

**MONMOUTHSHIRE COUNTY COUNCIL
REPORT**

SUBJECT: Proposal for Taxi and Private Hire Policy and Conditions 2016

DIRECTORATE: Chief Executives

MEETING: Licensing and Regulatory Committee

Date to be considered: 22nd March 2016

DIVISION/WARDS AFFECTED: All Wards

1. PURPOSE:

- 1.1 To consider the proposal for Taxi and Private Hire Policy Conditions 2016, further to the recently completed consultation with the trade.

2. RECOMMENDATION(S):

- 2.1 Members approve the new policy and conditions to come into force on 1st April 2016 for hackney carriage / private hire licensees (attached as Appendix A), except for the age policy of vehicles, whereby a decision is to be made as per 2.2 below.

- 2.2 Members determine and approve one of the following options in relation to age policy of vehicles;

- (a) The proposed age policy: New vehicle to be granted a licence if under 5 years and will not be relicensed over 10 years. Older vehicles may be licensed in exceptional circumstances e.g. specialist, stretched limousines and historic vehicles. Vehicles currently licensed with MCC during the period 1/4/2015 – 31/3/16 which are 8 years or over may continue with their licence to up until to 2 years with effect from 1st April 2016. Testing of the vehicles to be conducted once a year after the vehicle is a year old, vehicles over 5 years to be tested twice a year and vehicles over 8 years to be tested three times a year.
- (b) As 2.2(a) above but with a longer phasing in period from 1st April 2016 – to be agreed.
- (c) As 2.2.(a) above with the addition that Wheelchair Accessible vehicles will not be relicensed over an extended period than the proposed 10 years – to be agreed.
- (d) As 2.2 (c) above but with a longer phasing in period from 1st April 2016 – to be agreed.
- (e) As 2.2.(a) above with a longer period (greater than 10 years) before a vehicle will not be relicensed – to be agreed.
- (f) As 2.2 (e) above but with a longer phasing in period from 1st April 2016 – to be agreed.
- (g) As 2.2(a) above but with no limitation on relicensing i.e. new vehicles to be granted a licence if under 5 years.
- (h) To retain the existing licensing regime with no age restrictions, with testing of vehicles to be conducted once a year after the vehicle is a year old, vehicles over 5 years to be tested twice a year and vehicles over 10 years to be tested three times a year.

3. KEY ISSUES

- 3.1 At the Licensing and Regulatory Committee held on 9th February 2016, Members provisionally approved the revised Taxi and Private Hire Policy and Conditions 2016, subject to consultation with the taxi trade. Consultation was also conducted with the public and the Passenger Transport Unit who deal with children and adult transport, which includes disabled access. If no responses to the consultation were received the policy would come into force with effect from 1st April 2016. It was further agreed that should a response be received it would be deferred back to the Licensing and Regulatory Committee on 22nd March 2016 for a decision. Responses have been received on this Policy and as such the matter is referred back to Committee for a decision.
- 3.2 It was agreed that consultation on the policy would take place between 9th February 2016 and 18th March 2016. Due to the submission of circulation of Committee reports, the details within this report refer to responses received up until 14th March 2016, further responses received before the expiry date of the consultation on 18th March 2016 will be presented at the Licensing and Regulatory Committee on 22nd March 2016.
- 3.3 The Licensing Section has received 13 responses to the policy. 11 of those responses were from the taxi trade, with 2 from members of the public. 12 of those responses were against the age restriction on vehicles, with 1 requesting the age policy be introduced (Attached to this report as Appendix B). A summary of the responses are as follows:-
- (a) Against age policy as vehicles can have low mileage even if they are old vehicle.
 - (b) Regular testing of vehicles would be more appropriate as to roadworthiness, than putting on an age restriction.
 - (c) Cost of replacement vehicles to comply with age restriction would put businesses out of action and people would lose their jobs.
 - (d) Disabled fleets would be lost as they would no longer comply, due to age restriction.
 - (e) School transport provisions would be lost as vehicles would no longer comply, due to age restriction.
 - (f) A member of the public felt that there were not enough taxis in the Abergavenny area and putting an age restriction on them would minimise taxis further.
 - (g) A member of the public felt that it is not environmentally friendly to encourage short use of vehicles if age policy is in place.
 - (h) A referral was made to an extract from the Department of Transport document – Taxi and Private Hire Vehicle Licensing Best Practice Guidance dated March 2010 as follows:
“Age Limits. It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit is 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 tests for vehicles more than five years old”
 - (i) An extract was submitted from the High Court Decision made against Newport City Council as a result of a Judicial Review dated 27/11/2009, when Newport tried to adopt age policy of vehicles as follows:
“Extract:- For the reasons given, I have concluded that the defendant’s decision to impose age restrictions for licensed hackney carriages and private hire vehicles made on 18 March must be set aside. The failure to take account of the 6 monthly plating tests together with the other matters to which I have referred

mean that this is not a case in which it would be appropriate to deny the claimant a remedy in the exercise of discretion.”

(j) London age limit on taxis is 15 years due to emissions.

(k) A member of the trade had concerns that his van conversion would no longer comply under the new policy.

3.4 At the Licensing and Regulatory Committee held on 9th February 2016, it was recommended that an age policy of vehicles be introduced in order to ensure the standard of the vehicles are of a high standard. The recommendation tallies with that currently being used by Torfaen Council and Blaenau Gwent, and it was further noted that Newport Council were also looking to introduce an age policy guideline. The age restriction was to ensure that passengers have a comfortable and pleasant journey in a vehicle. It was recognised that unless an age restriction of a vehicle was in place a vehicle may be tired or worn and of a dirty interior along with the vehicle appearance of an aged vehicle. The vehicle may have rusted bodywork but may still pass the current test of a vehicle. The policy also recognised that older vehicles may be licensed in special circumstances e.g. if they are specialist, stretched limousines and historic vehicles.

3.5 With reference to the responses made in 3.3 above.

- 241 vehicles are licensed within Monmouthshire County Council, 104 of these vehicles are over 10 years old and 60 of those vehicles aged over 10 years old has a Passenger Transport Unit contract.
- 14 vehicles licensed within Monmouthshire County Council has wheelchair access, 7 of these vehicles are aged over 10 years old.
- Concerns over the Environment in 3.3(g) and 3.3(j) above. London transport will not licence vehicles to travel within their low emission zones if the vehicle when registered as new was before 1st January 2002 as it is felt the vehicle would not meet the Euro 3 emissions standards. European Regulation Number 443/2009 sets an average CO₂ emissions target for new passenger cars of 130 grams per kilometre. The target is gradually being phased in between 2012 and 2015. A target of 95 grams per kilometre will apply from 2021. Car manufacturers in the United Kingdom voluntarily agreed to put a more “consumer-friendly,” colour-coded label displaying CO₂ emissions on all new cars beginning in September 2005, with a letter from A (<100 CO₂ g/km) to F (186+ CO₂ g/km). The goal of the new “green label” is to give consumers clear information about the environmental performance of different vehicles.
- The Department of Transport document referred to in 3.3(h) is a guidance document that was issued in 2010 and it does not prevent Local Authorities adopting their individual policies as they seem fit.
- The Judicial High Court ruling against Newport City Council referred to in 3.3 (i) was a decision made on the conduct on how Newport tried to introduce the age policy and it was deemed that there was an element of bias when reaching their decision as a Councillor failed to acknowledge that his brother was a taxi driver within Newport. The case further highlighted the process of introducing the policy was flawed in that (a) consultation must be at a time when proposals are still at a formative stage, (b) sufficient reasons must be given for any proposal to enable intelligent consideration and response. This High Court case does not prevent Local Authorities to introduce an age policy and Authorities have continued to do so since this case in 2009.
- Concerns were raised in 3.3(k) that a van would no longer comply under the new Policy. The Policy states in Appendix D, item 10 that goods vehicle, which has been converted to carry passengers must obtain a M1 or M2 certificate from VOSA to ensure the vehicle is suitable to carry

passengers. Safety of passengers is paramount and vehicle adaptations must not prevent this. The van in question would be required to obtain a certificate of M1 or M2 category and is not an automatic exclusion from trading.

- 3.6 Since the Licensing and Regulatory Committee held on 9th February 2016, the Taxi and Private Hire Policy and Conditions 2016 has had minor changes to improve the understanding of the proposal within it and these changes have been highlighted in blue (attached as Appendix A).
- 3.7 This Licensing Authority welcomes the consultation responses, which will be duly considered prior to adoption of this Policy.

4. REASONS

- 4.1 No objections were received on any elements of the Taxi and Private Hire Policy and Conditions 2016, except for the age policy and as such it is recommended that all other elements be approved in 2.1 above.
- 4.2 Comments received by the trade will be considered and Members determine the age policy of vehicles in 2.2 above.

a. RESOURCE IMPLICATIONS

- 5.1 All Licensing fees and charges are recovered on a cost recovery basis.

b. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS

- 6.1 The 'Future Generations' template was considered in the Licensing and Regulatory Committee dated 9th February 2016. It was recognised at this hearing that the updated policy will enhance our corporate safeguarding role, together with improving the passenger experience.

7. CONSULTEES:

Consultation with the taxi trade, members of the public, Licensing Authorities of Torfaen, Blaenau Gwent, Caerphilly and Newport and Monmouthshire County Council's Passenger Transport Unit.

8. BACKGROUND PAPERS:

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976.

Current Policy and Conditions for Hackney Carriages and Private Hire Licensing of Torfaen County Borough Council, Newport City Council, Blaenau Gwent County Borough Council, Caerphilly County Borough Council and Scarborough Borough Council.

9. AUTHOR:

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