

Report to: Licensing Committee

Date: 12 January 2023

Title: Consideration of feedback from the trade

Report of: Director of Service Delivery

Ward(s): All

Purpose of report: The Licensing Committee to consider feedback from the trade, and consider an amendment to the age of vehicles in the taxi and private hire sector, and having an annual review of the Hackney Carriage and Private Hire Licensing Guidance.

Officer recommendation(s): That the Committee considers an amendment to age of vehicles in the taxi and private hire vehicle sector and consideration of an annual review of the Hackney Carriage and Private Hire Licensing Guidance.

Reasons for recommendations: To respond to feedback received from the trade.

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1 Introduction

- 1.1 Lewes District Council is responsible for the licensing of drivers, vehicles and operators in relation to the hackney carriage and private hire trade.
- 1.2 In exercising its discretion in carrying out its licensing functions, the Licensing Authority shall have regard to the Hackney Carriage and Private Hire Licensing Guidance (“the Guidance”).
- 1.3 The current Guidance applies to all drivers, vehicles and operators and was implemented on the 4 April 2022, see Appendix 1.

2 Background

- 2.1 The Licensing Authority regularly meets with the trade through a series of taxi forums, which provide an opportunity to update the trade with any changes which they need to be aware of as well as providing an opportunity for an open discussion of challenges which they are facing and to discuss ways that the Licensing Authority can support them.

2.2 Through these forums the Officers have received feedback that there have been difficulties in buying used vehicles. If age limits were changed this would provide a larger pool of vehicles. See Appendix 2.

2.3 The current Department of Transport Guidance in 2010 states:

Age Limits. It is perfectly possible for an older vehicle to be in a good condition. So setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles – for example, twice yearly tests for vehicles more than 5 years old”

There is a new Guidance document, which is going through consultation, the Executive Summary of which states the following regarding age limits:

Section 8: vehicle licensing – age limits

Most licencing authorities have a policy that is focused on the age of a vehicle rather than the outcomes that the policy is intended to deliver, such as clean air.

While an age-based policy will ensure that there is regular turnover of vehicles within the fleet and prevent cliff-edge cases where significant proportions of the fleet must be replaced (to comply with clean air requirements, such an approach may have disbenefits compared to more targeted outcome-based policies, for example).

A requirement for a vehicle to be 3 years old or less at first licensing, say, would mean a 5-year-old used electric vehicle could not be licenced. A better approach could be the introduction of an emissions policy, if that is required/desired, giving the trade a timeline for moving to zero emission, for example.

Removing age limits should not undermine safety, providing those vehicles are maintained appropriately and inspected rigorously.

The best practice guidance recommends annual vehicle test for all taxis and PHVs and proposes that a daily vehicle inspection is conducted by all drivers and that records are kept of vehicle inspection failures. The latter will enable licensing authorities to consider the propriety of vehicle proprietors who consistently present poorly maintained vehicles.

2.4 Taking into consideration feedback received from the trade, the Department of Transport Guidance which is currently under consultation, and that currently the Council is in the process of facilitating a feasibility study regarding the support of lower emission vehicles, Members are asked to consider options to amending its current Guidance in relation to vehicle age.

- 2.5 The regular dialogue which has taken place with the trade has proven to be successful in bringing about open lines of communication with operators, private hire drivers and the hackney trade.
- 2.6 Taking this into consideration and the feedback received, moving forward the Licensing Authority wishes to further endorse its commitment and support of this sector locally by reviewing the Hackney and Private Hire Guidance on an annual basis starting in June 2023. The current Guidance suggests the Guidance be reviewed as and when necessary.

3 Options

- 3.1 Option 1. Members are asked to agree that, as an immediate support, the Guidance, be amended to allow for an older vehicle in age to be newly licensed. Change Hackney Carriage and Private Hire Licensing Guidance as below:

“Vehicles presented for first licensing shall not be more than nine years old from the date of initial DVLA registration and vehicles presented for re-licensing shall not be more than ten years old apart from in exceptional circumstances at the discretion of an Authorised Officer. Applications to re licence vehicles over ten years old must be made in writing to the Council citing what is an ‘exceptional circumstance’. Financial matters nor the condition of the vehicle come into this exceptions category and will not be considered in the determination. For new and relicensed vehicles defined by the Vehicle Certification Agency as Ultra Low Emission Vehicles and Zero Emission Vehicles shall not be more than 15 years old in age.”

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Option 2 Review the age of vehicles when the Guidance is next reviewed.

4. Financial Appraisal

- 4.1 There are no immediate financial implications arising directly from this report. The costs involved in amending the Hackney Carriage and Private Hire Licensing Guidance regarding the current vehicle age limits, including any required consultations, would need to be met from the Regulatory Service existing budgets.

5 Legal implications

- 5.1 The Legal Section considered this Report on 19 December 2022 (Iken 11577-LDC - MW)

6 Risk management implications

- 6.1 There are no implications around risk management.

7 Equality analysis

- 7.1 There are no implications around equalities.

8 Environmental sustainability implications

There are no environmental or sustainability implications based on recommendations presented.

9 Appendices

- 9.1 • Appendix 1 – Lewes District Council Taxi and Private Hire Guidance

10 Background papers

- 10.1 None