

REPORT TO: Licensing Sub-Committee

MEETING DATE: 14 November 2013

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Age of Taxi Vehicles

1

1 PURPOSE

- 1.1 To advise the Sub-Committee of ongoing discussions with the taxi trade regarding the question of the age limits on taxi vehicles being accepted for renewal of licence, in the light of recently approved amendments of licensing conditions in that connection, and current proposals for further amendment.

2 RECOMMENDATIONS

2.1 That the Sub-Committee:

- (i) notes the concerns being expressed by the taxi trade;
- (ii) authorises the Corporate Legal Advisor and such staff as she may appoint to carry out a further consultation on the amendments to the licensing conditions and practices proposed at paragraph 3.8 below; and
- (iii) accepts a further report following the consultation period and make a final decision on the proposed changes to the terms of licence in the light of consultees' comments.

3 BACKGROUND

- 3.1 In a series of reports to the Sub-Committee between October 2012 and February 2013, consideration was given to a proposal to amend condition 9 of the Council's conditions for taxi licences relative to the age of vehicles. Members will recall that the proposal was to delete the words "prima facie" which then existed in the condition and which were deemed to simply confuse the meaning of the condition.

- 3.2 The result of the change would be to clarify the meaning of the condition, to the effect that a taxi which had reached the age of six years (or twelve in the case of purpose-built vehicles) would not be accepted for renewal of licence. This is what the licence condition had always been, but the wording as it then stood left matters open to interpretation and thus what was considered to be an unnecessary uncertainty as to the meaning of the condition.
- 3.3 The proposal was formally advertised and consulted on. Only one objection to the proposal was received within the consultation period. The ELTPHA thereafter submitted a response to the proposals, which was considered at the meeting of the Sub-Committee on 14 February 2013. At that meeting the proposed change to the licensing condition was approved.
- 3.4 In discussion with the Council Transportation department, it was agreed that the changes to the licence condition would take effect on a rolling basis from January 2014, giving the trade time to prepare for the changes relative to the vehicles which would be affected by the changes. From 1 January 2014 all vehicles over the age of 5 years (as indicated on the V5 document) will be given a 1 year licence but will not be allowed to be presented for annual test in future. From 1 January 2015 all vehicles will be removed from operation when the vehicle reaches 6 years old as indicated on the V5 document. From 1 January 2014 all vehicles over the age of 11 years (as indicated on the V5 document) will be given a 1 year licence but will not be allowed to be presented for annual test in future. This relates to vehicles on the agreed "Purpose Built Taxi List". From 1 January 2015 all vehicles will be removed from operation when the vehicle reaches 12 years old as indicated on the V5 document. This relates to vehicles on the agreed "Purpose Built Taxi List".
- 3.5 Since February, the taxi trade have expressed considerable concern about the effect of the amended condition. Members of the Sub-Committee, while noting that these concerns did not materialise during the consultation period, have held meetings with representatives of the trade, and with Transportation department officials, to discuss the issues raised. Consideration has been given to the practicality and desirability of making further changes to this licence condition.
- 3.6 If the condition of licence is to be further altered in any way, that proposal would require to be consulted on in the same manner as the last occasion, with a final decision then being reached having taken account of the responses to the consultation.
- 3.7 I would also advise the Sub-Committee that many Councils in Scotland no longer have an age limit criteria in place for determining suitability of a vehicle for renewal of licence. This is in line with Department of Transport guidelines, which have suggested that such a criteria is arbitrary and potentially unfair. Many Councils operate a system whereby older vehicles require to be tested more frequently than once per year in order

to satisfy those Councils that such vehicles remain suitable for renewal of licence. Attached as an appendix to this report is the result of an informal bench-marking operation on this issue which was carried out when the issue of age of vehicles was last being considered by the Sub-Committee. It is suggested that additional testing would be a reasonable safeguard in terms of older vehicles remaining in the licensed fleet. Obviously there are issues arising from this in terms of the resources of the VPMU to deal with the additional testing which would result, as well paying for such tests.

- 3.8 Following further consideration of the situation, it is now proposed that:
- (i) Condition 9 of the conditions of licence is removed altogether, to the effect that there would no longer be an age limit on the acceptability of vehicles submitted for renewal of licence. Licensing of a vehicle would thereafter be determined purely on the issue of safety/roadworthiness, irrespective of its age.
 - (ii) Testing of vehicles being submitted for renewal of licence be increased from on an annual basis to once every six months once the vehicle has reached an agreed trigger age- currently suggested as 6 years (or 12 years in the case of purpose built vehicles).
 - (iii) Any consequent amendments or alterations required to other licence conditions, and to guidance and procedural notes and information, be adopted as part of this proposed alteration.

4 POLICY IMPLICATIONS

- 4.1 None. As Licensing Authority, the Council may impose or amend conditions of licence as deemed necessary subject to appropriate consultation.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – Increased frequency of vehicle testing will result in increased costs- licence fee levels will require to be reviewed to ensure that such costs continue to be covered by the level of fees imposed.

6.2 Personnel - increased frequency of vehicle testing will have an impact on resources within VPMU in terms of carrying out the additional tests and also within Licensing admin in terms of increased administration required as a result.

6.3 Other – None

7 BACKGROUND PAPERS

7.1 Reports to the Licensing Sub-Committee dated 11 October 2012, 13 December 2012 and & 14 February 2013

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DATE	5 November 2013

<u>Local Authority</u>	<u>Age Restriction Grant</u>	<u>Renewal</u>	<u>Substitute</u>	<u>age of vehicle/no of inspections per year</u>	<u>charge for inspection</u>	<u>Full Inspection</u>	<u>Reminders for test date</u>	<u>timescale of licence</u>
East Lothian	3 years	No restriction	6 years	all ages - annual	£125	yes	Four weeks in advance	1 year
North Ayrshire	Less than 8 years old	Maximum 10 years old	Less than 8 years old	1-5 yrs annual - over 5yrs – 6 monthly	per test	yes	six weeks in advance	3 yrs
Argyll bute	No Restriction	No restriction	No restriction	annual	per test	yes	No comment	1 year
West Dunbarton	Saloon Cars - 10 yrs	Saloon Cars - 10 yrs	Saloon Cars - 8yrs	1 yr - 1 test , 1-8 yr - 2 tests, over 8 yrs - 3 tests	£47.50 - compliance	yes & annual meter reading	Yes	3 yrs
as above	Purpose built -no restriction	Purpose built - no restriction	Less than 8 years old	as above	as above	as above	Yes	
West Lothian	No Restriction	No restriction	No restriction	annually	incorporated in fee	yes	8 weeks in advance	1 year
East Dunbartonshire	No Restriction	No restriction	No restriction	no comment	no comment	no comment	No comment	1 year
Angus	No Restriction	No restriction	No restriction	all ages - annual	no comment	no comment	No comment	1 year
Shetland	No more than 2 yrs old	less than 8 years old	less than 4 yrs old	annual, taxis walk round six months	Standard hourly rate	Yes	No comment	No comment
East Renfrewshire	No Restriction	No restriction	No restriction	annual	per test	Yes	Yes	1 year
Stirling	No Restriction	No restriction	No restriction	1-3 yrs annual, 3-5 -6 monthly, 5-7 -four monthly, over 7 quarterly	£60 - £70	Yes	Yes	
as above - w/chair access	as above	as above	as above	1-3 annual, 3-10 - 6 monthly, 10-12 - 4 monthly, 12+ quarterly				
North Lancashire	Saloon cars - 5 yrs	5 yrs	5 yrs	annually	per test	yes	yes	3 yrs
as above	modified vehicles - 7 yrs	modified - 7 yrs	modified - 7 yrs	annually	per test	yes	Yes	as above
as above	purpose built - 10 yrs	purpose built - 10 yrs	purpose built - 7 yrs	annually	per test	yes	yes	as above

Renfrewshire	taxis - 8 yrs	taxis - 8 yrs	taxis - 8 yrs	up to 5 yrs - annual - over 5 years - six monthly	per test	yes	no	2 yrs
as above	phc - 5 yrs	phc - 5yrs	phc - 5yrs	as above	per test	yes	no	2 yrs
Edinburgh	No Restriction	No restriction	No restriction	annually	per test	yes	No comment	No comment
Aberdeen	4 yrs	5 yrs	no comment	two per year	no comment	yes	Yes	No comment
Fife	8 yrs on all 4-6 passengers	no older than 8 yrs	no comment	annually	no comment	yes	No comment	No comment
East Ayrshire	8 yrs	no older than 8 yrs	no comment	1-5 yrs annual - over 5yrs - 6 monthly	£116	yes	4 weeks in advance	3 years
Aberdeenshire	No Restriction	No restriction	No restriction	every 6 months	incorporated in fee	yes	No comment	1 year