

		Regulatory Committee 24th June 2009	Agenda Item No
Title		Suggested changes to age of licence vehicle policy	
For further information about this report please contact		David Davies, Licensing Services Manager, Community Protection. Tel: 01926 456113. david.davies@warwickdc.gov.uk	
Service Area		Members' Services	
Wards of the District directly affected		None	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006		No	
Date and meeting when issue was last considered and relevant minute number		N/A	
Background Papers		None	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No

Officer/Councillor Approval		
With regard to officer approval all reports <u>must</u> be approved by the report author's relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Relevant Director	02.06.2009	Roger Jewsbury
Chief Executive		
CMT		
Section 151 Officer		
Legal	02.06.2009	Peter Oliver
Finance	02.06.2009	Andy Crump
Portfolio Holder(s)	02.06.2009	Councillor Kirton
Consultation Undertaken		
None		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. SUMMARY

- 1.1 Suggested changes to the council's policy on the age of vehicles.

2. RECOMMENDATION

- 2.1 Members are asked to accept the suggested two changes to the council's policy on the age of vehicles and that the council's policy should reflect these changes.

(1) That the maximum age for private hire vehicles, upon first licensing remain at 5 years and the exceptional condition clause removed. (paragraphs 3.1 to 3.2 below refer)

(2) That the age limit for purpose built hackney carriage vehicles (including London Cabs) should be 12 years. (paragraphs 3.3 to 3.4 below refer)

3. REASONS FOR THE RECOMMENDATION

- 3.1 At present, under the council's policy no new private hire licences are issued to vehicles over 5 years old unless the vehicle is in exceptional condition. The exceptional condition clause was added as it was considered that a challenge might be mounted in its absence. However, it is now causing officers considerable problems when a decision on the vehicle's condition is required if it is older than 5 years.
- 3.2 A Crown Court case (*R v Hyndburn Borough Council, ex p Rauf and Kasim*) has now established that it is not unreasonable for councils to adopt an age limit without an exceptional condition clause, as long as the policy reflects this.
- 3.3 At present the council's policy shows that the maximum age that private hire and hackney carriages are able to be continually licensed is 8 years (London cab vehicles are 10 years). Vehicles that are between 5 and 8 years old have to submit to two MOT/inspections every year.
- 3.4 Officers have been approached by owners of purpose built hackney carriages wishing for this age limit to be raised, especially in light of the current economic climate and the cost of replacement of this type of vehicle.
- 3.5 Officers suggest the current policy regarding hackney carriage non-purpose built vehicles and private hire vehicles should remain a maximum age limit of 8 years as, by this time, they are generally not suitable to be re-licensed and their replacement cost is not excessive.

4. ALTERNATIVE OPTION CONSIDERED

- 4.1 The alternative is to leave the policy as it stands.

5. BUDGETARY FRAMEWORK

- 5.1 This report has no budgetary considerations for the Council.

6. POLICY FRAMEWORK

6.1 None

7. **BACKGROUND**

7.1 None.