

Meeting: Licensing Committee
Date: 7 September 2023
Classification: Part 1
Key Decision: Yes
Title of Report: Reinstatement of Licensing Conditions in relation to vehicle age of taxis.

Executive Director: Alan Richards (Executive Director Environment & Place)
Report Author: Adam Penn
Executive Councillor: Cllr John Lamb

1. Executive Summary

- 1.1. Members are asked to consider the reinstatement of taxi licensing conditions relating to the age of Hackney Carriages (HC) Private Hire Vehicles (PHV) at the stage of first licensing be temporarily amended until the introduction of new conditions via the forthcoming taxi policy, whereby the 5-year age limit (6-year age limit for wheelchair accessible vehicles) is disappplied.
- 1.2. The intention of these changes is to increase the number of vehicles available to the public by enabling more vehicles to be licensable, while maintaining the protection of air quality and assisting to deliver the climate change agenda.
- 1.3. Members are further invited to consider applying a 6-month licence extension process for wheelchair accessible vehicles once they reach ten years old. This is proposed due to the expansion of the types of vehicles to include rear access wheelchair accessible vehicles.
- 1.4. This is estimated to be within this financial year, when all conditions will have been reviewed and put out to public / trade consultation as part of the policy consultation. The new policy will aim to remove age restrictions completely in place of emissions-based ones specifically designed to respond to technological advances.

2. Recommendations

It is recommended that the committee:

- 2.1. **Adopt the amended age-related conditions as set out in para 3.13 and 3.14 from the date of this decision, until such time as the new Council taxi policy has been adopted.**

3. Background

- 3.1. The Council is responsible for the regulation of Hackney Carriage (HC) and Private Hire Vehicle (PHV) licensing within the City. HC and PHV regulation seek to protect individuals, businesses, the environment and promote public safety.
- 3.2. The Authority attaches conditions to the issue of HC and PHV licences which are considered reasonable, necessary and proportionate, and may, at any time, vary, alter or impose new conditions to a higher or lower standard. The current conditions can be found [here](#)
- 3.3. In addition to these licensing conditions, licence holders must comply with the associated legislation in respect of HC, including provisions of the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847, the Southend on Sea Byelaws relating to hackney carriages and all other relevant legislation.

Age Related Conditions

- 3.4. Currently there are age related conditions applied for both HC and PHV, whereby it is stipulated that at the point of first licensing, these vehicles must not be above 5 years old, and not be above 6 years old where the vehicle is wheelchair accessible.
- 3.5. In March 2022 the Licensing committee approved a temporary condition whereby the 5-year age limit (6-year age limit for wheelchair accessible vehicles) was disapplied, and, added a permanent requirement that compliance with Euro 6 emission standards as a minimum would apply to all vehicles added as taxis from that point forward.
- 3.6. There has been a decrease in the number of HC and PHV available for residents to hire, as both the availability of drivers and age-appropriate vehicles has reduced.
- 3.7. With regards to the reduction of drivers, this has been attributed to the pandemic, whereby the COVID related restrictions impacted on the industry to the extent that many drivers left the industry to find alternative employment.
- 3.8. When considering the availability of age-appropriate suitable used vehicles, this area has been impacted by the UK exiting the European Union, and the pandemic, as the supply chain for required parts has been affected. The scarcity issues also pertain to the availability of new vehicles, as well as for those currently in the market with the average used vehicle price at 38% higher than pre-pandemic levels. (source

<https://www.motorfinanceonline.com/> analysis of vehicle price data for Britain's current top 10 best-selling used cars as of 1st June 2023).

- 3.9. The above has resulted in licensed drivers struggling to find new or replacement vehicles that meet the age requirements as given in the applied conditions. In addition, when currently licensed vehicles require repairs, drivers experience long delays due to the availability of parts, and vehicles are rendered out of service. As a result, the availability of taxis within the City has decreased.

Current Age-Related HC and PHV Licence Conditions

- 3.10. The current conditions for HC can be accessed via the link below:
<https://www.southend.gov.uk/vehicle-licences/hackney-carriage-vehicle-licence-conditions>
- 3.11. The current conditions for PHV can be accessed via the link below:
<https://www.southend.gov.uk/vehicle-licences/private-hire-vehicle-licence-conditions>
- 3.12. Condition 2.1.1 (HC) and 1.1.2 (PHV) relate to the age of the vehicle and requires that at the points of being first licensed, that PHV must not be more than 5 years old (wheelchair accessible vehicles 6 years old).

Proposed Amendments to HC and PHV Licence Conditions

- 3.13. The intention is to make a simple temporary amendment to each condition that effectively disappplies the age limit for HC and PHV when they are first licensed, while keeping the requirement that vehicles meet the Euro 6 emission rating, and/or can achieve zero emissions.
- 3.14. Vehicles under 5 years old are automatically compliant with Euro 6 by law. As such, it is proposed that the amended conditions read as follows:

The Proposed Condition For HC

2.1.1(a) Where a vehicle is more than 5 years old when first licenced (Wheelchair Accessible Vehicles 6 years), the vehicle must be Euro 6 emission rating (petrol or diesel vehicles) or capable of achieving zero emissions (hybrid or electric vehicles). All vehicles should not be more than 10-years old when subsequently licenced (Wheelchair Accessible Vehicles 20 years). The maximum age permitted is based on the condition of the vehicle which is considered at 8 years (10 years for Wheelchair Accessible Vehicles) and can be extended by 6-month intervals to a maximum of 10 years. (20 years for Wheelchair Accessible Vehicles) Any limousine or specially approved vehicle shall have no specific age limit and will be reviewed annually.

The Proposed Condition For PHV

1.1.2 Where a vehicle is more than 5 years old when first licenced (Wheelchair Accessible Vehicles 6 years), the vehicle must be Euro 6 emission rating (petrol or diesel vehicles) or capable of achieving zero emissions (hybrid or electric vehicles). All vehicles should not be more than 10-years old when subsequently licenced (Wheelchair Accessible Vehicles 20 years). The maximum age permitted is based on the condition of the vehicle which is considered at 8 years (10 years for Wheelchair Accessible Vehicles) and can be extended by 6-month intervals to a maximum of 10 years (20 years for Wheelchair Accessible Vehicles) Any limousine or specially approved vehicle shall have no specific age limit and will be reviewed annually.

- 3.15. These amendments will not impact on vehicle safety, as the conditions that pertain to this area will be maintained. (6 monthly check on wheelchair accessible vehicles aims to improve safety). All HC and PHV will still be required to undergo mechanical inspection at a dedicated testing station, and an authorised officer will still undertake condition and compliance inspections, prior to a licence being issued. Any vehicle failing this inspection will not be issued with a licence.

4. Reasons for Decisions

- 4.1 The proposed temporary amendment regarding a relaxation on the age of a vehicle, would allow vehicles that are older to be licenced, provided they meet emission criteria and safety requirements. It is anticipated that the relaxation of the age requirements will assist the industry during this period where there are supply chain issues, support them in financially and increase the availability of HC and PHV for the resident and visitor use.
- 4.2 Increasing the number of vehicles that are available to licenced drivers provides sustainable transport to those who are unable to access public transport, and forms part of the Council's Transport Strategy.
- 4.3 Adding the 6 monthly vehicle check to Wheelchair accessible vehicles aged over 10 years is likely to improve safety.

5. Other Options

- 5.1. To not approve:
- The proposed temporary amendments to the licensing conditions pertaining to the relaxation of age of a vehicle for HC and PHV
 - The proposed temporary amendments to the licensing conditions pertaining to the 6 monthly renewal process.

5.2. It is anticipated that a decision to not to amend the temporary conditions pertaining to age, will likely result in the current difficulties remaining unattenuated.

5.3. It is anticipated that not approving the 6 monthly check on wheelchair accessible vehicles will likely mean no improvement on vehicle safety.

6. Financial Implications

6.1. There are no financial implications for the Council.

7. Legal Implications

7.1. The Council can impose conditions for licenced vehicles through provisions contained in:

- Section 68 of the Town Police Clauses Act 1847
- Section 47(1) of the Local Government (Miscellaneous) Provisions Act 1976; and Section 48(2) of the Local Government (Miscellaneous) Provisions Act 1976.

8. Policy Context

8.1 The provision of a well-regulated hackney carriage and private hire service contributes to the feeling of safety for individuals in the town, enabling a rapid service for exiting the town centre for those accessing the night-time economy. Hackney carriage and private hire services operate a 24-hour service and are trained in identifying and the reporting of safeguarding issues.

8.2 The hackney carriage and private hire service provides additional access to services for those who are unable to access the bus and train services supporting the Connected and Smart 2050 outcome.

9. Carbon Impact

9.1. The use of an emissions-based condition does not adversely affect air quality.

10. Equalities

10.1. This proposal will have a positive affect as it aims to increase the number of available vehicles.

11. Consultation

11.1. The only affected party is the taxi trade who requested the change to the emissions-based approach via their trade representatives. No further consultation is necessary.

12. Appendices

12.1. None