

To: City Executive Board

Date: 11 September 2013

Report of: Head of Environmental Development

Title of Report: HACKNEY CARRIAGE & PRIVATE HIRE VEHICLES: AGE LIMITS AND EURO EMISSIONS

Summary and Recommendations

Purpose of report: To consider the recommendation of the General Purposes Licensing Committee of 5th September 2013 in relation to the proposed amendments to the “Conditions of Fitness” applicable to the licensing of Hackney Carriages and Private Hire vehicles.

Key decision: Yes

Policy Framework: Vibrant Sustainable Economy
Cleaner, Greener Oxford

Recommendation(s):

The Board is recommended to consider the recommendations of the General Purposes Licensing Committee of 5th September (those recommendations to be reported orally to the Board) and in the light of those recommendations to submit a recommendation to Council on hackney carriage and private hire vehicle age limits.

Appendix One: Consultation letter

Appendix Two - Eight: Snapshot of responses from the licensed Trade to consultation proposal

Appendix Nine: Risk Register

Appendix Ten: Equalities Impact Assessment

Introduction

1. On 15th June 2009, the General Purposes Licensing Committee approved the implementation of a new standard of licensing criteria for Hackney Carriage and Private Hire vehicles based on Euro Emission Standards.
2. At that time the highest Euro Emission Standard was Euro V, and the next date for implementation of further Euro Emission Standards would take effect locally from 1st January 2013 which would have led to a number of licensed vehicles needing to be replaced due to their age, despite in some instances their emissions meeting the required Euro Emission Standards.

3. No further dates had been set ahead of 1st January 2013, and therefore a revised policy was required in order prevent older vehicles remaining within the licensing regime indefinitely, and ensuring that the Euro Emission Standards were not the only criteria for seeking an age limit policy.

Background

4. On 17th October 2012 the General Purposes Licensing Committee suspended the Euro Emission Standards criteria in its entirety, and implemented the following interim criteria:

New Vehicle Licences:

a) No vehicle will be first licensed unless it is less than five years of age from the date of first registration.

Renewal of existing Vehicle Licences:

b) All vehicles currently licensed shall be permitted to be re-licensed until 31st December 2013 irrespective of their age, whilst the Council consider the introduction of an upper age limit for all licensed vehicles or as directed by the introduction of National Standards as proposed by the Law Commission in its "reform of Taxi and Private Hire services".

5. When implementing the interim criteria, the General Purposes Licensing Committee requested that a consultation be carried out seeking the views of all licence holders as to the implementation of age limits applicable to Hackney Carriage and Private Hire Vehicles licensed by the Authority. The motivation for these changes being improved emission standards in the City, and improvements in vehicle safety standards.
6. Board Members are asked to note that the criteria for New Vehicle Licences did not differ from what was previously in force locally.

Consultation

7. The proposed vehicle age limits determined by the General Purposes Licensing Committee for consultation were as follows (Board Members are asked to note that the proposal for New Vehicle Licences remains unchanged from the currently imposed criteria):

New Vehicle Licences:

a) From 1st January 2014, any vehicle must not be older than 5 years of age at the date of the grant of the vehicle licence.

Renewal of existing Vehicle Licences:

b) From 1st January 2014, no vehicle shall be re-licensed if it has reached 8 years of age from the date of first registration.

8. A consultation letter was sent to all Hackney Carriage and Private Hire drivers, proprietors, operators and the City of Oxford Licensed Taxi Cab Association (COLTA) informing them of the vehicle age limit proposal, seeking their views and asking if they had any alternative proposals. A copy of the letter sent to all licence holders is attached at **Appendix One**.

9. The consultation which ran from 1st May 2013 until 12th June 2013 and was also hosted on the Council website received a total of 170 responses. Copies of the responses received are attached to this report at **Appendix Two to Appendix Eight**. (Board Members are asked to note that some responses were copied and signed by multiple licence holders, but just one copy of each “style” of response has been appended).

Summary of Consultation Responses

10. The majority of respondents have not objected to an age limit of “under 5 years of age” for new licences, in fact the vast majority actively support this requirement, but have voiced their disapproval to the implementation of an upper age limit for the renewal of existing licences.
11. Some respondents do not believe that any age limits should be imposed at all, either to a new licence or to a renewal of an existing licence, however this was primarily the view of the Hackney Carriage trade derived from the fact that Black Cabs are purposefully built for longevity and the demands placed upon them.
12. Many respondents have cited the current downturn in the economy as a reason for not implementing what they perceive to be, too stringent age limit criteria. They believe they will not be able to budget for the additional payment costs of hire purchase schemes if they are required to replace vehicles more frequently, especially should such a policy be introduced on 1st January 2014.
13. A minority of respondents have agreed with the original proposal believing that it is important for the City to embrace technology that allows for improved emission standards and continually enhances vehicle safety.

Relevant Considerations

14. Oxford is a world class city, famed for its beauty, heritage, educational facilities, and bustling night time economy. The quality of its licensed vehicles plays a part in Oxford maintaining that status, and as such a progressive and continual modernisation of the licensed fleet of vehicles would assist with reducing carbon emissions and improving vehicle safety.
15. The previously implemented Euro Emissions Standard criteria for vehicle ages led to widespread concern and confusion within the Hackney Carriage and Private Hire trade due to a number of vehicles, of various ages, meeting the stated Euro Emission Standards, but having been manufactured at an earlier date than the mandatory date set for compliance.
16. In asking owners to replace their vehicles based on the vehicle being manufactured prior to the date that manufacturers had to comply with the Euro Emission Standards date despite the vehicle meeting with the latest Euro Emissions Standard, the criteria was found to be wanting. It also failed to consider the wider perspectives and options available to a Licensing Authority when setting criteria for licensed vehicles.
17. When looking at the criteria for licensed vehicles, an Authority may wish to take into account the number of miles travelled by each vehicle and the accumulated wear and tear to a vehicle in terms of its overall public appeal. The Authority may wish to harness the continuous technological advances in both vehicle safety and carbon reduction in order to put in place a policy that would be progressive, and provide a transparent signal

to the trade that we are keen to see continuous improvement in the quality of the vehicles in the hackney carriage and private hire fleets.

18. When seeking to implement such an age limit policy, it is important to have an awareness of what our neighbours have by way of age criteria, in order to ensure that any policy set locally, would not have a detrimental impact on the Licensing Authority, and in turn the public, due to vehicle owners seeking to licence their vehicles in another district.
19. Table 1 below provides Members with the age criteria in place at our neighbouring Licensing Authorities.

Table 1.

LOCAL AUTHORITY	NEW HCV YEARS	RENEWAL HCV YEARS	NEW PHV YEARS	RENEWAL PHV YEARS
CHERWELL	Under 5	Under 7	Under 5	Under 7
WEST	Under 10	Under 10	Under 10	Under 10
SOUTH	No age limit*	No age limit*	No age limit*	No age limit*
VALE	No age limit*	No age limit*	No age limit*	No age limit*

***NOTE:**

Both South and Vale have no age limits however they apply the following criteria having merged the two Licensing Authorities:

Vehicles under 3 years of age: 1 x MOT per year

Vehicles under 7 years of age: 2 x MOT per year

Vehicles over 7 years of age: 3 x MOT per year

20. Oxford is seen as being one of the leading Licensing Authorities in the country, and as such we have already established criteria for new driver applications that are more stringent and advanced than our near neighbours, ensuring that only the highest quality of applicant is licensed having gained a significant degree of knowledge about his or her responsibilities in relation to public safety, disability awareness and customer service.
21. Table 2 below provides details of comparable Licensing Authorities, as well as those which are seen to be leaders in the field, and have implemented higher criteria in relation to driver applications. Members will note the variance in differing age limit policies in place.

Table 2.

LOCAL AUTHORITY	NEW HCV YEARS	EXISTING HCV YEARS	NEW PHV YEARS	EXISTING PHV YEARS
Aylesbury	Under 6	Under 10	Under 6	Under 10
Brighton & Hove	Under 7	Under 7	Under 10	Under 10
Bristol	Brand new	Under 8	Under 3 ½	Under 10
Exeter	Under 4	Under 12 for Black Cabs Under 8 for Saloons	Under 4	Under 8
London	Euro 5 compliant	Under 15	Under 5 and Euro 4 complaint	Under 10
Norwich	Under 5	Under 10	Under 5	Under 10
Southampton	Under 10 for Black Cabs Under 7 for Saloons	Under 10 for Black Cabs Under 7 for Saloons	Under 10 for Wheelchair Accessible Vehicles Under 7 for Saloons	Under 10 for Wheelchair Accessible Vehicles Under 7 for Saloons

General Purposes Licensing Committee Recommendation

22. Having reviewed the policies in place at other Licensing Authorities, and having considered the financial impact on the trade and the valid comments received during the consultation whilst still seeking to attain reductions in carbon emissions and embracing technological advancements in vehicle safety, the General Purposes Licensing Committee recommends the following age limits and Certificate of Compliance testing as detailed in Table 3 and additional criteria to be implemented locally:

Table 3.

LOCAL AUTHORITY	NEW HCV YEARS	EXISTING HCV YEARS	NEW PHV YEARS	EXISTING PHV YEARS
Oxford	Under 5	Under 12*	Under 5	Under 10*

***Additional criteria:** any vehicle that has reached 8 years of age or more must undertake a Certificate of Compliance Test every 4 months (as permitted by legislation).

23. Board Members are reminded that Oxford only permits purpose-built nationally recognised taxis to be licensed as Hackney Carriages. Such vehicles are specially manufactured to cover considerable mileage and are built for longevity. Private Hire vehicles licensed locally are no different to standard saloons, hatchbacks and people carriers and as such may not be built to endure the same level of service.

24. Board Members are also asked to note that the Law Commission is due to report on the Reform of Taxi and Private Hire Services at the end of 2013, however any proposed reforms are unlikely to come into force during the term of this government.
25. As such, the age limits and Certificate of Compliance criteria proposed by the General Purposes Licensing Committee are recommended to take effect after the 1st January 2016. In setting such a date for implementation we can allow:
- a) A two year lead in period for the trade to ensure their vehicles will meet with the new criteria;
 - b) A two year lead in period to assist vehicle owners to prepare financially for any requirement to replace their existing vehicles;
 - c) A two year period for the Licensing Authority to reassess the financial climate both locally and nationally;
 - d) A two year period for further progress in relation to the Law Commission proposed reforms to Taxi and Private Hire Services; and
 - e) Should the Law Commission in its reforms permit a Local Authority discretion to set an age limit policy, we will have brought in a policy that allows for a sensible rolling programme of renewals providing modern licensed vehicles to the travelling public.
26. If this proposal for age limits and Certificate of Compliance testing is approved by the Board, the full set of "Conditions of Fitness" for licensed vehicles would then read:

New Vehicle Licences:

- a) Any vehicle presented for licensing must be less than 5 years of age from the date of its first registration.

Renewal of existing Vehicle Licences:

Hackney Carriage:

- b) From 1st January 2016, no vehicle shall be re-licensed if it is 12 years of age or more from the date of its first registration.

Private Hire:

- c) From 1st January 2016 no vehicle shall be re-licensed if it is 10 years of age or more from the date of its first registration.

d) DURATION OF CERTIFICATES OF COMPLIANCE

1. Certificates of Compliance will be issued with a duration of a minimum of four months and a maximum of six months. **In general certificates will be issued with a duration of six months for vehicles less than 8 years of age, and issued with a duration of four months for vehicles of 8 years of age or more*.**
2. Certificates of Compliance may be renewed up to 14 days in advance of expiry, when, and only upon immediate

production of the expiring certificate by the person presenting the vehicle for testing, the new certificate will be dated to expire six months, (**or four months for any vehicle that is of 8 years of age or more***), from the expiry date of the previous certificate.

3. The Council reserves the right to extend or shorten the above periods subject to the minimum and maximum durations given above. Each case will be decided upon its own merits.
4. It must be understood that it is unlawful for a Hackney Carriage or Private Hire vehicle licensed by the Council to be driven on the highway without a current Certificate of Compliance.

*Changes to the currently implemented “conditions of fitness” have been emboldened and underlined for Members ease of recognition.

Level of Risk

27. A Risk Register is attached at **Appendix Six**.

Environmental Impact

28. The setting of vehicle age limits would lead to a progressive modernisation of the licensed fleet of vehicles, and as such newer vehicles (through their compliance with Euro Emission Standards) may reduce pollution in the City and as such have a positive impact on the area.

Equalities Impact

29. An initial Equalities Impact Assessment is attached at **Appendix Seven**.

Financial Implications

30. There are no financial implications contained within the content of this report that apply to the Authority.

Legal Implications

31. The Local Government (Miscellaneous Provisions) Act 1976 at sections 47 and 48 allows the licensing authority to attach to vehicle licences such conditions as it considers reasonably necessary. Improving standards in vehicle safety and air quality are relevant factors in this respect. Any licence holder aggrieved by any condition attached to their licence may appeal to the Magistrates’ Court.

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