

LICENSING AND REGULATION COMMITTEE

10 December 2012

REVIEW OF POLICY FOR LICENSING PRIVATE HIRE VEHICLES – UPDATE
FOLLOWING CONSULTATION

REPORT OF HEAD OF LEGAL SERVICES

Contact Officer: Carol Stefanczuk Tel No: 01962 848 188

RECENT REFERENCES:

[LR396](#) – Review of Policy for Licensing Private Hire Vehicles – 11 October 2012

[LR371](#) - Statement of Licensing Policy with respect to Hackney and Private Hire Vehicles, Drivers and Private Hire Operators - Minor Amendments – 10 November 2011

[LR0331](#) - Statement of Licensing Policy with respect to Hackney Carriage & Private Hire Vehicles, Drivers & Private Hire Operators – 25 January 2011

EXECUTIVE SUMMARY:

This report is to consider comments made during the consultation period for amendments to the Statement of Licensing Policy with respect to Hackney and Private Hire Vehicles, Drivers and Private Hire Operators for the initial licensing of private hire vehicles.

RECOMMENDATIONS:

- 1 That Members consider the comments shown at Appendices 2 and 3 and either a) confirm that the age limit of a vehicle when first presented for licensing as a Private Hire Vehicle be amended from not more than three years old, to not more than five years old, or b) agree that no changes to the age limit be made or c) confirm an alternative age limit.
- 2 That the Head of Legal Services be given delegated authority to amend the

Statement of Licensing Policy with respect to Hackney and Private Hire Vehicles, Drivers and Private Hire Operators accordingly, and implement any changes with immediate effect.

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DETAIL:

1 Introduction

- 1.1 At the Licensing and Regulation Committee on 11 October 2012, Members considered a report on whether any changes should be made to the Statement of Licensing Policy with respect to Hackney and Private Hire Vehicles, Drivers and Private Hire Operators for the initial licensing of private hire vehicles, paragraph 6a of the Policy refers (Appendix 1).
- 1.2 Members resolved that the age limit of a vehicle when first presented for licensing as a private hire vehicle be amended from not more than three years old, to not more than five years old.

2 Consultation on Proposed Changes

- 2.1 Following the Committee's decision, the Licensing section wrote to all hackney carriage and private hire drivers and private hire operators on 24 October 2012, to consult them on the proposed changes to the Policy. The consultation period was for one month and ended on 21 November 2012.
- 2.2 During the consultation period, the Licensing Section received five comments; two against the changes, three in favour. These can be found in Appendices 2 and 3 respectively.
- 2.3 The two comments against the changes were from licensed private hire drivers; Mrs Carol Guy and Mr Michael Walker. They are both aggrieved that they have replaced their licensed vehicles with a vehicle that is less than three years old to comply with the Policy, which cost them more than buying a vehicle under the proposed Policy.

3 Decision Required

- 3.1 Members are asked to consider, in light of these objections, whether to amend the age limits in the Policy (either to five years, as resolved at the Licensing and Regulation Committee on 11 October 2012, or to an alternative age limit), or to make no changes to the Policy and retain the current policy age limit of three years.

OTHER CONSIDERATIONS:

4 SUSTAINABLE COMMUNITY STRATEGY AND CHANGE PLANS
(RELEVANCE TO):

4.1 This report relates to ensuring the safety of the public using taxis and private hire vehicles licensed by the Council.

5 RESOURCE IMPLICATIONS:

5.1 It is anticipated that the cost of implementation will be covered in the existing budget.

6 RISK MANAGEMENT ISSUES

6.1 All vehicles, regardless of age, will be tested to ensure they are safe for public use.

6.2 There is no upper age limit for a vehicle to be relicensed, provided it continues to meet the Council's standards. However, the introduction of an age limit on first licensing ensures that the standard of vehicles being licensed is kept at a high level.

BACKGROUND DOCUMENTS:

None

APPENDICES:

Appendix 1 Extract from current Statement of Licensing Policy

Appendix 2 Comments against the proposed changes

Appendix 3 Comments in favour of the proposed changes

6 Private Hire Vehicles

When first presented for licensing as a private hire vehicle, the vehicle must be within certain age limits:

- a All vehicles, both saloon and purpose built, when licensed for the first time must be less than three years from the date of first registration. The Vehicle can remain in use for six years from the date of first registration after which it may be renewed on a year by year basis at the discretion of an Authorised Officer.
 - b Once the Vehicle is six years old and every year thereafter, the vehicle must be presented to an Authorised Officer for an inspection for its appearance and suitability prior to testing at the nominated garage and renewal of the licence. Any vehicle that is not to the satisfaction of an Authorised Officer must be repaired, prior to the expiry date, or replaced, subject to the age limits above.
 - c A converted vehicle should have a certificate of conversion from a reputable company and will not be accepted without such a document.
 - d In exceptional circumstances these age limits may be waived. For example, a classic car or executive vehicle in excellent condition.
- 6.2 All vehicles must have at least four doors. Saloon vehicles must have four doors in addition to any tailgate.
- 6.3 The engine capacity must be not less than 1600 cc.
- 6.4 In exceptional circumstances, an exemption certificate may be granted to dispense with the requirement to display the licence plate. This will only be granted where satisfactory proof of "executive hiring" has been received by the Council.
- 6.5 All vehicles must be right hand drive. In exceptional circumstances a licence may be granted for a left hand drive vehicle.

From:
Sent: 24 October 2012 15:14
To: Licensing; Carol Stefanczuk
Subject: W.C.C. doing a U turn

What a surprise . . . I have had to renew my car (which i only do around 17,000 miles a year local runs) this month for one under 3 yrs old, after having spoken to Carol about having one older due to the mileage i do, with her saying NO.

I am now financial 'out of pocket' due to this 3 year policy (Dave too cos he has renewed his this year)

Suggest that all cars need to stay with the 3 year policy and conditions including what you call 'posh ones'

I am very, very disappointed with winchester city council, licensing department with this U Turn

Carol

From:
Sent: 30 October 2012 17:46
To: Licensing
Subject: Re: Review of Policy and Conditions

Dear Carol,

I am strongly opposed to changing back from 3 years to 5 years. I accepted your decision and purchased a car within the 3 year guideline you set and although it meant borrowing and spending about £5000 more, I hoped it would improve the image of taxis in Winchester.

I also thought the payback might mean less cars competing for work which would help pay off the loan. I notice however that there are still many old cars being used and hope you will be more discerning on your annual checks.

I feel I will be competing at a disadvantage if you now move the date back to 5 years as my car will be worth very little due to mileage when I sell it and I will have lost far more money than I needed to.

Yours

Mike Walker

From:
Sent: 25 October 2012 12:48
To: Licensing
Subject: Re: Review of Policy and Conditions

Hi Carol,
Welcome amendments.
Regards Chris Shawyer

From:
Sent: 24 October 2012 18:44
To: Licensing
Subject: policy review

Hi Carol,
I know you have to be seen to consult everybody, but have the trade not had enough time and opportunities to comment on this?
Where were they the other night?
I can see that by doing this, you will get all the Hackney drivers wanting the same deal as PH.
If they do, then they must go through the same hoops that I have had to. Please do not delay the change in policy as it applies to Private Hire operators, just to keep the Hackney guys happy.
I am looking to update a couple of my vehicles, so could do with a prompt change to the policy, as voted through the other evening.

Regards

John.

From:
Sent: 25 October 2012 12:58
To: Licensing
Subject: Re: Review of Policy and Conditions

excellent nice to see common sense prevail regards kev mitchell