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**Report of the Assistant Chief Executive (Corporate Governance)**

**Licensing and Regulatory Panel**

**Date: 7 July 2009**

**Subject: PROPOSALS TO CHANGE THE AGE CRITERIA CONDITION UPON HACKNEY CARRIAGE AND PRIVATE HIRE SALOON AND PEOPLE CARRIER VEHICLE LICENCES**

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**Electoral Wards Affected:**

All

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**Executive Summary**

This report proposes changes to the existing age criteria condition which applies to Hackney Carriage and Private Hire saloon and people carrier vehicles and the introduction of an inspection regime for vehicles over 6 years of age. It highlights the results of a systematic inspection of vehicles over six year of age and concludes that a change to existing arrangements is necessary and proportionate to the safety issues raised. It provides details of the consultation process and the concerns raised before inviting Members to consider revised proposals for adoption.

**1.0 Purpose of this report**

1.1 The purpose of this report is to inform Members of

- Proposals to change the age criteria condition on hackney carriage, private hire saloon and people carrier vehicles

- The reasons for the proposals
- The consultation undertaken
- The views of the trade identified through the consultation; and
- Amendments to the proposals as a result of consultation feedback

## 2.0 Background information

2.1 Members will recall that in order for a vehicle to be licensed as a private hire vehicle it must be

- In suitable mechanical condition
- Safe, and
- Comfortable

This test is set out in section 48(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976. For Hackney Carriage Vehicles section 47 of the Act allows conditions to be applied to the licence and such conditions can cover the age and condition of the vehicle.

2.2 The existing age criteria condition which applies to private hire vehicles reads as follows

### **AGE CRITERIA**

- (a) The age of a vehicle, for licensing purposes, shall be determined by the date of first registration on the V5 document (Log Book.) A vehicle will only be accepted for licensing if the date of first registration is less than 5 years from the date of application. The vehicles must be licensed for use within one month from the date of application.
- (b) Where a currently licensed vehicle does not meet the requirements of part 2a) that vehicle will continue to be re-licensed for up to 8 years from the date of first registration, providing that all other licensing requirements relating to that vehicle have been complied with and that the licence is renewed before the Taxi and Private Hire Licensing Section's last working day of the month of expiry of the licence. Any break in the licence will result in part (a) of this Condition coming into effect.

That allows new vehicles to be licensed up to 5 years of age and for existing vehicles to continue to be licensed beyond that age where licensing requirements are complied with but there are no specific provisions requiring inspections at regular intervals to demonstrate safety or compliance with conditions. Members will note the reference to vehicles aged between 6 and 8 years. In reality at 8 years of age a vehicle is unlikely to be in a condition suitable for use as a private hire or hackney carriage saloon or people carrier vehicle. However the inclusion of that wording has led to assumptions that the maximum age limit for licensed vehicles is 8 years of age and that the proposed change is to lower the limit to 6 years. This is incorrect.

2.3 An identical condition exists in respect of Hackney Carriage saloon and wheelchair accessible vehicles (there is a difference in respect of wheelchair accessible Hackney Carriage vehicles but that relates to the point of licensing for the first time

and is not affected by any changes outlined in this report.)

- 2.4 Members will also recall that at a number of meetings of Licensing and Regulatory Panel, concerns have been expressed by Members about the condition (internally, externally and mechanically) of some licensed vehicles and the impact of that on customer satisfaction and the perception of the city's licensing standards.
- 2.5 As a result of Members' comments, the Taxi and Private Hire Licensing Section implemented a programme of systematic Vehicle Inspections starting with vehicles of more than 6 years old. The results of the testing and inspections raised questions about whether vehicles, once licensed, continue to be in suitable mechanical condition, safe and comfortable and meet existing conditions imposed. The testing results also indicate that such problems are more likely when vehicles reach the age of 6 years and above. This would seem to be related to the extended use and mileage of such vehicles. The results of those inspections appear at **Appendix A** for the information of Members.
- 2.6 Members will note from the table that 855 tests were carried out on hackney carriage and private hire vehicles. Of those, 126 failed and had their licence suspended, 347 failed and were given 7 days to return with the defects rectified. Failures items were recorded in 5 categories:

|                           |     |
|---------------------------|-----|
| • General                 | 240 |
| • Steering and suspension | 187 |
| • Lights                  | 257 |
| • Brakes                  | 140 |
| • Emissions               | 35  |
| • Total failure items     | 859 |

Some vehicles failed in more than one category as 859 failure reasons were recorded across the 473 vehicles.

Within the general failure category, the faults could include MOT failure faults such as problems with seat belts or wiper blades but could also be failures for breach of licensing conditions. Only 27 vehicles are recorded as having failed solely under the general category. Work is currently ongoing to identify whether those 27 vehicles would also have been MOT failures.

A failure on steering and suspension, lights, brakes or emissions would represent an MOT failure. Therefore if vehicles had been presented for an MOT in the condition they were presented for inspection by officers, those vehicles would fail the MOT test, even if those faults could easily be put right.

After inspection an additional 40 vehicles had their licences revoked. The majority of those revocations were due to the fact that the vehicles had been written off after an accident but the licensing office had not been informed of the write off.

The differential of 342 consists of those vehicles that had their licence surrendered, those that failed to attend before the licence expired and vehicles that passed the inspection.

- 2.7 Officers therefore proposed that there be a change to existing arrangements, to ensure that vehicles of six years or older would only continue to be licensed where

they were in suitable mechanical condition, safe and comfortable and met the conditions on the licence. Between 6 and 8 years of age, vehicles could continue to be licensed providing that they met the terms of an 'Exceptional Condition' policy. That required a vehicle to pass an extended inspection twice per year, looking at emissions, mechanical condition and service history, equipment, appearance, cleanliness and comfort.

- 2.8 Members will recall that on 7 March 2009 they considered an interim report on these proposals (minute 32 refers). Members resolved to note the interim report on the proposed Condition Changes as set out at 3.16 – 3.29 of the submitted report, as a Condition upon Hackney Carriage and Private Hire Saloon and People Carrier Vehicle Licences and that further consultation was to be carried out before the matter was brought back to Panel in May 2009 for a final decision.
- 2.9 The matter was not brought back for consideration in May due to the ongoing consultation detailed at paragraph 3.1 of this report. It now comes back to the Panel for Members to decide whether or not to approve the proposed changes in light of the evidence presented, the consultation responses and the amendments to the proposals.
- 2.10 Members may be aware that following the March meeting a deputation in respect of the proposals was heard by full Council on 22 April 2009 by the GMB Union and the Leeds Private Hire Association. That matter was referred to the Executive Board at their meeting on 17 June 2009. The report to Executive Board noted the proposals, the reasons for the proposals and the ongoing consultation. Executive Board resolved to note the contents of the report, the rationale behind the proposals and the information that will be available to this Members of this panel as the decision makers.

### **3 Main issues**

#### **3.1 The Consultation Undertaken**

- 3.2 Following the decision of Members that further consultation should be undertaken regarding the proposals and Exceptional Condition policy, officers implemented a full consultation process. The process involved all licence holders, Elected Members and trade representatives. Details of the consultation process are set out below.

##### **3.2.1 Trade Newsletter - 'Licensing Leeds'**

A trade newsletter was first published and issued in April 2007 to all licence holders within the Leeds Licensing District. All editions are posted directly to our licence holders; posted or emailed electronically to Elected Members of the Licensing and Regulatory Panel; published on the Leeds City Council website, [www.leeds.gov.uk/taxis](http://www.leeds.gov.uk/taxis), and included in all new application packs.

Vehicle Inspection Results are a regular feature of the quarterly 'Licensing Leeds' newsletter;

- Issue 1 April 2007 – Inspection results of vehicles over 7 years old
- Issue 3 Autumn 2007 – Inspection results of vehicles over 5 years old
- Issue 4 Winter 2008 – Inspection results of vehicles between 3 - 4 years old

- Issue 5 – Spring 2009 – Consultation information outlining the proposals and feedback methods regarding the proposed Age Criteria policy & inspection results of vehicles over 6 years old. This issue was posted to all licence holders' home addresses at the beginning of April.

### 3.2.2 Open Day Notification Emails

An email to Private Hire Operators and Taxi Associations (where we hold an email address) was sent by the Taxi and Private Hire Licensing Section on 2 April asking them to circulate details of the open days to their drivers.

A further email was sent to the same recipients on 15 May asking them to circulate details of the 'mop up' open day to their drivers.

### 3.2.3 Open Day Notification Leaflets

Leaflets providing details of the open days were:

Distributed by Officers of the Council to Operator bases on 3 April

Distributed to drivers by Enforcement Officers on the weekend of 3 and 4 April

Placed on the counter of each Licensing Officer at the Taxi and Private Hire Licensing Section between 3 - 17 April

Placed on the passenger seat of each vehicle inspected at the Taxi and Private Hire Licensing Section between 3 - 17 April

### 3.2.4 Webpage

The Taxi and Private Hire Licensing webpage was updated with:

- The Consultation Booklet on 25 March
- Details of the open days on 2 April
- Licensing Leeds newsletter on 3 April

### 3.2.5 Information Screens

The information screens in the Taxi and Private Hire Licensing Section's Reception were updated on 2 April with details of the open days.

### 3.2.6 Open Days

Open days for the Proposed Changes to Vehicle Age Criteria were held on the following dates;

- Tuesday 7 April - Carlisle Business Centre, Bradford
- Thursday 9 April - Temple Newsam, Leeds
- Friday 17 April - Pudsey Civic Hall, Leeds
- Monday 1 June – Pudsey Civic Hall, Leeds ('mop up' session)

Hourly drop in sessions were advertised from 09:30 until 15:00.

The open days were organised to fit in with the schedule of the Licensing and Regulatory Panel, on normal working days i.e. not on a Bank Holiday or

religious festival, and within school holidays. This was intended to be a quieter time for drivers who usually work on school runs.

Following representations from Councillor Arif Hussain the further 'mop up' session was organised for 1 June.

The 'mop up' open day on 1 June was well attended for the first three sessions of the day. However in the space of approximately 30 minutes, several hundred Private Hire and Hackney Carriage drivers had congregated and a strong police presence was required.

As a result of instructions from the police, and for the personal safety of Officers during the organised demonstration, the remaining consultation periods had to be abandoned. Following this, a meeting between the Chief Officer (Legal, Licensing and Registration), Officers of the Taxi and Private Hire Licensing Section and trade representatives was held on 5 June to further explore the issues surrounding the policy and consultation. Subsequently a further information document was circulated to all licence holders within the Leeds Licensing District.

### 3.2.7 Consultation Booklet

A consultation booklet containing a full overview of the proposed changes and details of how feedback could be provided were designed and approved within a tight timescale. However, due to circumstances outside of the control of the Taxi and Private Hire Licensing Section, this was not printed and despatched until week commencing 13 April.

An email to Private Hire Operators and Taxi Associations (where we hold an email address) was sent by the Taxi and Private Hire Licensing Section on 17 apologising for the delay in issuing the Consultation Booklets 10 May for the return of questionnaires.

### 3.2.8 Postal Questionnaire

A questionnaire from an external company, Halcrow, was sent to all licence holders with regards to the Unmet Demand survey. That questionnaire also included specific questions about these proposals. The questionnaire was included with the consultation booklet and unfortunately experienced the same delay in printing and despatch.

### 3.2.9 Individual Letters

Individual letters were issued to all licence holders week commencing 18 May advising them of the 'mop up' open day session.

### 3.2.10 Personal Briefings

The Section Head has given personal briefings, upon request, to the following Elected Members and the GMB within a short timescale of the Licensing and Regulatory Panel on 6 March;

- Councillor Richard Brett – Burmantofts and Richmond Hill, Liberal Democrats, Joint Leader of the Council

- Councillor Kabeer Hussain – Hyde Park and Woodhouse, Liberal Democrats
- Councillor Mohammed Iqbal – City and Hunslet, Labour
- Councillor Arif Hussain – Gipton and Harehills, Labour
- Councillor James Lewis – Kippax and Methley, Labour, Shadow Spokesperson for Resources

Following representation from Councillor Arif Hussain, the Taxi and Private Hire Licensing Section were made aware that the Directors of both Eurocabs and City Cabs were not aware of the consultation open days and had not circulated any information regarding them. The Section Head spoke with the Directors of both companies who were invited to consult with their members to identify key issues and concerns and subsequently meet with Officers to address their concerns. To date, the Taxi and Private Hire Licensing Section have not had a response to this invitation.

### 3.2.11 Written Briefings

The Section Head has given written briefings, upon request, to the following Elected Members;

- Councillor David Blackburn – Farnley and Wortley, Green Party, Green Party Whip
- Councillor Richard Brett – Burmantofts and Richmond Hill, Liberal Democrats, Joint Leader of the Council
- Councillor Jane Dowson – Chapel Allerton, Labour, Shadow Spokesperson for Schools

### 3.2.12 Talking Point Consultation Portal

Talking Point is the Council's online resource for recording all community engagement and consultation activity in one central place. It is the sole universal system available for recording and co-ordinating consultation and engagement activity done by the council city-wide and is also the only place that gives residents and other interested groups an overview of ongoing, completed and planned consultations in Leeds.

Details of the age criteria consultation exercise were placed on Talking Point which remains open to view by members of the public.

In addition to all other consultation methods, the Taxi and Private Hire Licensing Section has received an email and letters from interested parties expressing their opinions.

3.3 Copies of consultation and information documents used during the process are attached as **Appendix B** to this report for Members information.

3.4 The views of the trade identified through the consultation and the responses of officers.

Considerable feedback has been given through the various consultation methods. A table showing the concerns raised and the officers response is attached as **Appendix C** for ease of reference for Members.

Although there has been criticism of the open days, particularly the second one at Pudsey, Officers feel that such open days were only one part of the process and the consultation should be judged as a whole. It is important to note that following the abandoned event on 1 June, officers met with Trade representatives. As a result of that meeting, officers agreed to ensure that the identified concerns of the trade were included in the report for Members. A list of concerns was drawn up and that list has been shared with the trade representatives and elected Members who have represented trade interests. They have agreed that the list is an accurate reflection of their concerns. That list has informed the table at **Appendix C**.

3.5 Officers therefore feel that further consultation would not help Members in making a decision as such consultation would simply result in the same concerns being raised again.

### 3.6 Guidance to Licensing Authorities.

3.7 In October 2006, the Department for Transport issued guidance to Licensing Authorities "Taxi and Private Hire Vehicle Licensing: Best practice Guidance". An extract from the Guidance on age criteria is attached at **Appendix D**. Members will note that the Guidance is that such criteria should not be arbitrary or inappropriate. Officers do not feel that the current proposals are either arbitrary or inappropriate.

### 3.8 The revised proposals

3.9 Following a full consideration of the consultation responses, officers have amended the proposals. The amended proposals are considered to strike an acceptable balance between the council's regulatory role (in ensuring that the licensed fleet is safe and reflects well on Leeds as a city) and the needs of the trade and licensed operators, proprietors and drivers. In other words, the revised proposals for Members to consider, seek to exercise licensing powers reasonably and proportionately to the results of the inspections. It is now proposed that the Age Condition be reworded as follows:

## **AGE CRITERIA**

### (a) **Vehicles being licensed for the first time**

The age of a vehicle, for licensing purposes, shall be determined by the date of first registration on the V5 document (Log Book). A vehicle will only be accepted for licensing if the date of first registration is less than 5 years from the date of application. The vehicles must be licensed for use within one month from the date of application.

### (b) **Existing licensed vehicles seeking to be re-licensed ( under 6 years of age)**

Where a currently licensed vehicle meets the requirements of part 2a) that vehicle may continue to be re-licensed from the date of first registration, providing that all other licensing requirements relating to that vehicle have been complied with.



(c) **Licensed vehicles 6 years and older seeking to be re-licensed**

Where a currently licensed vehicle previously met the requirements of part 2a) that vehicle may continue to be re-licensed beyond 6 years from the date of first registration, providing that it is

- In suitable mechanical condition
- Safe
- Comfortable

and meets all licensing conditions. This will be determined by a formal inspection by an authorised officer of Taxi and Private Hire Licensing.

Vehicles used as taxis or for private hire work undertake significantly more mileage and wear and tear in an operating environment and time scales not usually sustainable for a standard production family saloon vehicle.

By following the vehicle manufacturer's service schedule and guidance, along with a proper care plan for the body work and the interior, a vehicle can easily be maintained to a very good condition compared to those which are neglected or not properly serviced, enabling the careful owner to easily demonstrate it is fit for continued public service.

Prior to being re-licensed such a vehicle must be presented for formal inspection and satisfy the three statutory requirements set out above.

(d) **Administrative arrangements for re-licensing**

The licence must be renewed before the last working day for the Taxi and Private Hire Licensing Section in the month that the licence is due to expire. Any break in the licence may result in part (a) of this Condition coming into effect.

It is the responsibility of the vehicle proprietor to ensure that vehicle inspection arrangements are in place prior to the expiration of the vehicle licence, enabling sufficient time for both the test and any remedial work to be conducted prior to its expiry.

3.10 The inspection regime referred to in this condition is attached to the report at Appendix E This regime was previously called the Exceptional Condition Policy. However due to feedback from the consultation that this wording could be misleading and give the impression that it was designed to ensure few vehicles passed, it has been renamed as the Inspection Policy for Vehicles seeking to be licensed beyond 6 years of age. It has been designed to enable an objective assessment at the point of inspection based on MOT standards, a road test and extracts of advice from a major motoring organisation. Access to the information will be available in printed format and on line to enable vehicle proprietors to present vehicles for inspection against known criteria.

3.11 For existing licensed vehicles seeking a renewed licence after 6 years of age, the proposals to inspect vehicles twice a year has been reduced to once per year. However, the Council retains its statutory right to inspect vehicles up to three times a year and 'spot road side inspections' which are not charged. The suggestion by the trade that the Council should target regular offenders or those who are convicted of offences for more frequent inspections is accepted as a workable way ahead.

## 4 Implications for council policy and governance

- 4.10 The setting of a policy on the age of vehicles that will be licensed in Leeds is a licensing function delegated to the Licensing and Regulatory Panel. There is no statutory requirement to have taxi and private hire licensing policies, although they have been in common use for a number of years across all Licensing Authorities. Policies are generally regarded as useful, as they give clear guidance to potential applicants on what the Council considers to be acceptable, and provides the framework for consistent decision making.

## 5 Legal and resource implications

- 5.1 As with all Council policies, it is possible to challenge a policy that is unreasonable by way of Judicial Review.
- 5.2 There are no resource implications from this report. Fees will be charged to the trade for the necessary inspections, and those fees will cover the cost of implementing this policy, should that be the decision

## 6 Conclusions

- 6.1 That the results of the inspections of vehicles over 6 years of age require the council to consider how best to ensure that licensed vehicles of that age are mechanically suitable for use as a hackney carriage or private hire vehicle, safe and meet licensing conditions.

## 7 Recommendations

- 7.1 That Members consider the proposed rewording of the Age Criteria Condition set out at paragraph 3.9 of this report and the inspection regime detailed in paragraph 3.10 and **Appendix E** and either
- a) approve the proposal for a change to the vehicle licensing Conditions in respect of the age criteria and the proposed Inspection Regime for vehicles seeking to be licensed beyond 6 years of age, or
  - b) reject the proposals, or
  - c) modify the proposals in the light of this report and any views expressed at the meeting.

### Background Papers

- DfT guidance: Taxi and Private Hire Vehicle Licensing: Best Practice Guidance
- Report to Executive Board 17/6/09



**VEHICLE INSPECTION RESULTS – 6 /7+ Years****Hackney Carriage Vehicles**

|                      | <b>Vehicles Required To Attend</b> | <b>Passed Test</b> | <b>Failed Test</b> | <b>Vehicle Suspended</b> | <b>Licence Revoked</b> | <b>Licence Surrendered</b> | <b>Failed to Attend</b> |
|----------------------|------------------------------------|--------------------|--------------------|--------------------------|------------------------|----------------------------|-------------------------|
| <b>Actual Volume</b> | 115                                | 27                 | 45                 | 23                       | 0                      | 7                          | 13                      |
| <b>%</b>             |                                    | 23.5%              | 39.1%              | 20.0%                    | 0%                     | 6.1%                       | 11.3%                   |

Attended at a later date (vehicles that failed to attend on first request)

|                      |    |      |       |       |    |      |    |
|----------------------|----|------|-------|-------|----|------|----|
| <b>Actual Volume</b> | 11 | 1    | 6     | 3     | 0  | 1    | 0  |
| <b>%</b>             |    | 9.1% | 54.5% | 27.3% | 0% | 9.1% | 0% |

**Private Hire Vehicles**

|                      | <b>Vehicles Required To Attend</b> | <b>Passed Test</b> | <b>Failed Test</b> | <b>Vehicle Suspended</b> | <b>Licence Revoked</b> | <b>Licence Surrendered</b> | <b>Failed to Attend</b> |
|----------------------|------------------------------------|--------------------|--------------------|--------------------------|------------------------|----------------------------|-------------------------|
| <b>Actual Volume</b> | 740                                | 138                | 230                | 78                       | 32                     | 45                         | 217                     |
| <b>%</b>             |                                    | 18.7%              | 31.1%              | 10.5%                    | 4.3%                   | 6.1%                       | 29.3%                   |

Attended at a later date (vehicles that failed to attend on first request)

|                      |     |      |       |       |      |       |    |
|----------------------|-----|------|-------|-------|------|-------|----|
| <b>Actual Volume</b> | 192 | 14   | 66    | 22    | 8    | 82    | 0  |
| <b>%</b>             |     | 7.3% | 34.4% | 11.5% | 4.2% | 42.6% | 0% |



## Taxi and Private Hire Licensing Legal, Licensing & Registration

### Information & Consultation on changes to:

1. Our administrative procedures and Enforcement Policy in respect of vehicle inspections
2. The proposed Age Criteria policy

March 2009

**Section Opening Hours**

**Mon – Thurs**

08:00 – 15:30

**Fri**

08:00 – 15:00

**Staff Training**

2nd Tuesday in every month

08:00 – 10:00

Taxi and Private Hire Licensing

225 York Road

Leeds

LS9 7RY

Tel: 0113 214 3366

Email: [taxiprivat hire.licensing@leeds.gov.uk](mailto:taxiprivat hire.licensing@leeds.gov.uk)

[www.leeds.gov.uk/taxis](http://www.leeds.gov.uk/taxis)

## **Background Information**

This booklet contains information about two distinct developments surrounding the inspection of licensed Hackney Carriage and Private Hire saloon and People Carrier vehicles;

1. Changes to our administrative procedures and Enforcement Policy in respect of vehicle inspections
2. Proposals to change the 'age criteria' Condition placed upon Hackney Carriage and Private Hire saloon and People Carrier vehicle licences

Over the past three years our Vehicle Examiners have been systematically inspecting licensed vehicles by age group, starting with those of 6 years and 7½ years plus. The results of these inspections have previously been communicated via the Licensing Leeds newsletter but can also be found at Appendix A.

After considering the results and discussing the experience of Licensing Officers and Vehicle Examiners, it became apparent that we would need to reconsider our administrative procedures and Enforcement Policy in respect of vehicle inspections.

It was also considered necessary to bring the results to the attention of the Councillors who sit on the Licensing and Regulatory Panel and to propose changes in respect of the "top end" age criteria.

Changes relating to the administrative procedures and Enforcement Policy are proposed to come into effect on **1 July 2009**.

Officers feel these changes are necessary to further increase public safety.

## **1. Changes to our administrative procedures and Enforcement Policy**

### **1.1 Changes to the Vehicle Transfer Policy**

All licensed Hackney Carriage and Private Hire vehicles will be required to undertake a formal inspection at the time of transfer from one Proprietor to another, along with a Hire Purchase Information (HPI) check.

Section 49 (1) of the Local Government (Miscellaneous Provisions) Act, 1976, allows 14 days from the notification of such a transfer to take place. We however would encourage Proprietors to book an appointment for inspection as soon as they intend to transfer their vehicle.

There have been examples of Proprietors purchasing a licensed vehicle which subsequently fails its next inspection, leaving the new Proprietor(s) in financial difficulties and with a vehicle that requires substantial further investment. To encourage greater responsibility on the part of sellers and purchasers of licensed vehicles, there will be a policy change which may involve the immediate suspension of an existing vehicle licence unless it has, within the 28 days preceding notification of transfer, undertaken and passed an MOT inspection or formal inspection at these premises. The original MOT certificate must be presented to the Taxi and Private Hire Licensing Section at the point of transfer.

Any licensed vehicle which does not have the requisite MOT certificate or a formal inspection pass may remain suspended until it has successfully passed a formal inspection by one of our Vehicle Examiners. A vehicle which satisfies this requirement could be able to be taken into immediate use pending a formal inspection.

### **1.2 How does this affect me when selling/ purchasing a licensed vehicle?**

- You must arrange for your vehicle to be inspected within 14 days of transfer. We recommend that it is done immediately.
- Your vehicle may be suspended unless it has undertaken an MOT inspection or formal inspection within the 28 days before notification of transfer.
- You may have more reassurance that the vehicle you are purchasing is roadworthy and complies with the Taxi and Private Hire Licensing Conditions.
- You can check the vehicle is free of any loan liability and has not suffered serious accident damage by carrying out the HPI check.
- You will have the reassurance of an MOT test certificate for 11 months or more.
- Instead of buying a vehicle on trust, you can demand that the seller builds the safeguards highlighted above into the sale price.

- If you are selling a licensed vehicle you can increase confidence and the value of the vehicle by having all of these matters in place.
- As the owner of a licensed vehicle, the failure to properly maintain and service your vehicle could cost you more money if you try to sell it.

### **1.3 Introduction of a Prosecution Policy**

The Taxi and Private Hire Licensing Section issues formal rectification and suspension notices to vehicle Proprietors for a wide range of mechanical faults or non-compliance to its licence Conditions. All of our Vehicle Examiners are qualified to MOT inspection standards and are also qualified vehicle technicians with extensive experience.

The high failure rate at inspections indicates a significant lack of on-going maintenance by some vehicle Proprietors and drivers. Whilst there may be a number of reasons for this, it does not dilute the responsibility of a Proprietor, driver, Operator or Hackney Carriage Association of a licensed vehicle that they are responsible, in law, to comply with all aspects of a vehicles road worthiness in accordance with Construction & Use regulations and associated legislation whilst on a public road. The position is the same in respect of Conditions upon the vehicles licence.

Failure to maintain a vehicle to a road worthy standard and to the Conditions of its licence places not only the public at risk but also the driver. It should not be overlooked that a licensed Operator or Hackney Carriage Association has a significant liability by dispatching a defective vehicle to a client. Neglect on the part of a vehicle Proprietor has a potential impact on a range of people.

The preference will remain that, where appropriate, Proprietors, drivers, Operators and Hackney Carriage Associations will be made aware of defects and given the opportunity to contribute to remedying the defect and preventing future occurrences. However, where there is clear evidence of an obvious and dangerous defect (e.g. tyre tread levels, handbrake not holding) which are probably indicative of a neglect to follow the manufacturer's service schedule, then prosecution may follow.

### **1.4 How will the introduction of this policy effect me?**

It shouldn't!

However, if you drive or own a vehicle which is used on a road or which is presented for inspection and found to have dangerous faults you could be prosecuted. If you follow the advice of the vehicle manufacturer and motoring organisations you will have no concerns. It is the same standards which applies to all road users, for example check your tyres and lights daily and keep your vehicle properly maintained and serviced.



This is not a big change in respect of drivers; we have often prosecuted them whilst on the roads but have become alarmed at the dangerous state of vehicles being presented for inspection.

Not all drivers are vehicle Proprietors and the law in respect of using a dangerous or defective vehicle on a road applies equally to anyone using, causing or permitting a vehicle to be so used. We will now follow that chain of responsibility to the vehicle Proprietor and Operator/ Hackney Carriage Association.

If you are a driver of a rental vehicle you could still be prosecuted for driving a defective vehicle. However under the new inspection regime you could also benefit because the vehicle owner should maintain their hire vehicle to a higher standard to reduce their own liability.

Proprietors, drivers, Operators and/ or Hackney Carriage Associations all have equal responsibility in law to ensure that the vehicles they use are safe and compliant with all aspects of the law. Whilst we will continue to assist and guide all of those affected, there should be a clear understanding that public safety is vital and everyone involved in the use of a licensed vehicle must have an inspection and maintenance schedule in place to reduce risk and avoid potential prosecution.

## **1.5 Vehicle inspections - Attendance Administration Policy**

The vehicle inspection figures reveal that some Proprietors fail to produce their licensed vehicle for inspection when required. It is sometimes the case that the Proprietor does not attach the necessary importance to that requirement. There are other reasons but the most concerning is that the Proprietor has no intention of producing the vehicle for inspection and is difficult to locate.

There will be a procedural change in how we deal with failures to attend for vehicle inspections. The financial impact of this will fall upon the vehicle Proprietor concerned and the ascending scale of charges will be representative of the level of administration required.

Proposed fee increases, when finalised, will be published in accordance with the Local Government (Miscellaneous Provisions) Act, 1976, in the local press.

## **1.6 How will this change to the policy effect me?**

If you are a licensed vehicle Proprietor and you fail to produce your vehicle for inspection, you will be charged the applicable fee.

Please refer to the flowchart at Appendix B.

## **1.7 When do these policy changes take place?**

Changes relating to the administrative procedures and Enforcement Policy are proposed to come into effect on **1 July 2009**.

## **1.8 In summary**

As a driver you should visually inspect your vehicle at the start of a journey and refer to the vehicle's handbook produced by the manufacturer. If you see, hear or feel anything which is unusual you should not use it and arrange to have it inspected by a qualified vehicle technician as soon as possible.

If you are the vehicle Proprietor you should follow the manufacturer's servicing recommendations and have a full maintenance plan in place. This is **your** responsibility and you must not rely on others. Always use a qualified vehicle technician who is competent in carrying out the vehicle manufacturer's service and repair specifications for your make of vehicle and keep records.

Operators and Hackney Carriage Associations should insist that they have evidence supplied to them on a regular basis by drivers and vehicle Proprietors setting out how and when the vehicle is being serviced and repaired. It would be good practice to retain a copy of that documentary evidence.

To reduce risk of prosecution the Operator and Hackney Carriage Association should also conduct a regular visual inspection of licensed vehicles they use for hiring and retain a written record of that inspection. Operators and Hackney Carriage Associations should prepare a check list relative to that vehicle by referring to the manufacturer's guidance.

## **2. Proposals to change the 'age criteria' Condition placed upon Hackney Carriage and Private Hire saloon and People Carrier vehicle licences**

### **2.1 What might change?**

A proposal has been presented to Elected Members of the Licensing and Regulatory Panel to change the age criteria Condition for Hackney Carriage and Private Hire saloon and People Carrier vehicles. Members have considered an initial report and requested further information before making a final decision in May.

### **2.2 How will this affect my current licensed vehicle?**

If the age criteria Condition were to be changed, the Taxi and Private Hire Licensing Section have built into our recommendations that we would allow currently licensed vehicles to continue to be licensed up to 8 years with the existing Proprietor, subject to two inspections per year after its sixth anniversary of first registration with the DVLA.

### **2.3 If the age criteria Condition was to be changed, how would that affect me?**

Firstly, nothing has changed and members will not consider this report again until May 2009.

If the age criteria was to be changed and you purchased a new vehicle after May 2009, you would be subject to an 'Exceptional Conditions' policy at 6 years. The purpose of this policy is to encourage Proprietors to service and maintain their vehicles in accordance with the manufacturer's instructions throughout the lifetime of the vehicle. If your vehicle is well maintained, mechanically sound, meets emissions standards, has good exterior bodywork and paintwork, meets high standards of interior cleanliness and comfort with accompanying evidence of a service history, an extension beyond 6 years could be granted. If, after the first year extension, a further application was made to licence up to the eighth year that would be considered also under the 'Exceptional Conditions' policy. It will still be the case that a vehicle can be licensed well into its eighth year depending on the date it was first licensed and its condition.

### **2.4 So, will there be extra inspections?**

Yes. There will be an extended inspection if you wish to apply for the 'Exceptional Conditions' policy on the first and second occasion. There will also be an additional inspection at some point during the following 12 months of the issuing of the vehicle licence.

## **2.5 Will I be charged for the extra inspections?**

Only the vehicle Proprietor will.

It is not expected that there will be any price increases on the basic inspection fee which has remained unchanged since 1999. However those who do not produce their vehicles for inspection when required will face increased charges relative to the additional enforcement activity required to deal with them.

It is expected that the 'Exceptional Condition' inspection will last 2 hours and cost £60 (twice the standard 1 hour inspection fee).

When finalised, all of these charges will be published in the local press.

## **2.6 Where can I see the full report that went before the Licensing and Regulatory Panel?**

It can be viewed on line and downloaded at [www.leeds.gov.uk/taxis](http://www.leeds.gov.uk/taxis)

## **2.7 Are any other changes planned?**

Not at present.

Once the full schedule of inspections are completed in summer 2009, the results will be considered and, if necessary, information will be supplied to the Licensing and Regulatory panel.

## **2.8 How can I comment on these proposals?**

Halcrow is a local company currently conducting an unmet demand survey in relation to Hackney Carriages. Please find a questionnaire enclosed with this booklet. Consultation questions concerning the age criteria are included in the Survey Form.

The information you supply in respect of the Hackney Carriage and Private Hire saloon and People Carrier age criteria will be considered separately from the unmet demand survey information. It is important you complete the whole of the questionnaire.

You can also email us with your views at: [taxiprivatehire.licensing@leeds.gov.uk](mailto:taxiprivatehire.licensing@leeds.gov.uk)

There will also be three 'open days' at key venues in Leeds and Bradford where you will have the opportunity to ask questions and offer feedback. Further details will be provided to Operators and Hackney Carriage Associations once the times and dates have been finalised.

## **2.9 When do these policy changes take place?**

It was agreed at the Licensing and Regulatory Panel meeting on 2<sup>nd</sup> March 2009 that details of the changes will be updated on the media screens in the Taxi and Private Hire Licensing Office, in the Spring Licensing Leeds newsletter, on the Council's website and by sending flyers to Operator and Hackney Carriage Association bases.

It is not intended to introduce this policy for at least three months to enable any representations to be considered by Elected Members and to enable Proprietors, drivers, Operators and Hackney Carriage Associations to make appropriate adjustments and voice their views.

## VEHICLE INSPECTION RESULTS – 6 /7+ Years

### Hackney Carriage Vehicles

|                      | Vehicles Required To Attend | Passed Test | Failed Test | Vehicle Suspended | Licence Revoked | Licence Surrendered | Failed to Attend |
|----------------------|-----------------------------|-------------|-------------|-------------------|-----------------|---------------------|------------------|
| <b>Actual Volume</b> | 115                         | 27          | 45          | 23                | 0               | 7                   | 13               |
| <b>%</b>             |                             | 23.5%       | 39.1%       | 20.0%             | 0%              | 6.1%                | 11.3%            |

Attended at a later date (vehicles that failed to attend on first request)

|                      |    |      |       |       |    |      |    |
|----------------------|----|------|-------|-------|----|------|----|
| <b>Actual Volume</b> | 11 | 1    | 6     | 3     | 0  | 1    | 0  |
| <b>%</b>             |    | 9.1% | 54.5% | 27.3% | 0% | 9.1% | 0% |

### Private Hire Vehicles

|                      | Vehicles Required To Attend | Passed Test | Failed Test | Vehicle Suspended | Licence Revoked | Licence Surrendered | Failed to Attend |
|----------------------|-----------------------------|-------------|-------------|-------------------|-----------------|---------------------|------------------|
| <b>Actual Volume</b> | 740                         | 138         | 230         | 78                | 32              | 45                  | 217              |
| <b>%</b>             |                             | 18.7%       | 31.1%       | 10.5%             | 4.3%            | 6.1%                | 29.3%            |

Attended at a later date (vehicles that failed to attend on first request)

|                      |     |      |       |       |      |       |    |
|----------------------|-----|------|-------|-------|------|-------|----|
| <b>Actual Volume</b> | 192 | 14   | 66    | 22    | 8    | 82    | 0  |
| <b>%</b>             |     | 7.3% | 34.4% | 11.5% | 4.2% | 42.6% | 0% |

REQUIREMENT TO ATTEND FOR VEHICLE INSPECTION

1<sup>st</sup> INSPECTION FEE CONTAINED WITHIN LICENSING FEE

FAILS TO ATTEND

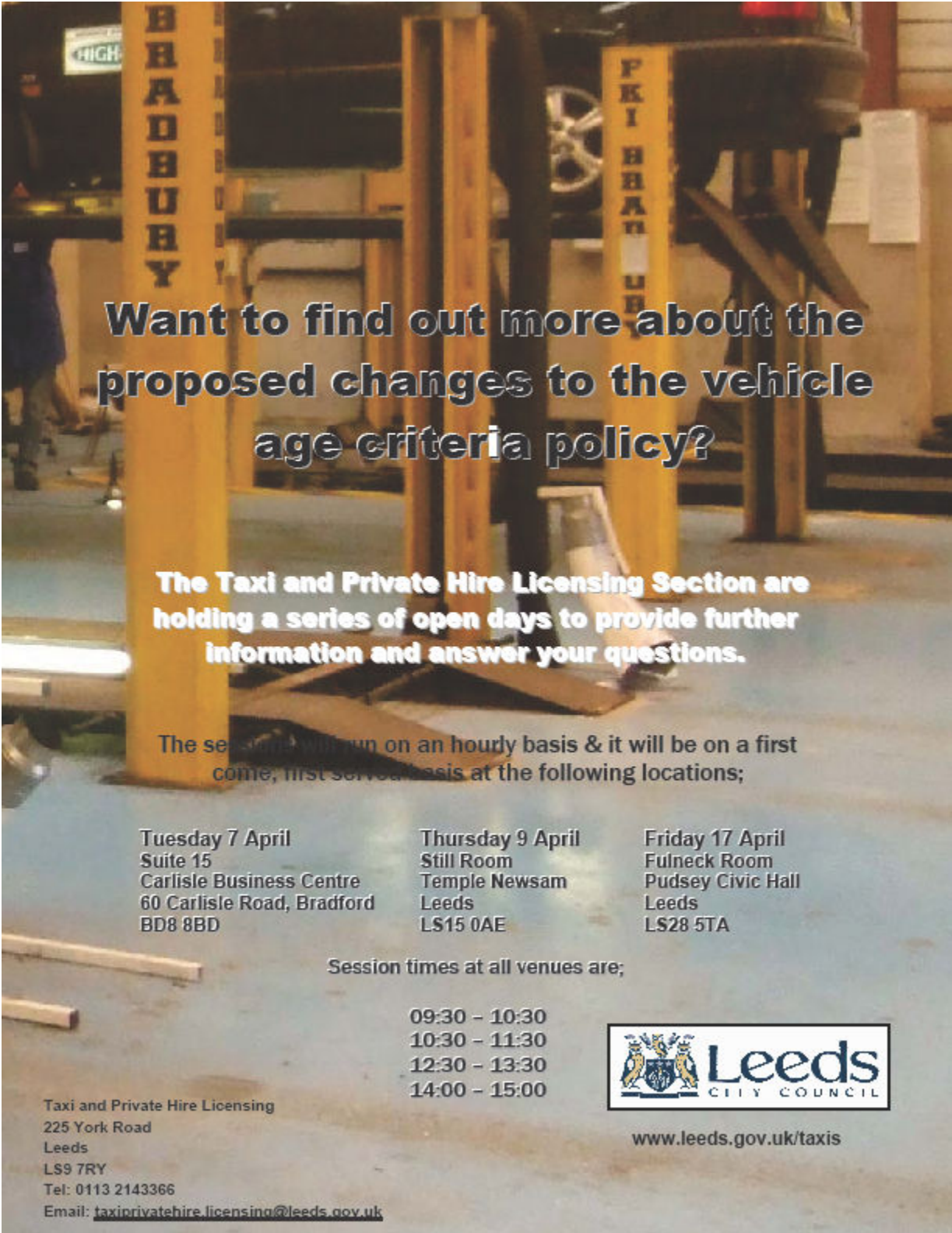
- VEHICLE LICENCE SUSPENDED
- PROPRIETOR NOTIFIED IN WRITING
- OPERATOR / HACKNEY CARRIAGE ASSOCIATION NOTIFIED IN WRITING
- SECOND INSPECTION NOTICE SERVED WITH INSPECTION FEE - £75

FAILS TO ATTEND

- ANY LICENCE HELD BY PROPRIETOR SUSPENDED – NOTIFIED IN WRITING
- OPERATOR / HACKNEY CARRIAGE ASSOCIATION NOTIFIED IN WRITING
- FILE PASSED TO ENFORCEMENT TEAM
- FORMAL PACE INTERVIEW UNDERTAKEN
- THIRD INSPECTION NOTICE SERVED WITH INSPECTION FEE - £125 (PLUS ACCUMULATED FEE)
- ALL ASSOCIATED LICENSED VEHICLES CALLED FOR INSPECTION

PROPRIETOR NOT LOCATED OR VEHICLE NOT PRODUCED

- VEHICLE LICENCE REVOKED
- CONSIDERATION OF REVOCATION OF OTHER LICENCES HELD



**Want to find out more about the proposed changes to the vehicle age criteria policy?**

**The Taxi and Private Hire Licensing Section are holding a series of open days to provide further information and answer your questions.**

The sessions will run on an hourly basis & it will be on a first come, first served basis at the following locations;

**Tuesday 7 April**  
Suite 15  
Carlisle Business Centre  
60 Carlisle Road, Bradford  
BD8 8BD

**Thursday 9 April**  
Still Room  
Temple Newsam  
Leeds  
LS15 0AE

**Friday 17 April**  
Fulneck Room  
Pudsey Civic Hall  
Leeds  
LS28 5TA

Session times at all venues are;

09:30 – 10:30  
10:30 – 11:30  
12:30 – 13:30  
14:00 – 15:00

Taxi and Private Hire Licensing  
225 York Road  
Leeds  
LS9 7RY  
Tel: 0113 2143366  
Email: [taxiprivat hire.licensing@leeds.gov.uk](mailto:taxiprivat hire.licensing@leeds.gov.uk)



[www.leeds.gov.uk/taxis](http://www.leeds.gov.uk/taxis)



## The proposed Age Criteria policy

Since July 2006, our Vehicle Examiners have been carrying out inspections of vehicles over 7 years old.

The results of these inspections and a proposal to change the age criteria Condition of Hackney Carriage and Private Hire saloon and People Carrier vehicles were presented to Elected Members at the Licensing and Regulatory Panel on 3 March.



The results enabled Members to consider the research undertaken over the past three years and to determine if proposals to lower the maximum 'age criteria' on licensed Hackney Carriage and Private Hire vehicles is appropriate and proportionate. After considering both the proposal and the results, Members requested further information and consultation with the trade before making a final decision in May.

As a result of this, you will very shortly be receiving an Information & Consultation pack outlining changes to current vehicle inspection policies and the proposed changes to the criteria.

In addition, a series of open days are to be held to consult with drivers, Operators and Proprietors;

**Tuesday 7 April, Suite 15, Carlisle Business Centre, 60 Carlisle Road, Bradford, BD8 8BD**  
**Thursday 9 April, Still Room, Temple Newsam, Leeds, LS15 0AE**  
**Friday 17 April, Fulneck Room, Pudsey Civic Hall, Dawsons Corner, Leeds, LS28 5TA**

Please use your opportunity to provide feedback by completing the questionnaire enclosed in the Information & Consultation pack, emailing us at [taxiprivaterehire.licensing@leeds.gov.uk](mailto:taxiprivaterehire.licensing@leeds.gov.uk) or visiting us at one of the open days.

### Vehicle Inspection Results – 6/7+ Years

#### Hackney Carriage Vehicles

|               | Vehicles Required to Attend | Passed Test | Failed Test | Vehicle Suspended | Licence Revoked | Licence Surrendered | Failed to Attend |
|---------------|-----------------------------|-------------|-------------|-------------------|-----------------|---------------------|------------------|
| Actual Volume | 115                         | 27          | 45          | 23                | 0               | 7                   | 13               |
| %             |                             | 23.5%       | 39.1%       | 20.0%             | 0%              | 6.1%                | 11.3%            |

Attended at a later date (Vehicles that failed to attend on first request)

|               |    |      |       |       |    |      |    |
|---------------|----|------|-------|-------|----|------|----|
| Actual Volume | 11 | 1    | 6     | 3     | 0  | 1    | 0  |
| %             |    | 9.1% | 54.5% | 27.3% | 0% | 9.1% | 0% |

## Private Hire Vehicles

|               | Vehicles Required to Attend | Passed Test | Failed Test | Vehicle Suspended | Licence Revoked | Licence Surrendered | Failed to Attend |
|---------------|-----------------------------|-------------|-------------|-------------------|-----------------|---------------------|------------------|
| Actual Volume | 740                         | 138         | 230         | 78                | 32              | 45                  | 217              |
| %             |                             | 18.7%       | 31.1%       | 10.5%             | 4.3%            | 6.1%                | 29.3%            |

Attended at a later date (Vehicles that failed to attend on first request)

|               | Vehicles Required to Attend | Passed Test | Failed Test | Vehicle Suspended | Licence Revoked | Licence Surrendered | Failed to Attend |
|---------------|-----------------------------|-------------|-------------|-------------------|-----------------|---------------------|------------------|
| Actual Volume | 192                         | 14          | 66          | 22                | 8               | 82                  | 0                |
| %             |                             | 7.3%        | 34.4%       | 11.5%             | 4.2%            | 42.6%               | 0%               |

**PROPOSALS TO CHANGE THE AGE CRITERIA CONDITION UPON HACKNEY CARRIAGE AND PRIVATE HIRE SALOON AND PEOPLE CARRIER VEHICLE LICENCES**

Summary of Consultation Responses and Officer Comments.

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| <p>1. The consultation process has been flawed with very few attendees at the 'open days'.</p>                               | <p>Although there has been criticism of the open days, particularly the one at Pudsey, Officers feel that such open days were only one part of the process and the consultation should be judged as a whole. It is important to note that following the abandoned event on 1 June, officers met with Trade representatives.</p> <p>As a result of that meeting, officers agreed to ensure that the identified concerns of the trade were included in the report for Members. A list of concerns was drawn up and that list has been shared with the trade representatives and elected Members who have represented trade interests. They have agreed that the list is an accurate reflection of their concerns.</p> <p>Further consultation would not help Members in making a decision as such consultation would simply result in the same concerns being raised again.</p> |
| <p>2. The proposed policy is much stricter than elsewhere and indeed authorities such as Rotherham have no age criteria.</p> | <p>It has not been possible to canvass details of the policies of all the 400 licensing authorities. However for the information of members the following information has been obtained relating to the 'core cities' or neighbouring areas</p> <p><u>Birmingham</u></p> <p>Will licence a vehicle up to 8 years of age and apply an exceptional circumstances policy thereafter. This policy was adopted in 2008</p> <p><u>Manchester</u></p> <p>Will licence a vehicle up to a maximum age of 7 years unless there are exceptional circumstances.</p> <p><u>Newcastle</u></p> <p>Have no maximum age but require vehicles over 5 years of age to have 3 inspections per year.</p> <p><u>Liverpool</u></p> <p>No age criteria but vehicles over 8 years of age are</p>   |

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|   | <p>inspected every 6 months.</p> <p><u>Bradford</u></p> <p>Maximum age for new vehicles to be licensed is 8 year except for wheelchair accessible vehicles which are licensed up to 5 years from first registration. Once licensed vehicle licences can be renewed up to 12 years of age.</p> <p><u>Bristol</u></p> <p>Vehicles up to 8 years of age are MOT tested once a year. Vehicles between 8 – 10 years are subject to two MOT tests per year. The MOTs are carried out at designated MOT stations.</p> <p><u>Kirklees</u></p> <p>Vehicles are licensed up to 10 years and may continue to be licensed after this in exceptional circumstances.</p> <p><u>Calderdale</u></p> <p>Vehicles are licensed up to 10 years and may continue to be licensed after this in exceptional circumstances.</p> <p><u>Nottingham</u></p> <p>Vehicles are tested annually up to 3 years. Vehicles between 3-5 years of age are inspected every 6 months.</p> |
| <p>3. Only vehicles which are in 'exceptional' or 'outstanding' condition will be licensed once they are six years old. This is unnecessarily high standard.</p>                            | <p>The condition of the vehicle must be judged according to it's proposed use. What is acceptable in a family car may not be appropriate in a public transport vehicle.</p> <p>However the proposed policy has been changed so there is more clarity about the assessment process and to highlight those inspection points which the Council must assess to meet its statutory responsibility. The policy now reflects what will be assessed and how rather than a subjective argument of whether a particular vehicle is 'outstanding' or 'exceptional'.</p>  |
| <p>4. When a vehicle is six years old it requires a test twice a year, the cost of which (£60 per inspection) will fall on the operators. This is an additional and unnecessary burden.</p> | <p>Following consultation the proposal put to Members (in respect of currently licensed vehicles seeking extension beyond 6 years) is that instead of two Council inspections per year there should be one at some point in the sixth year and each subsequent year reasonably separated from the</p>  |

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|   | <p>MOT inspection if at all possible.</p> <p>The cost per inspection in these cases is set at the standard inspection fee of £30, which in any case is offset against the vehicle licence charge. Consequently there is no price increase for the proprietors of currently licensed vehicles unless the vehicles are transferred.</p> <p>It should be noted that vehicles can be already be called in up to three times per 12 months for inspection within legislation covering Hackney Carriages and Private Hire vehicles.</p> <p>We should not lose sight of what is necessary and whilst it might be more time consuming for vehicle proprietors the overriding issue is public safety.</p>  |
| <p>5. The policy will affect smaller companies to a greater extent than the larger companies. As the cost of running and replacing their own vehicles increases many drivers will be forced to work for larger companies who provide rented vehicles.</p> | <p>Renting a vehicle is the first choice for over 1000 Private Hire drivers and 600 Hackney Carriage drivers for various reasons. The issue is quite straight forward in that licensed vehicles must be maintained to be safe, comfortable and in a suitable mechanical condition. Legislation determines what is safe both in MOT testing standards and 'construction and use' legislation and this is not a negotiable area.</p> <p>Engineers do believe that the costs of properly servicing and maintaining a vehicle will reflect the amount of mileage it is doing and its age. Vehicles do deteriorate more quickly as they get older. It is not possible for the Council to compromise public safety on the basis of not being able to afford to pay to maintain a vehicle. The Council can however set proportionate standards to cover its statutory responsibility and it is hoped the final report does that.</p> |
| <p>6. Instead of checks relating to the age of vehicles, could they relate to mileage instead? This would ensure that younger vehicles with much higher mileage rates are checked at an earlier stage.</p>  | <p>This is not an option due to the ease with which mileage readings can be altered and the administrative burden of even trying to follow such a system.</p> <p>Additionally, in understanding the engineering issues perhaps most laymen would see there is a significant difference in the potential wear and tear effects on the vehicle negotiating the traffic and roads in Leeds, or any other major city, and the identical car which cruises on the motorway.</p> <p>The point in respect of much younger vehicles also potentially presenting safety concerns when high mileage is sustained in short periods of time is</p>  |

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|  | <p>acknowledged..</p> <p>We are aware of some vehicle accumulating 150,000 miles plus in the first few years of their life which is achieved by 24 - 7 hiring to multiple drivers. The whole of the inspection plan across the entire range of vehicle age groups has not yet been finalised. This issue in itself may be the subject of a further report to Panel on how we address issues on much younger vehicles.</p>  |
| <p>7. In either 1989 or 1990 a commitment was made that the age criteria would remain at 10 years.</p> | <p>Officers have not been able to find any substance to this. Even so the issues twenty years ago in terms of vehicle safety and public expectations have moved on enormously and any responsible Authority, with the present evidence in front of them, must consider public safety now. If such a commitment had been made it would still be acceptable to reconsider that given the passage of time and availability of evidence.</p>   |
| <p>8. In the report to Panel a breakdown of the failed vehicles should be shown detailed:</p>          | <p>Such detail as can be provided is now included within the report at paragraph 2.6.</p> <p>A total of 855 vehicle inspections were carried out.</p> <p>126 failed and had their licence suspended, 347 failed and were given 7 days to return with the defects rectified. (total 473)</p> <p>Failures items were recorded in 5 categories:</p> <ul style="list-style-type: none"> <li>• General 240</li> <li>• Steering and suspension 187</li> <li>• Lights 257</li> <li>• Brakes 140</li> <li>• Emissions 35</li> </ul> <p style="text-align: right;">Total failure items 859</p> <p>859 failure items were recorded across the 473 vehicles</p> <p>In addition to the above 473 failed inspection results, 40 vehicles had their licences revoked.</p> <p>The differential of 342 inspections consists of those vehicles that had their licence surrendered, those that failed to attend before the licence expired and vehicles that passed the inspection.</p> <p>27 vehicles are recorded as having failed solely under the general category.</p> <p>It should be noted that vehicles which fail the</p> |

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|  | <p>inspection will be given a period of time in which to rectify minor faults. Providing the faults are rectified and the vehicle is re-examined before the licence expires, minor faults should not prevent a vehicle licence from being extended.</p>  |
| <p>9. Impossible for a car to get through at 6 years</p>                 | <p>Maintaining a vehicle to a safe condition is not an imposition by the Council, it is legislative requirement. Being fit for public transport is also a statutory requirement.</p> <p>Qualified and experienced engineers do believe that by properly servicing and maintaining a vehicle that the cost will only reflect the amount of mileage it is doing and/or its age. Vehicles do deteriorate more quickly as they get older. It is not possible for the Council to compromise public safety on the basis of not being able to afford to pay to maintain a vehicle. The Council can however set proportionate standards to cover its statutory responsibility and it is hoped the final report does that.</p> <p>The criteria will be very clear and in accordance with MOT testing standards, existing approved licence conditions and extracts from guidance issued by a major motoring organisation on what should be checked before you buy a vehicle.</p> |
| <p>10. Why should it have to go to a garage for servicing or repair?</p> | <p>That was certainly the preference of vehicle inspectors and follows the sound advice of any motoring organisation, vehicle manufacturer or trading standards advice.</p> <p>Accepting that there are some semi-skilled unqualified trades men working from their home premises Officers consider that any servicing or repair work, especially involving the brakes and steering must be carried out by skilled and qualified technicians in accordance with the vehicle manufacturers recommendations. Ultimately it is not just the vehicle proprietor who has to deal with the consequences of poor workmanship.</p>   |
| <p>11. What if it doesn't have any service history?</p>                  | <p>Most cars have dealership support offering servicing offers during the first 3 years of life and the service history is recorded and validated in the vehicles "hand-book".</p> <p>A starting point in the event of no available supporting evidence would be to have the vehicle serviced and inspected by a qualified dealership and retain and present that record. From that point on it is relatively easy for a proprietor to</p>   |

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|   | demonstrate that they have followed the manufacturers guidance and compile a service history.   |
| 12. Cars should not have to be serviced every 12000 miles         | The need for regular servicing and maintenance is even more important on high mileage cars. Cars which reach 12000 in a short time are just such vehicles.  |
| 13. Why is the Council picking on drivers of older cars?          | <p>Based on the inspection figures to date there is evidence to propose changes that are proportionately responsive to quite a significant problem and the Council must intervene in a responsible way. The Council is keen to introduce people into employment and keep them there but that cannot be at the expense of public safety. Any professional costs and fees can be offset against an individual tax code.</p> <p>The entire fleet is being inspected by age range and further proposals may be made in respect of vehicles in other age groups.</p>   |
| 14. This will put some Operators and drivers out of business      | <p>The Council cannot overlook its statutory function to ensure we licence safe vehicles. Not doing so because it might put people out of business is the same as saying that a private car owner, should not have to maintain their vehicle to the statutory level because it costs too much and safety comes second to servicing costs.</p> <p>Operators who rent cars have exactly the same responsibility as the owner/drivers and cannot escape the responsibility for maintaining their vehicles to a standard of road worthiness. When a hirer books a car from a licensed Operator or Taxi Association they expect to have a safe, clean and comfortable vehicle sent for them.</p> <p>Operators and Taxi Associations have a shared responsibility in law for providing a safe vehicle on a pre-booking, even if the vehicle is owned by the driver or a proprietor and the measures proposed not only protect the public but the Operator and Taxi Association as well from the neglectful vehicle owner.</p> |
| 15. Six years is a ridiculous age criteria in the current climate | 'Six years' is not an absolute; the proposed criteria allows vehicle to be licensed way beyond this – all you have to do is comply with the Councils proposed testing arrangements and keep the vehicle safe for the public to use, well maintained and in good condition.  |



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|   | <p>It is recognised that some people find themselves in testing times financially and it is not the intention of the Council to financially penalise vehicle proprietors. It does however have to undertake its statutory obligation in light of the inspection figures. In terms of additional cost incurred in maintaining a vehicle; it would be difficult to sustain sympathy for an argument based on a licensed driver not servicing his vehicle to maintain public safety because of financial constraints. It would not be a defensible argument in the event of a serious incident for the Council to say it did not react to safety concerns because it would cost vehicle proprietors money to maintain their vehicle to a safe level.</p>  |
| <p>16. Why are the Council issuing so many badges, with more drivers fighting for work - we won't be able to afford a new car more frequently</p> | <p>The Council cannot, in law, neither restrict the number of Private Hire drivers or Private Hire vehicles.<br/>Vehicles can be purchased up to 5 years of age for first time of licence and need not be new.</p>   |
| <p>17. We cannot afford to pay for servicing</p>  | <p>This was an often repeated statement and the responsibility of the Council and a vehicle proprietor in respect of public safety may allow some sympathy but little room for manoeuvre. Whilst carrying out its obligation the Council has tried to balance all of the issues but it cannot overlook its primary responsibility – public safety.</p>   |
| <p>18. Why have 2 council inspections a year and an MOT</p>   | <p>An MOT inspection is only accurate for that moment in time and does guarantee vehicles road worthiness for the following 12 months. There is an expectation that a vehicle owner will responsibly maintain the vehicle during that time. Because taxis and Private Hire vehicles are generally much higher mileage, legislation was put in place to enable the Council to inspect and charge for up to three inspections in any twelve month period.</p> <p>Having spoken with a cross section of drivers this is now being reviewed with a proposal that there will be one Council inspection per year as well as the MOT. The Council examines beyond the areas examined during an MOT to a range of licensing conditions and has to consider other statutory requirements before licensing a vehicle. For example: comfort, suitable mechanical condition, body work and cleanliness.</p> <p>This will not restrict the Council from conducting further inspections if it thinks fit. Suggestions from the trade have been that the Council should target those people who present vehicles which fail or are convicted of 'construction &amp; use' offences. In</p> |

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|  | addition to the testing proposals this seems to be a credible idea proposed by the trade |
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## Department for Transport

(Taken from DfT Website)

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### Taxi and Private Hire Vehicle Licensing: Best Practice Guidance

#### Vehicles

#### Specification of Vehicle Types That May Be Licensed

18. The legislation gives local authorities a wide range of discretion over the types of vehicle that they can license as taxis or PHVs. Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.
19. Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, local authorities might usefully set down a range of general criteria, leaving it open to the taxi and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way there can be flexibility for new vehicle types to be readily taken into account.
20. It is suggested that local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the Department believes authorities should be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. (There are at present only two designs of purpose-built taxi.) But of course the purpose-built vehicles are amongst those which a local authority could be expected to license. Similarly, it may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers).

Imported vehicles: type approval (see also "stretched limousines", paras 26-28 below)

21. It may be that from time to time a local authority will be asked to license as a taxi or PHV a vehicle that has been imported independently (that is, by somebody other than the manufacturer). Such a vehicle might meet the local authority's criteria for licensing, but the local authority may nonetheless be uncertain about the wider rules for foreign vehicles being used in the UK. Such vehicles will be subject to the 'type approval' rules. For passenger cars up to 10 years old at the time of first GB registration, this means meeting the technical standards of either:
  - a European Whole Vehicle Type approval;
  - a British National Type approval; or
  - a British Single Vehicle Approval.

Most registration certificates issued since late 1998 should indicate the approval status of the vehicle. The technical standards applied (and the safety and environmental risks covered) under each of the above are proportionate to the number of vehicles entering service. Further information about these requirements and the procedures for licensing and registering imported vehicles can be seen at [www.dft.gov.uk/stellent/groups/dft\\_roads/documents/page/dft\\_roads\\_506867.hcsp](http://www.dft.gov.uk/stellent/groups/dft_roads/documents/page/dft_roads_506867.hcsp).

## Vehicle Testing

22. There is considerable variation between local licensing authorities on vehicle testing, including the related question of age limits. The following can be regarded as best practice:

- **Frequency of Tests.** The legal requirement is that all taxis should be subject to an MOT test or its equivalent once a year. For PHVs the requirement is for an annual test after the vehicle is three years old. An annual test for licensed vehicles of whatever age (that is, including vehicles that are less than three years old) seems appropriate in most cases, unless local conditions suggest that more frequent tests are necessary. However, more frequent tests may be appropriate for older vehicles (see 'age limits' below). Local licensing authorities may wish to note that a review carried out by the National Society for Cleaner Air in 2005 found that taxis were more likely than other vehicles to fail an emissions test. This finding, perhaps suggests that emissions testing should be carried out on ad hoc basis and more frequently than the full vehicle test.
- **Criteria for Tests.** Similarly, for mechanical matters it seems appropriate to apply the same criteria as those for the MOT test to taxis and PHVs\*. The MOT test on vehicles first used after 31 March 1987 includes checking of all seat belts. However, taxis and PHVs provide a service to the public, so it is also appropriate to set criteria for the internal condition of the vehicle, though these should not be unreasonably onerous.

\*A manual outlining the method of testing and reasons for failure of all MOT tested items can be obtained from the Stationary Office see

[www.tsoshop.co.uk/bookstore.asp?FO=1159966&Action=Book&From=SearchResults&ProductID=0115525726](http://www.tsoshop.co.uk/bookstore.asp?FO=1159966&Action=Book&From=SearchResults&ProductID=0115525726)

- **Age Limits.** It is perfectly possible for an older vehicle to be in good condition. So the 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 five years old.
- **Number of Testing Stations.** There is sometimes criticism that local authorities provide only one testing centre for their area (which may be geographically extensive). So it is good practice for local authorities to consider having more than one testing station. There could be an advantage in contracting out the testing work, and to different garages. In that way the licensing authority can benefit from competition in costs. (The Vehicle Operators and Standards Agency - VOSA - may be able to assist where there are local difficulties in provision of testing stations.)

## Security

23. The owners and drivers of vehicles will often want to install security measures to protect the driver. Local licensing authorities may not want to insist on such measures, on the grounds that they are best left to the judgement of the owners and drivers themselves. But it is good practice for licensing authorities to look sympathetically on - or actively to encourage - their installation. They could include a screen between driver and passengers, or CCTV. Care however should be taken that security measures within the vehicle do not impede a disabled passenger's ability to communicate with the driver. Licensing authorities may want to encourage the taxi and PHV trades to build good links with the local police force, including participation in any Crime and Disorder

Reduction Partnerships. There is extensive information on the use of CCTV, including as part of measures to reduce crime, on the Home Office web-site, [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk) (and see for instance, [www.crimereduction.gov.uk/cctv/cctvminisite4.htm](http://www.crimereduction.gov.uk/cctv/cctvminisite4.htm)).

### Draft proposal

#### Inspection Regime for Vehicles seeking to be licensed beyond 6 years of age

##### Background

Leeds City Council operates an age criteria of 6 years on Licensed Hackney Carriages and Private Hire saloon vehicles and 'people carriers'.

The policy is based on the consideration that the licensed vehicles are providing a public transport service and as such they must be in a suitable mechanical condition, safe and comply with relevant conditions upon their licence. These standards are statutory requirements and are essential. The vehicle should be in a condition at all times which complies with those requirements.

The appearance of the vehicle, externally and internally, and the level of comfort and cleanliness it offers can adversely impact upon the image of the City of Leeds if the vehicle is shabby. Hirers should have confidence that a licensed vehicle will always meet their expectations and legal requirements.

It is also important that licensed vehicles have an acceptable emissions level. With the high mileage and wear and tear involved with licensed vehicles, that level will be set to the national level defined under the MOT scheme.

To assess all these issues an Authorised Officer of the Council will conduct an extended inspection and road test of the vehicle and assess it against a set criteria set out later in this document.

##### Areas for Inspection

- Safety
- Suitable mechanical condition including emissions
- Conditions upon the licence
- Comfort

|                                   | SAFE                               | SUITABLE MECHANICAL<br>CONDITION   | COMPLIANCE WITH VEHICLE<br>CONDITIONS  | COMFORTABLE  |
|-----------------------------------|------------------------------------|--|--|--|
| <b>Method of<br/>Assessment</b>   | Inspection                         | 1. Inspection<br>2. Road Test  | Visual inspection  | Road test  |
| <b>Testing<br/>Standard</b>       | MOT standard                       | 1. MOT standard<br><br>2. Extract of items included in a national motoring organisations guide | 1. Part 7 Private Hire vehicle Licensing Conditions<br><br>2. Extract of items included in a national motoring organisations guide | Extract of items included in a national motoring organisations guide |
| <b>Assessment<br/>Report type</b> | Prepared MOT inspection check list | Prepared MOT inspection check list & Road test check list.                                     | Prepared inspection check list   | Prepared inspection check list                                       |

*The vehicle must pass all four areas of inspection to be immediately licensed beyond 6 years.*

### **How to apply for an exemption to the Council's 'saloon and 'people carrier' vehicle Age Criteria'**

To extend the licensing age of a vehicle a Proprietor should:

- Pay an extended inspection fee and book an appropriate extended inspection
- Present the vehicle for an extended inspection by Authorised Officer at an appointed time

The application should include all the available documentary evidence to support the vehicles service history and maintenance.

An appointment will be made to carry out the vehicle inspection and the inspection will take approximately 2 hours.

The Officer conducting the test will examine the vehicle against a detailed check list of the areas mentioned previously.

### **Testing Standard**

The Officer will complete a check list for each area of inspection and determine an overall assessment for each of those areas as set out below:

|                           |   |
|---------------------------|---|
| <b>Fail</b>               | Indications of sustained neglect.<br>Falls short and requires significant remedial attention. Has little service history. |
| <b>Improvement Notice</b> | Generally good but with areas for improvement. Has record of servicing with validity.                                     |
| <b>Pass</b>               | In excellent condition having substantial supporting documentary evidence of continued servicing and repair.              |

Officers will inspect the four areas for inspection to this same standard.

If the licensed vehicle fails any part of the inspection it is for the Proprietor to consider the cost effectiveness of bringing the vehicle to a condition that it can pass the inspection.

If at the time of inspection the vehicle is considered to have serious defects the Vehicle Examiner may issue a suspension notice and refuse to conduct the road test.

### **Administrative notes**

The applicant will be supplied with a copy of the inspection notes.

The earliest an application will normally be received for an exemption to the criteria is not more than 12 weeks prior to the expiration of its current licence.

There will be a re-inspection fee set at an appropriate level and as amended from time to time.

Where an 'improvement notice' has been issued for an area which can be quickly visually re-examined, the fee will generally be waived. Where a further road test or the setting aside of a vehicle inspection bay is required the re-inspection fee will be at the current rate.

The vehicle will not be granted an extension to the age criteria until it has successfully passed the inspection process. The whole of this application, inspection and approval process must be completed prior to the expiration of the current vehicle licence. It is the responsibility of the vehicle proprietor to meet this time scale

If successful an exception to the policy would be made for that vehicle for a period of twelve months and if subsequent applications were to be made by the vehicle proprietor the same procedures would apply.