

# Wolverhampton City Council

## OPEN DECISION ITEM

Committee / Panel	<b><u>LICENSING COMMITTEE</u></b>	Date: <b>27/06/2012</b>
Originating Service Group(s)	<b><u>EDUCATION &amp; ENTERPRISE</u></b>	
Contact Officer(s)/ Telephone Number(s)	<b><u>COLIN PARR</u></b> <b><u>0105</u></b>	
Title/Subject Matter	<b><u>PRIVATE HIRE VEHICLE CRITERIA</u></b>	

---

### **Recommendation**

- (i) That the 12 month pilot scheme relating to revised Private Hire Vehicle testing criteria adopted by Licensing Committee on 25<sup>th</sup> May 2011 be extended until the review by the Law Commission of Taxi and Private Hire Services is complete.
- (ii) Should Members agree to an extension of the pilot scheme as referred to in (i) above then a further report will be submitted to Members of the Licensing Committee following completion of the review by the Law Commission.

## **PRIVATE HIRE VEHICLE CRITERIA**

### **1.0 Purpose of Report**

1.1 The purpose of this report is to seek Member approval to:-

- (i) continue to harmonise the vehicle testing criteria for Private Hire Vehicle licence applications with those for Hackney Carriages, in order to remove the inequality that exists between the Private Hire and Hackney Carriage trade.
- (ii) extend the 12 month pilot scheme relating to revised Private Hire Vehicle testing criteria as adopted by Licensing Committee on 25 May 2011 until review by the Law Commission of Taxi and Private Hire Services is complete.
- (iii) prepare a further report for consideration by Licensing Committee following the completion of the review by the Law Commission

### **2.0 Background**

2.1 Private Hire licensing is a non-executive function and it is therefore the responsibility of Licensing Committee to determine the policy and procedures in respect of this matter.

2.2 At the Private Hire Working Group meeting held on 26 January 2011 the trade expressed concern over various issues. These concerns primarily focused on vehicle testing and age requirements.

2.3 During the Private Hire Working Group meeting a number of requests were highlighted by trade representatives, these included:-

- that the Council increase the maximum age limit that Private Hire Vehicles can continue to be licensed until.
- that testing requirements for Private Hire Vehicles are brought into line with those for Hackney Carriages.

2.4 On 2 February 2011 a further meeting was arranged and following discussions with the trade the Council has considered and evaluated current data and information relating to the rate of deterioration and failure of vehicles over time and has developed proposals to revise the existing arrangements in relation to age limits and vehicle testing requirements.

2.5 On 25 May 2011 a report was considered by Members of the Licensing Committee to harmonise the vehicle licence testing criteria between Private Hire Vehicles and Hackney Carriage in order to remove the inequality in the current testing regimes between the trades.

2.6 Members resolved that the revised testing criteria and age limits as detailed in Section 3 of this report be approved for a twelve month pilot commencing on 1 June 2011 and that a further report be presented to Committee following the conclusion of the pilot scheme.

### 3.0 **Pilot Scheme**

- 3.1 The revised testing regime has brought Private Hire Vehicle testing requirements in line with those for Hackney Carriages, which were approved by Members on 21 October 2009, following a twelve month pilot.
- 3.2 The revised testing requirements for Private Hire Vehicles shown in the table below have been operating for 12 months.

<b>Private Hire Testing Criteria – Pilot</b>			
<b>Years</b>	<b>Previous Tests Required</b>	<b>Pilot Tests Required</b>	<b>Proposed Savings</b>
3 – 6	2	1	£57
6 – 10	3	2	£57

**NB.** No change in testing requirements for vehicles 0-3 years old.

- 3.3 The revised testing regime for Wolverhampton is no more onerous than in any of our neighbouring authorities and continues to meet Department for Transport guidance.
- 3.4 The revised testing criteria has generated a reduction in cost to proprietors licensing vehicles as detailed in the table shown at 3.2.
- 3.5 Officers were satisfied that the reduction in tests would not lead to a fall in vehicle safety. This was supported by the experience of the changes introduced to the Hackney Carriage testing regime which has shown no significant drop in vehicle safety standards.
- 3.6 Members agreed on 25 May 2011 :-
- that the testing criteria for Private Hire Vehicles be harmonised with the current requirements for Hackney Carriages, as detailed above
  - that the age limit for vehicles to be accepted onto the fleet should be increased from six years to eight years old
  - that the upper age limit be increased by one year, from nine to ten years old
- 3.7 Members further agreed that these measures be introduced in the first instance on a twelve month trial basis to commence on 1 June 2011 with a further report to Members following completion of the pilot.

#### **4.0 Recommendations**

- 4.1 Following the conclusion of the 12 months pilot scheme in May 2012 Fleet Management have provided data that shows the failure rate for Private Hire Vehicles during the pilot period has increased slightly from 35% to 39%. This failure rate is just below the national average failure rate for Class 3 and 4 vehicles which includes privately owned vehicles as well as Private Hire Vehicles and Taxis (39.8%).
- 4.2 However, in view of the fact the Law Commission are currently reviewing taxi and private hire services it is recommended that the pilot scheme approved by Members on 25 May 2011 relating to revision to vehicle testing criteria be extended pending the outcome of the review this is because there are likely to be significant changes to Private Hire Licensing following the Law Commission Review i.e. National Safety Standards for Private Hire Vehicles, once the outcome of the review is known.
- 4.3 A further report will be submitted to Members following completion of the Law Commission review.

#### **5.0 Legal Implications**

- 5.1 Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council may determine a Private Hire Vehicle application taking into account various factors. These include being satisfied that the vehicle is in suitable mechanical condition.
- 5.2 A district Council may attach to the grant of a licence such conditions as they may consider reasonably necessary.
- 5.3 Section 50 of the Local Government (Miscellaneous Provisions) Act 1976 provides that the proprietor of any ... private hire vehicle licensed by a district council shall present such ... private hire vehicle for inspection and testing by or on behalf of the council within such period and at such place within the area of the council as they may by notice reasonably require. Provided that a ... council shall not ... require a proprietor to present the same ... Private Hire Vehicle for inspection and testing on more than three separate occasions during any one period of twelve months.
- 5.4 Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 gives authorised officers of the Council and the police powers which are additional to the requirements of Section 50 and allows such officers, if on inspection they are not satisfied as to the vehicle's fitness, to require the vehicle or its taximeter to undergo a further inspection. [SH/14062012/S]

#### **6.0 Financial Implications**

- 6.1 The reduction in income from Private Hire Vehicle testing will virtually all be offset by the reduced charges made by the Culwell Street testing station.
- 6.2 The reduction in the number of tests carried out at Culwell Street will form part of a review of resource requirements at the testing station.  
[JJ/15062012/F]

## **7.0 Equalities Implications**

- 7.1 There are equalities implications arising from this report.
- 7.2 The extension of the trial recommended in the report addresses the current inequality between the testing criteria for the Hackney Carriage and Private Hire trades. There is no mechanical justification for this inequality as both Hackney Carriages and Private Hire Vehicles must comply to the same standard mechanically.

## **8.0 Environmental Implications**

- 8.1 There are no direct environmental implications arising from this report.