on other services run by the Council or on behalf of the Council? No

**9. Communications**

9.1 The taxi trade will be consulted in relation to the proposals via a Taxi Newsletter.

**10. Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)**

10.1 Legal – The view of the legal officer is to specify an implementation date of 01/04/2019

10.2 Finance - The finance officer notes the report and makes no comments

10.3 The Deputy Monitoring Officer notes the legal comment and makes no further comment.

**11. Scrutiny**

11.1 Has this report been scrutinised? No

**12. Statutory Officers**

**13. Members' Interests**

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
<b>To approve an age policy as set out below for licensed Hackney Carriages and Private Hire Vehicles to be consulted on with the trade for a four week period, any valid and reasoned</b>	<b>Implementing the above will reduce the age of the fleet of licensed vehicles in Powys, in turn raising the reliability, safety and overall standard of licensed</b>

**opposition to the policy will be brought back to committee, otherwise the policy will be implemented after the four week period**

**vehicles.**

**The age policy proposed as part of the consultation will be:**

*Vehicles first presented for licensing must be less than 8 years old from the date of first registration (admission age)*

*Vehicles currently licensed when presented for renewal must be less than 12 years old from the date of first registration provided each subsequent licence takes place immediately on expiry of the current licence. (i.e. no breaks in between renewal of the licence).*

*This condition will effect existing vehicle licences (excluding stretch limos)from [12 months from the implementation date of 1/4/2019]*

<b>Relevant Policy (ies):</b>	None		
<b>Within Policy:</b>	Y	<b>Within Budget:</b>	Y

<b>Relevant Local Member(s):</b>	N/A
<b>Relevant Portfolio Holder</b>	Cllr James Evans

<b>Person(s) To Implement Decision:</b>	<b>Senior Licensing Officer</b>
<b>Date By When Decision To Be Implemented:</b>	<b>Consultation with taxi trade to commence as soon as possible.</b>

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**Background Papers used to prepare Report:**

The Local Government (Miscellaneous Provisions) Act 1976 Sections 47 (Hackney Carriages) and 48 (Private Hire Vehicles).



