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Regulatory Committee

Monday, 17 March 2014 6.30 p.m.
Council Chamber, Runcorn Town Hall



Chief Executive

COMMITTEE MEMBERSHIP

Councillor Kath Loftus (Chairman)
Councillor Pamela Wallace (Vice-Chairman)
Councillor Frank Fraser
Councillor Mike Fry
Councillor Pauline Hignett
Councillor Harry Howard
Councillor Darren Lea
Councillor Alan Lowe
Councillor Tony McDermott
Councillor Stef Nelson
Councillor Gareth Stockton

Please contact Gill Ferguson on 0151 511 8059 or e-mail gill.ferguson@halton.gov.uk for further information.

**ITEMS TO BE DEALT WITH
IN THE PRESENCE OF THE PRESS AND PUBLIC**

Part I

Item No.	Page No.
1. MINUTES	
2. DECLARATION OF INTEREST	
Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary interests, to leave the meeting during any discussion or voting on the item.	
3. TAXI LICENSING - TEMPORARY EXTENSION TO CURRENT AGE LIMITS FOR HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES	4 - 8
4. SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985	
PART II	
In this case the Board has a discretion to exclude the press and public and, in view of the nature of the business to be transacted, it is RECOMMENDED that under Section 100A(4) of the Local Government Act 1972, having been satisfied that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Part 1 of Schedule 12A to the Act.	
5. TAXI LICENSING MATTER	9 - 12

In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

REPORT: Regulatory Committee

DATE: 17th March 2014

REPORTING OFFICER: Chief Executive

PORTFOLIO: Resources

SUBJECT: Taxi Licensing – Temporary Extension to Current Age Limits for Hackney Carriages and Private Hire Vehicles.

WARDS: Borough-wide

- 1 **PURPOSE OF REPORT:** To consider a request made by elements of the taxi trade to extend by one year the two year Moratorium which related to the maximum age limits of Licensed vehicles. This was agreed by the Regulatory Committee to take effect from 19th March 2012 and to expire on 19th March 2014
2. **RECOMMENDED:** That the Committee consider this request
3. **BACKGROUND INFORMATION:**
 - 3.1 Age limits relating to Licensed Hackney Carriages and Private hire vehicles are currently based upon the expiry of the licence extant on the date that the following vehicle ages are arrived at:
 - 3.2.

Saloons Estates and MSV's	Maximum age 8yrs
MPV style vehicles	Maximum age 12 yrs
Purpose Built vehicles	Maximum age 16 yrs
 - 3.3 The current vehicle age policy was adopted by the Committee on 19th March 2007 (Minute REG23). The minute is set out in Appendix 1 to this Report.
 - 3.3 At a meeting of the Regulatory Committee on 10 April 2012 (Minute REG37) Members agreed to extend standard age limits for a temporary period of up to two years, to qualifying vehicles. The minute (so far as it relates to vehicle ages) is set out in Appendix 2 to this Report.
 - 3.4 This extension was granted subject to additional compliance testing and to restrictions concerning sale and transfer of those vehicles.

4. THE REQUEST IN DETAIL

- 4.1 The request to the Committee was submitted by APEC. The request is in two parts.
- 4.2 Part 1 of the request is to permanently extend by one year the maximum age of all vehicles and an equivalent extension of the minimum age of call vehicles. This part of the request would require a consultation process to be undertaken.
- 4.3 Part 2 of the request is a one year temporary extension to the existing moratorium with immediate effect. This would not require consultation.
- 4.4 The reason stated for Part 2 of the request is to allow Part 1 of the request to be consulted on without prejudicing the position of vehicle proprietors who would have to change old vehicles during the consultation period.
- 4.5 No detailed reasons have been provided by APEC in support of its request but the underlying reason is the same as when the moratorium was introduced, namely the state of the economy and the financial problems being experienced by the trade.

5 OPTIONS

- 5.1 The options available to The Committee are:
- Approve the requested one year extension to the moratorium
 - Refuse the requested one year extension to the moratorium
 - Consider undertaking a consultation process on Part 1 of the request.

6 POLICY IMPLICATIONS

Any changes made would affect existing policies regarding age restrictions on, and possibly standards of, Hackney Carriage and Private Hire Vehicles Licensed by Halton Borough Council

7 OTHER IMPLICATIONS

None

8 IMPLICATIONS FOR THE COUNCILS PRIORITIES

- 8.1 Children and Young People in Halton**
None
- 8.2 Employment Learning and Skills in Halton**
N/A
- 8.3 A healthy Halton**

- N/A
- 8.4 **A Safer Halton**
None
- 8.5 **Halton's Urban Renewal**
N/A

9 RISK ANALYSIS
N/A

10 EQUALITY AND DIVERSITY ISSUES
N/A

**11 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF
THE LOCAL GOVERNMENT ACT 1972**

Document	Place of Inspection	Contact Officer
Application Documents	Legal Services	John Tully/ Kay Cleary

APPENDIX 1

Regulatory Committee 19th March 2007

23. Minutes:

At a previous meeting held on 18th September 2006, the Committee agreed that a review of the age policy on Hackney Carriage and Private Hire vehicles in the Borough be undertaken.

Subsequently, on 26th October 2006, Members of the Taxi Consultative Group were advised of the review and asked for their comments and the reasons for their comments in writing.

As a result, 5 responses were received from the trade which were collated together with other relevant information and proposals for the age limit and reported back to the meeting of the Taxi Consultative Group on 25th January 2007.

At this meeting, the members of the group made comments both for and against the proposals and were requested to make recommendations/comments in writing to the Licensing Section, Legal Services by 16th February 2007.

RESOLVED: That the vehicle age policy outlined in appendix 1 be adopted as Council policy.

APPENDIX 1

PROPOSED VEHICLE AGE POLICY age limit	Maximum
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Saloons estate and MSV's	8 years (Status quo)
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MPV <u>FULLY</u> wheelchair compliant	12 years
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Purpose built (definition to remain the same)	16 years
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Grandfather rights period – 2011

Grandfather rights will be given for those adversely affected by any policy change. The current proposals mean that only Hackney Carriage purpose built vehicles could theoretically be adversely affected. By 2011 all purpose built vehicles will be no older than 16 years

REASONS FOR HAVING AN AGE LIMIT

- Inevitable decline in mechanical standards including greater likelihood of breakdown.
- Inevitable decline in comfort (seats / interior looking tired)
- Image
- Perfectly lawful to have an age limit (Hyndburn)
- System currently works
- Implication for no age limit would be a massive increase in enforcement to police the vehicles.
- Provides an incentive to invest in more expensive fully wheelchair compatible vehicles whilst balancing this against total absence of an age limit which would result in more vehicles of a lesser standard.
- Saloon and Estate and MSV's are not included whatever the cost of those vehicles. They do not contribute to increasing fully wheelchair accessible vehicles in the Borough.

Regulatory Committee 19 March 2012

37. Minutes:

The Committee considered a report which outlined the concerns within the Taxi trade relating to the replacement of vehicles on reaching the prescribed age limits. At a previous meeting of the Committee held on 19th March 2007 (Minutes23/2007 refers) it was resolved that Licensed Hackney Carriages and Private Hire Vehicles in Halton would be subject to age restrictions.

Members were advised that the current concerns within the trade were that replacing a licensed vehicle on attaining current age limits could, in the current time of austerity, be punitive to the proprietor and place unreasonable financial and/or personal pressures on Licence holders. However it was recognised that removing the condition in its entirety could lower the standards achieved in the Borough since the age restrictions were established, to the detriment of service to which the public were entitled. The Committee noted comments received from Taxi Operators, information contained in two letters from Taxi drivers and a petition from representatives from the trade which had been submitted.

RESOLVED: That

(1) with effect from 19th March 2012 any HCV or PHV licensed by the Council on that date may continue to be capable of being a qualifying vehicle notwithstanding that on or after that date the vehicle exceeded the adopted qualifying vehicle age threshold of the Council (“the Dispensation”) subject to the conditions (“the Conditions”) set out below; and

(2) the Dispensation shall apply for a period of two years commencing on 19th March 2012 (but for the avoidance of doubt any licence granted during this period shall continue to the end of the period of that licence) and thereafter the Council’s adopted qualifying vehicle criteria for the time being in force shall apply and the Dispensation shall cease to apply;

(3) the Conditions shall be:

- Any vehicle taking advantage of the Dispensation shall be subject to three tests per year
- No vehicle taking advantage of the Dispensation may be transferred to another proprietor.

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