

Licensing and Appeals Committee

Minutes of the meeting held on 29th June 2009

Present: Councillor Carmody – In the Chair

Councillors Chowdhury, Cowan, Hassan, Isherwood, Longsdon, Lyons, O'Callaghan, Royle and Smith.

LAP/09/22 Licensing of Hackney Carriage and Private Hire Vehicles beyond the usual age limits

On 16 February 2009, the Committee approved a formal 12-week consultation on proposed changes to Council policy regarding licensing of hackney carriage and private hire vehicles to allow certain vehicles to be licensed beyond the usual age limits. A report of the Head of Street Management and Enforcement was considered informing the Committee of the outcome of that consultation and recommending changes to current policy.

Further written representations from Mr B. Moules were tabled at the meeting and considered by the Committee.

Decision

1. To agree that private hire vehicles that have provision to carry passengers seated in a wheelchair be licensed for no more than 10 years of age from the date of first registration.
2. To agree that the vehicle licence fee be amended to reflect the costs of the three vehicle tests per annum.
3. To agree the following age/emissions policy for hackney carriages -
 - i. With effect from 1 January 2008 no hackney carriage vehicle licence will be issued or renewed for a vehicle more than 12 years since the date of its first registration in this or any other country.
 - ii. With effect from 1 January 2008 no hackney carriage vehicle licence will be issued or renewed for a vehicle more than 10 years since the date of its first registration in this or any other country, unless the vehicle has been manufactured to Euro III or higher specification or has fitted either a PCO/Energy Saving Trust (EST) approved emissions reduction scheme, installed in a garage approved by the Council, or a conversion approved by the Council to run on alternative fuels such that the vehicle meets Euro III emission standards, such approval not to be unreasonably withheld.
 - iii. With effect from 29 June 2009 The Council may waive the age restriction in the case of individual vehicles where an application is made and the Council considers that the vehicle is of an exceptional standard.

- a. Any request for an exemption due to a licensed vehicle being in “exceptional condition” will normally be granted for a 12-month period, after which time a further application would be required that would again be considered against the agreed standards.
- b. Consideration for an exemption to the age limit will normally only be considered for vehicles currently licensed with the Council.
- c. That any vehicle licensed outside of the standard age limit policy will be subject to 3 annual vehicle inspections per year at the Council's vehicle test station.

Standards to determine whether a Hackney Carriage is in “exceptional condition”

1. Any vehicle inspection resulting in a fail due to any major item or more than 3 minor items, as defined in the Manchester City Council private hire and hackney carriage vehicle manual, will usually result in the vehicle no longer being classed as in exceptional condition upon expiry of the licence. It will not be acceptable for such a vehicle to be taken away, repaired and represented for a further test. Any further application will not be accepted for such a vehicle.
 2. As an indicator, it is not normally expected that vehicles that have accrued higher than average mileage for the particular type of vehicle will be able to meet the required standard for “exceptional condition”. For purpose built hackney carriage vehicles this will be the average annual mileage used within the Halcrow formula.
 3. The vehicle must pass the City Council vehicle inspection, except where the failure was the result of no more than three minor items (as stipulated in the private hire / hackney carriage vehicle inspection manual).
 4. The bodywork should be in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips or rust or any other abrasions that may detract from the overall appearance of the vehicle.
 5. The general paint condition should not show signs of fading; discolouration or mismatching that may detract from the overall appearance of the vehicle.
 6. The interior trim, panels, seating and carpets etc should be in excellent condition clean, free of damage and discoloration.
 7. The vehicle service record can be used as supporting evidence of exceptional condition in that a vehicle of exceptional condition would normally be expected to demonstrate regular servicing and maintenance in accordance with the manufacturer's service specification.
 8. The vehicle to be in excellent mechanical condition and in all respects safe and roadworthy with no signs of corrosion to the mechanical parts, chassis, underside or body work.
 9. The boot or luggage compartment to be in good condition, clean and undamaged.
 10. Passenger areas to be free from damp or any other odours that may cause passenger discomfort.
4. To agree the following age policy for private hire vehicles --
- i. With effect from 1 November 2001 no vehicles shall be licensed for the first time as a private hire vehicle if it is more than 7 years since the date of its first registration in this or any other country.
 - ii. With effect from 1 November 2006 the Council shall not renew the licence of any vehicle if it is more than 7 years since the date of its first registration in this or any other country.

- iii. With effect from 29 June 2009 Private Hire Vehicles that have suitable provision to carry passengers seated in a wheelchair should, in general terms, be allowed to be licensed for no more than 10 years of age from date of first registration. When such vehicles reach 7 years of age, from the date of first registration, they will be subject to 3 annual vehicle tests per year at the Council's vehicle test station.
- iv. With effect from 29 June 2009 The Council may waive the age restriction in the case of individual vehicles where an application is made and the Council considers that the vehicle is of an exceptional condition
 - a. Any request for an exemption due to a licensed vehicle being in "exceptional condition" will normally be granted for a 12-month period, after which time a further application would have to be made that would again be considered against the agreed standards.
 - b. Consideration for an exemption to the age limit will normally only be considered for vehicles currently licensed with the Council.
 - c. That any vehicle licensed outside of the standard age limit policy will be subject to 3 annual vehicle inspections per year at the Council's vehicle test station.

Standards to determine whether a Private Hire vehicle is in "exceptional condition"

1. Any vehicle inspection resulting in a fail due to any major item or more than 3 minor items, as defined in the Manchester City Council private hire and hackney carriage vehicle manual, will usually result in the vehicle no longer being classed as in exceptional condition upon expiry of the licence. It will not be acceptable for such a vehicle to be taken away, repaired and represented for a further test. Any further application will not be accepted for such a vehicle.
2. As an indicator, it is not normally expected that vehicles that have accrued higher than average mileage for the particular type of vehicle will be able to meet the required standard for "exceptional condition". For example, private hire saloon vehicles comparator mileage will be the average mileage of saloon vehicles used for social domestic and pleasure purposes.
3. The vehicle must pass the City Council vehicle inspection, except where the failure was the result of no more than three minor items (as stipulated in the private hire / hackney carriage vehicle inspection manual).
4. The bodywork should be in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips or rust or any other abrasions that may detract from the overall appearance of the vehicle.
5. The general paint condition should not show signs of fading; discolouration or mismatching that may detract from the overall appearance of the vehicle.
6. The interior trim, panels, seating and carpets etc should be in excellent condition clean, free of damage and discoloration.
7. The vehicle service record can be used as supporting evidence of exceptional condition in that a vehicle of exceptional condition would normally be expected to demonstrate regular servicing and maintenance in accordance with the manufacturer's service specification.
8. The vehicle to be in excellent mechanical condition and in all respects safe and roadworthy with no signs of corrosion to the mechanical parts, chassis, underside or body work.
9. The boot or luggage compartment to be in good condition, clean and undamaged.

10. Passenger areas to be free from damp or any other odours that may cause passenger discomfort.

LAP/09/23 Review of the allocation of Hackney Carriage proprietor licences

At its meeting on 1st June 2009 the Committee received a report outlining the background to the review, including information relating to difficulties of the current system, and an outline of the review timescales for the review. The Committee requested a further report setting out the detail of the review including the range of options for the allocation of licences and the Head of Street Management and Enforcement presented a report on the scope of the review of the and the proposed consultation process to be undertaken as part of the review.

Decision

1. To note the report.
2. To instruct officers to carry out a consultation exercise on the options for the future policy on the allocation of hackney carriage proprietor licences as detailed in this report, in accordance with the consultation process proposed.
3. To request a report to the 23 November meeting of the Committee outlining the results of the consultation exercise and options for a revised policy on the allocation of HCPL.