

MANCHESTER CITY COUNCIL
REPORT FOR RESOLUTION

COMMITTEE: Licensing and Appeals Committee

DATE: 29 June 2009

SUBJECT: Licensing of Hackney Carriage and Private Hire Vehicles
Beyond the Usual Age Limits

REPORT OF: Head of Street Management and Enforcement

Purpose of Report

At the Licensing and Appeals Committee on 16 February 2009, 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. This report informs the Committee of the outcome of that consultation and recommends changes to current policy.

Recommendations

1. 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. The vehicle licence fee to be amended to reflect the costs of the three vehicle tests per annum.
3. That the age/ emissions policy for hackney carriages included at Appendix 2 be approved.
4. That the age policy for private hire vehicles included at Appendix 3 be approved.

Financial Consequences for the Revenue Budget

Any increase in licensing fees resulting from the additional vehicle tests carried out will be offset by costs paid to the Hammerstone Road vehicle test depot.

Financial Consequences for the Capital Budget

None

Contact Officers

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Background Documents

Manchester City Council current age policy for private hire and hackney carriage vehicles.

Licensing and Appeals Committee Report 16 February 2009.

Contact Officer for retrieval of background documents

Ann Marku, Principal Licensing Officer (taxis), tel 0161 234 4366.

Wards Affected

All

Implications for:

Anti-Poverty
No

Equal Opportunities
Yes

Environment
No

Employment
No

Equal Opportunities

The extended age limit for private hire vehicles capable of carrying passengers in wheelchairs should increase the numbers of vehicles available to wheelchair using customers.

1.0 Introduction

- 1.1 Manchester City Council currently imposes age limits in respect of the licensing of private hire and hackney carriage vehicles. Current policy is that no private hire vehicle can be licensed for the first time, or its licence renewed, if it is more than 7 years since the date of its first registration in this or any other country.
Hackney carriages (black cabs) are licensed up to 10 or 12 years of age dependent upon the emissions they produce.
- 1.2 The current City Council policy allows for an extension to the age policy where “exceptional circumstances” apply. However within the current policy there is no guidance or criteria to determine what constitutes “exceptional circumstances”.
- 1.3 In order to clarify the current policy and to provide a transparent and consistent approach to consideration of this issue, a report was brought before Committee on 16 February 2009. The report contained a proposed policy and standards to be adopted in determining “exceptional condition” and the Committee agreed a 12-week consultation period. This report provides the results of that consultation.

2.0 Consultation and Consultation Results

- 2.1 On 19 February 2009 a copy of the proposed policy and standards was brought to the attention of the taxi trade liaison meeting. At that meeting representatives from the following were present: GMB and UNITE Unions, Taxi Owners and Drivers Association (TODA), Mantax, Manchester Owner Driver Association, Radio Cars and Manchester Cars.
- 2.2 An article giving details of the consultation was placed in the spring edition of “Licensing Matters” publication which is sent to every private hire and hackney carriage driver in the city.
- 2.3 Details of the consultation were also placed on the Licensing pages of Manchester City Council’s website giving full instructions to enable a person to respond.
- 2.4 Following the consultation two responses have been received. The main points of the two responses, which are produced in full at Appendix 1 are as follows:
 - 2.4.1 The first consultation response requests that vehicles in exceptional condition be subjected to only 2 rather than the recommended 3 inspections per year. The respondent also requests that there be no limit on the period for which an extension is granted, and disagrees with the proposed criteria in respect of a maximum number of major and minor faults.
 - 2.4.2 The second consultation response proposes that any vehicle passing the vehicle inspection and having ‘tidy body work’, not just prestige vehicles, should be granted an age extension. The writer also comments that the

current age policy restriction of 7 years for private hire vehicles should be extended to 8 years.

3.0 Officer Comments on Consultation Responses

3.1 Officers have reviewed the responses to the consultation

3.1.1 Consultation response 1

officers agree that the proposal in respect of the additional time period that vehicles in exceptional condition may be licensed should be amended.

The original proposal was that any request for an exemption due to a licensed vehicle being in “exceptional condition” will normally be granted for a **maximum** 12-month period. It is proposed that Para 3 (a) of Appendix 2 - the proposed policy in respect of Hackney Carriage vehicles - be re-worded as set out below:

“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.”

A similar amendment is proposed in relation to the policy for private hire vehicles.

As passenger safety remains the paramount consideration officers do not recommend any changes to the proposed policy in respect of the number of vehicle inspections or proposals in respect of a maximum number of faults on inspection.

3.1.2 Consultation response 2

The proposed policy does not make any reference to prestige or specific vehicle manufacturers. The consultation response appears to be requesting a general extension to the age limit for private hire vehicles from 7 to 8 years of age. The scope of the consultation exercise was limited to considering proposals in respect of vehicles in “exceptional condition”. No amendments are therefore proposed as the comments relate to an issue outside the scope of this consultation exercise.

4.0 Policy and Standards

4.1. The proposed policy and standards are attached at **Appendices 2 and 3.**

4.2 For the purpose of clarification officers have added additional text to point 1 of the standards after “upon expiry of the licence” as follows:

“It will not be acceptable for such a vehicle to taken away, repaired and represented for a further test. Any further application will not be accepted for such a vehicle.”

This is because if the vehicle fails its mechanical test on a higher number of faults than recommended in the policy it cannot be regarded as being in exceptional condition.

5 Implementation

- 5.1 It is proposed that the revised policy and standards take effect from Monday 27 July 2009 to enable essential system changes to be implemented.
- 5.2 Vehicles covered by this policy will require 3 tests per year. City Council vehicle testing data has shown that as vehicles get older they show an increase in mechanical faults. The additional test will ensure the mechanical condition of these vehicles is maintained.

6. Conclusion

- 6.1 This report provides Committee with the results of the 12-week consultation and additional suggested minor modifications made by officers to the original draft policy and standards.
- 6.2 This report also provides Committee with a proposed policy and standards which includes the results of the consultation and suggested officer revisions.

1. Received on 18/05/09 [name and address supplied]

Ref: Proposed Consultation document Licensing of Hackney Carriage & Private Hire Vehicles beyond the usual age limits.

Dear Ms Hicks,

On the basis that the Taxi Licensing Committee's policies are not enshrined within Law.

Age policy should be on a case by case basis in the context Exceptional Condition.

Quoted sections

- 2: Maximum 12 month period, Should be Amended to no maximum,
- 4: Three annual inspections, Should be Amended to, Two
- 5: Any Major, or more than 3 Minor items, Should be Amended to Fail or Advise

Quoted 2,4,5 are unfair & discriminatory, & should be amended in the same way as all other testing of purpose built Hackney Carriage Vehicles.

2. Received on 19/05/09 [name and address supplied]

Dear Licensing Committee, (consultation response)

With reference to your article in the Licensing Matters, issue 11, page 3, headed, 'Age policy in respect of private hire and hackney carriage vehicles' I refer in particular to the reference 'exceptional circumstances'

I'm sure that safety is paramount for everyone using public service vehicles and on consideration of this I would like to draw the committee's attention to the following points.

All private hire and hackney carriage vehicles currently have a stringent 6 monthly MOT conducted by the council. I would ask the council to consider the following points when deciding the terms of Exceptional circumstances.

(1) Currently the council will consider for an extension of a year on a currently licensed private hire vehicle, which has reached its 7-year limit if it passes one of the council's criteria of being classed as Prestige.

(A) I wish to appeal on the grounds that there are many other standard cars that offer the same level of safety and luxury as Prestige vehicles such as Mercs and BMW. Many of these features are widely acknowledged as being

equal to those of prestigious vehicles. Therefore a prestige vehicle should not be decided on purely on the badge on its bonnet.

(2) A private hire vehicle capable of passing the councils stringent emissions tests, mechanical, and structural safety tests and which also proves to be in an exceptionally tidy external condition should not be judged solely by the council on mileage for its suitability for the road when considering a licence plate extension. If they're good enough to pass the MOT test then there good enough to be on the road.

(3) Currently surrounding Boroughs of Manchester do not employ an age restrictions on their private hire vehicles and yet still have an extremely high public safety record. This disadvantages drivers in the Manchester central area who have an age limit imposed on them.

We are entering a recession, which is on course to be one of the worst in modern times. I ask that the council consider that more standard cars which prove to be in as new condition and that pass all the current stringent mechanical, safety and emissions checks be granted an extra year thus extending the private hire licence plate to 8 years. I ask this on the grounds that exceptional financial hardship would be incurred forcing many private hire drivers of the road and on to benefits as a result of being unable to afford a new vehicle when their current one reaches 7 years of age.

Private Hire drivers are currently suffering the brunt of the publics cut backs on spending as people refrain from going out socially, yet we still remain on hand at all times when needed to provide a safe public transport service.

On the above grounds I suggest an extension to 8 years would be more appropriate, if not on a permanent basis at least throughout these difficult economic times.

Manchester City Council Age / Emissions Policy Hackney Carriage Vehicles

1. 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.
2. 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.
3. 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 be used 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.

Proposed Manchester City Council Age Policy Private Hire Vehicles

1. 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.
2. 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.
3. 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.
4. 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 be used 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.