

**REPORT FROM: PLANNING, BUILDING CONTROL & LICENSING SERVICES  
MANAGER**

**TO: EXECUTIVE**

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## **AGE LIMIT OF LICENSED VEHICLES**

### **PURPOSE OF REPORT**

To consider a recommendation from the Taxi Licensing and Other Licensing Committee to amend the age limit policy for hackney carriages and private hire vehicles.

### **RECOMMENDATION**

That the age limit policy be adopted as set out at paragraph 7, numbers 1-5 inclusive.

### **BACKGROUND**

1. At a meeting of the Taxi Licensing and Other Licensing Committee held on 3 September 2015 it was agreed that no changes be made to the age limit policy due to the number of vehicles failing taxi tests and spot checks.
2. The current age limit for our licensed vehicles is up to a maximum of seven years when first licensed. A licensed vehicle can continue to be licensed until they reach nine years of age. For wheelchair accessible vehicles the corresponding times are seven through to twelve years of age.
3. These age limits were introduced in 2009 due to the high number of vehicles failing spot checks. The age limit was set to try and ensure that the quality of vehicles was acceptable in the interests of public safety.
4. Those concerns relating to the quality of vehicles remains with there being a consistent patten of vehicles failing unannounced tests.
5. 93% of vehicles failing on a spot check in June 2015. There was a slight improvement in December 2015 with 77% of vehicles failing. These failure rates are unacceptably high.

6. A spot check was carried out in June 2015 where thirteen vehicles were tested with twelve of those being immediately taken off the road due to mechanical faults. A further check in December 2015 resulted in thirteen vehicles tested with ten taken off the road.
7. Consideration to extending the age limit was last considered by the Executive in July 2014 where it was agreed that the current age limit be retained. This was in recognition of the need to improve standards by not extending the age of vehicles with the resulting deterioration of the standard due to age.

## ISSUES

6. The policy was further discussed at a meeting of the Taxi Licensing and other Licensing Committee held on 11 February 2016 where Committee felt that something needed to be done with regards the number of vehicles failing spot checks. Talks had taken place with the trade and it was felt that there needed to be something put in place that would marry up public safety and the needs of the trade and also be an incentive for drivers to take more care of their vehicles, thus reducing the failure rate.
7. Following this discussion it was agreed to recommend the following changes to the age limit policy:
  - (1) Vehicles are not to be more than seven years old when first licensed and no more than nine years old on renewal or if manufactured or adapted to allow for wheelchair accessibility no more than seven years old when first licensed and no more than twelve years on renewal.
  - (2)
    - i. the vehicle licence will be extended over the 9 and 12 year age limit if during the licensing history the vehicle had not reverted to a four month test (vehicles go on four month tests if it fails on any item under steering/ suspension, tyres and braking).
    - ii. any vehicles over 9/12 year of age will not have their licence extended if the vehicle fails on any faults that would result in a VOSA MOT failure.
    - iii. any vehicle over 9/12 years of age failing on the Council's vehicle standards will not automatically be taken off the road. The proprietor will be given the opportunity to repair the vehicle to the standard required in accordance with the vehicle standards.
  - (3) Any vehicles failing a spot check, resulting in the vehicles licence being suspended will not have the age limit extended over the 9/12 year limit.
  - (4) Continue to not allow pre-checks on licensed vehicles within 14 days of the licence expiring at any of the Council's authorised testing stations.
  - (5) Subject to the above:-
    - i. any vehicles on appeal will be allowed to be licensed
    - ii. any vehicle currently issued with a licence to their 9/12 year age limit with remaining months on their certificate of compliance will be continued until the expiry date of the certificate of compliance.
  - (6) The policy will be reviewed by the Taxi and Other Licensing Committee after 12 months.

## REASON FOR RECOMMENDATION

An incentive for drivers to take more care of their vehicles, thus reducing the failure rate.

## CONSULTATION

8. A questionnaire was sent to 113 hackney carriage and private hire vehicle proprietors asking if they were in agreement to the proposals being put forward. The following six responses were received.
9. The Police, Town and Parish Council have been consulted and any responses will be reported at the meeting.
10. A petition, signed by 61 representatives from the hackney carriage and private hire trade has been submitted requesting the maximum age limit is increased to 12 years which is in line with the policy on disabled adapted vehicles. They feel the decision put forward by the Taxi Licensing Committee are discriminatory to the existing service providers and they provide no transitional period for existing licence holders to comply with the so-called recommendations.

## Responses to questionnaire

Question	Responses	Comments
Are you in agreement with the proposals	3 responses in agreement	
If you agree with some parts of the proposals, please state your reasons for the section you don't agree with and what would you like to happen	1 response in agreement to some of the sections –  Response: In clause 2iii it states the owner will be given a chance to bring the car back on the road if it does not meet the Council's standards. Hence if old cars are being given a chance to be repaired and brought back on the road then why is it previous failed cars which have been put into the 4 months category are being discriminated and not being given the chance to be repaired and run according to standards. It doesn't seem fair on the newer cars to be held back due to a minor fail. The previous failed cars should be renewed and be given a chance to be extended once met with council standards.	The vehicle standards are related to the bodywork and interior of a vehicle and not the mechanical side. No vehicle is put on a four month test for failing these standards and all owners are given a chance to bring a vehicle up to standard regardless of the age of the vehicle.
If you are not in agreement with any of the above, please state your reasons	2 responses not in agreement to any of the sections  First response:  Thinks it's best to keep as it is as all these changes don't make any benefit to us, just more work. What is the guarantee if one garage does pre-check other will pass it?  Second response: 1. Should extend the age limit	Under the proposals the Council's authorised garages will not carry out pre-checks within 14 days of the licence expiring.

	<p>2ii. Why can the taxi not be repaired by VOSA issued MOT and driven above the 9 year age limit.</p> <p>3. They should allow the driver to get car repaired if it fails a spot check and extend the 9 year age limit.</p>	
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## CONCLUSION

10. We feel that an age limit is still necessary as to increase this will further erode the quality of the vehicles that is being encountered in Pendle presently. The last two inspections were not untypical of previous ones where vehicle maintenance was at an unacceptable low level.
11. We feel the recommended changes to the policy will not compromise public safety as only vehicles that have been appropriately maintained both mechanically and visually, will be allowed to continue beyond the age limit.
12. One area of concern is that we must appoint garages who will test vehicles to the standard set out by the Council and VOSA MOT standard. A garage has recently been stopped from carrying out our taxi tests as they were not testing vehicles to either standard, therefore putting the public at risk.

## IMPLICATIONS

**Policy:** The age limit for a saloon vehicle is no older than seven years when first licensed through to nine years of age. For wheelchair accessible vehicles no older than seven years when first licensed through to twelve years of age.

**Financial:** None arising directly from the report.

**Legal:** None arising directly from the report.

**Risk Management:** None arising directly from the report.

**Health and Safety:** None arising directly from the report.

**Sustainability:** None arising directly from the report.

**Community Safety:** None arising directly from the report.

**Equality and Diversity:** None arising directly from the report.

## APPENDICES

None.

## LIST OF BACKGROUND PAPERS

None