
Taxi Vehicle Age Policy – Result of Consultation and Next Steps

Licensing and Public Safety Committee

Decision to be taken by: Licensing and Public Safety
Committee

Decision to be taken on/Date of meeting: 30/04/2024

Lead director/officer: Sean Atterbury, Director of
Neighbourhood and Environmental Services

Useful information

- Ward(s) affected: All
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- Report version number: 1

1 Summary

- 1.1 The licensing authority is responsible for licensing hackney carriage and private hire vehicles.
- 1.2 Each authority sets its own standards for establishing the safety and suitability of the vehicles that it licenses. In Leicester that includes a maximum age for vehicles when they are first licensed and when they are renewed.
- 1.3 Representatives of the taxi trade requested a review of the current age policy, with a view to increasing both the entry and the exit age for licensed vehicles.
- 1.4 Following discussions with the trade representatives, the Deputy City Mayor for Housing & Neighbourhoods, the Chair of the Licensing & Public Safety Committee, and officers, the City Mayor a temporary relaxation of the existing age policy was agreed whilst formal a consultation was conducted on the permanent age policy.
- 1.5 The purpose of this report is to bring to members' attention the results of the consultation that has taken place and for members to determine whether to recommend amendments to the existing vehicle age policy to allow older vehicles to become licensed, as well as allowing vehicles that are already licensed to remain licensed for longer.
- 1.6 If recommending an increase to the upper age limit, members are also asked to recommend the frequency of inspections for the vehicles affected in order for the council to be satisfied that they remain fit for purpose.

2 Determination to be made

- 2.1 Members are asked to consider whether the vehicle age policy for both new vehicles and renewals should be amended in light of the responses to the consultation and associated information.
- 2.2 If minded to recommend amendments to the policy, members are asked to recommend the upper age limit in both cases.
- 2.3 If minded to amend the upper age limits, members are asked to recommend the frequency of inspections for licensed vehicles.
- 2.4 In any event, to make a recommendation to the Deputy City Mayor for Housing and Neighbourhoods, who has responsibility for making the decision whether or not to amend the vehicle age policy.

3 Scrutiny/Stakeholder Engagement

- 3.1 Following public consultation, the Taxi Strategy includes reference to the vehicle age policy, but implementation has been deferred in order to link this to air quality improvements. Recent developments nationally have delayed the proposed ban on petrol and diesel sales to 2035.
- 3.2 The proposed ban only affects new car sales, and there is expected to be a robust second-hand market for some time. The industry is likely to shift towards hybrid vehicles over this period.
- 3.3 As of the first quarter of 2023 there were 1.2 million hybrid cars registered in the UK, an increase of 34% since the corresponding period in 2022. In comparison, there were 11.6 million diesel and 19.1 million petrol vehicles as of the first quarter of 2023, making hybrids 4% of the total vehicle market.
- 3.4 Recent engagement with taxi trade representatives has highlighted the need for a review of the vehicle age policy. The representatives have explained that the cost-of-living crisis has reduced their income at a time when used vehicle prices are rising.
- 3.5 An extensive consultation exercise has taken place to include the trade as well as other interested parties who may be affected by any change made to the vehicle age policy.

4 Detailed report

- 4.1 The Town Police Clauses Act 1847 covers the licensing of hackney carriages, and the Local Government (Miscellaneous Provisions) Act 1976 makes provision for councils to license private hire vehicles. Each council sets its own parameters for pre-licensing requirements, in order to be satisfied that a vehicle is suitable to be licensed in the interests of public safety.
- 4.2 The number of hackney carriages has been in decline for some time due to a number of factors, one of which is the cost of buying a suitable vehicle. Trade representatives say that there are very few affordable hackney carriages available on the second-hand market.
- 4.3 Private hire vehicles do not have to meet the same specification as hackney carriages and so licence holders have a wider choice, but also report financial pressures. It is also noted that other licensing authorities have different policies on vehicle age, including Wolverhampton, where there is an upper limit of 11.5 years but no limit on the age of a vehicle being licensed for the first time.
- 4.4 Leicester City Council's current vehicle age policy requires all vehicles being licensed for the first time (i.e., not renewals) to be no older than 5 years, and for all vehicles being relicensed (i.e., renewals) to be no older than 11 years.
- 4.5 Representatives of the taxi trade requested a review of the current policy. This was a reasonable request – the policy had not been revisited for a number of years, and it is noted that there are significant pressures on the trade in the current financial climate. During the consultation period there has been a temporary relaxation of the

age policy to allow an additional year for vehicles entering and leaving the licensing system (i.e., 6 years and 12 years). This relaxation is in place until September 2024.

4.6 Benchmarking against other licensing authorities is shown at **Appendix A**, and the council's current age policy is not out of step.

4.7 At the meeting of the Licensing and Public Safety Committee that took place on 8th November 2023 the proposed consultation was discussed, and members agreed the scope of the questions to be asked: -

Renewal age limit – currently 11 years

- a) Retain the upper age limit;
- b) Extend the upper age limit to no older than 12, 13, 14 or 15 years; and
- c) Ask respondents to give reasons for their answers.

Entry age limit – currently 5 years

- d) Retain the lower age limit;
- e) Extend the lower age limit to no older than 6, 7, 8 or 9 years; and
- f) Ask respondents to give reasons for their answers.

The Consultation

4.8 The consultation took place between 15th January 2024 and 24th February 2024. It was placed on the Council's Consultation Hub on the website. The link to the website was emailed to all licence holders directly as well as being circulated to interested parties such as transport providers, charities dealing with mobility issues for their clients e.g., Guide Dogs, Mencap, Age UK. The Council's press team also publicised the consultation via the Council's media outlets.

4.9 We received 1311 responses via the online consultation portal, however 595 were discounted as they were multiple responses from the same respondent.

4.10 In addition, responses were received directly from the Guide Dogs charity and Leicester City Council Transportation Team.

4.11 The results of the consultation can be found at **Appendix B**. 465 of the responses received asked for the age of a vehicle being licensed for the first time to be increased to 'no older than 9 years'. 512 of the responses asked for the age of a vehicle being relicensed (i.e., a renewal) to be increased to 'no older than 15 years'.

4.12 Respondents were given the opportunity to add comments explaining their responses, and these are attached as **Appendix C**.

4.13 With regard to increasing the age of for new vehicles, many respondents commented that buying a new car is too expensive and that the cost-of-living crisis is impacting their livelihood. Comments were also made about licences being issued by the City of Wolverhampton Council (CWC) and the impact that this is having on the taxi trade in Leicester. CWC has a more relaxed age policy allowing vehicles up to the age of 12 to be licensed with no restriction on entry age.

4.14 Comments were made by Hackney Carriage respondents that the cost of buying a newer vehicle suitable to be a Hackney Carriage was prohibitive, making it impossible to afford.

- 4.15 Although the vast majority of respondents asked for the upper age for licensed vehicles to be increased to 15 years, the comments did not necessarily reflect this. Some mention the same age as Wolverhampton 14 years however this age is incorrect its 12 years and some refer to keeping the age the same as the current policy or only until the age of 12 (the temporary policy at the moment).
- 4.16 Some comments were made about the environment and impact that allowing older vehicles to remain on the fleet will have, especially as other public transport is moving to greener vehicles.
- 4.17 The response from Guide Dogs stated *“Guide Dogs is not able to make a recommendation on the specific age at which a vehicle is no longer fit for licensing purposes. However, it is reasonable to assume a correlation between vehicle age and public safety, given that newer vehicle models will be equipped with the latest safety features. We welcome, as a minimum, maintaining the status quo on age of vehicle restrictions.”*
- 4.18 The Council’s Transport Team were consulted, and they provided the following comments regarding any proposed change to the upper age limit for licensed vehicles: -

“We understand why there is a need to review the vehicle age policy, particularly with the cost-of-living crisis and the affordability and availability of new hackney carriages.

However, it appears there has been little consideration in providing opportunities for cleaner and greener vehicles, in support of the Council’s declaration of a Climate Emergency in 2019 to achieve net zero carbon emissions and Transport Strategy’s remit of improving local air quality.

Road transport is the majority source of NOx emissions in Leicester (latest estimates state 66% in 2022), with diesel cars the dominant contributor and transport is responsible for around 25% of carbon emissions. In general, the older the vehicle, there is likely to be a marginal increase in air pollution and carbon emissions. By relaxing the age rules of vehicles, it could negatively impact our work areas.’

We are happy to work with you to explore opportunities to enhance any change in the policy to also include / acknowledge / encourage ‘greener and cleaner’ taxi vehicles. Additionally, we are happy to contribute to any future reports.”

Best practice guidance

- 4.19 The ‘Taxi and Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities in England – dated 17 November 2023 states the following in relation to the imposition of age limits for vehicles: -

8.4 The frequency of testing required (see [frequency of vehicle tests](#)) to ensure the ongoing safety of vehicles is a separate issue to the setting of maximum age limits at first licensing, or maximum age limits beyond which an authority will not licence a vehicle.

The setting of an arbitrary age limit may be inappropriate, counterproductive and result in higher costs to the trade and ultimately passengers. For example, a

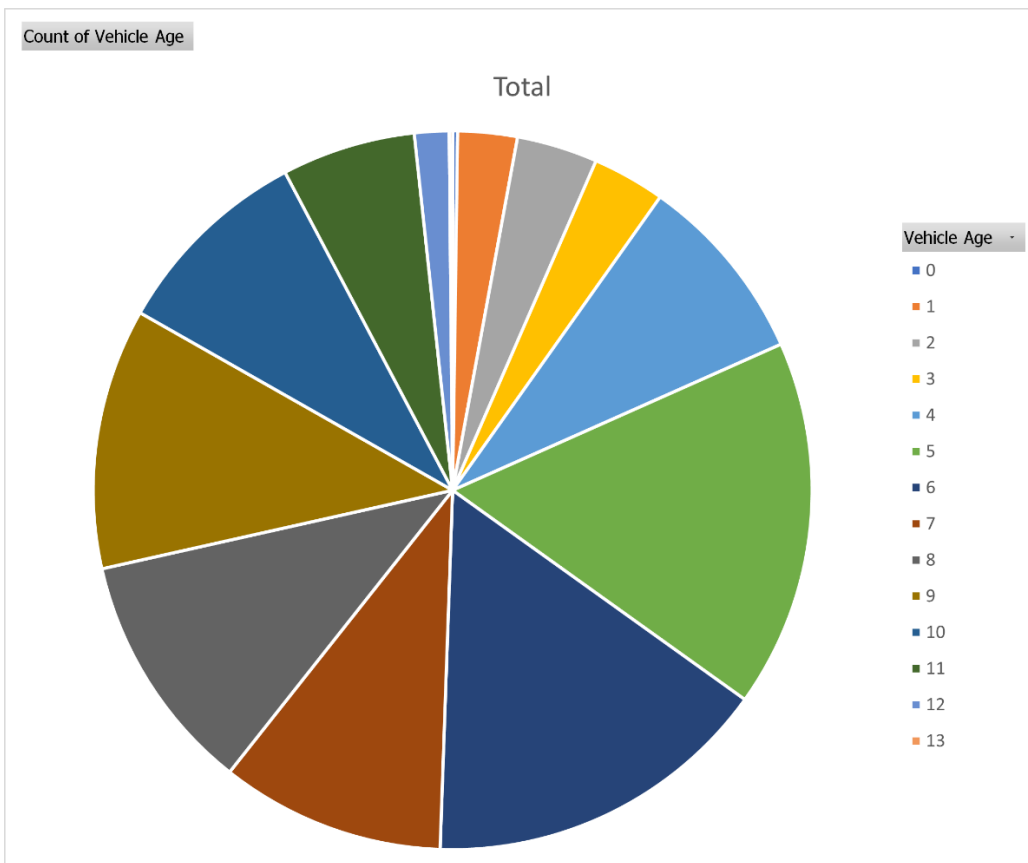
maximum age for first licensing may have adverse unintended consequences. A 5-year-old used electric vehicle will produce less emissions than a new Euro 6 diesel or petrol car – enabling the trade to make use of previously owned vehicles will assist it to transition more rapidly to zero emission vehicles and improve air quality.

Licensing authorities should not impose age limits for the licensing of vehicles instead they should consider more targeted requirements to meet their policy objectives on emissions, safety rating and increasing wheelchair accessible provision where this is low.

The Age of the Existing Fleet

4.20 Licensing records show the number of vehicles currently licensed and their age.

4.21 Private Hire Vehicles show a fairly even spread across the age range, peaking at 5 years. This means that the impact of a change in age policy would not be immediate. If the entry age for new vehicles is increased then this would benefit licence holders wishing to replace their existing vehicle, for example due to an accident or mechanical issue.

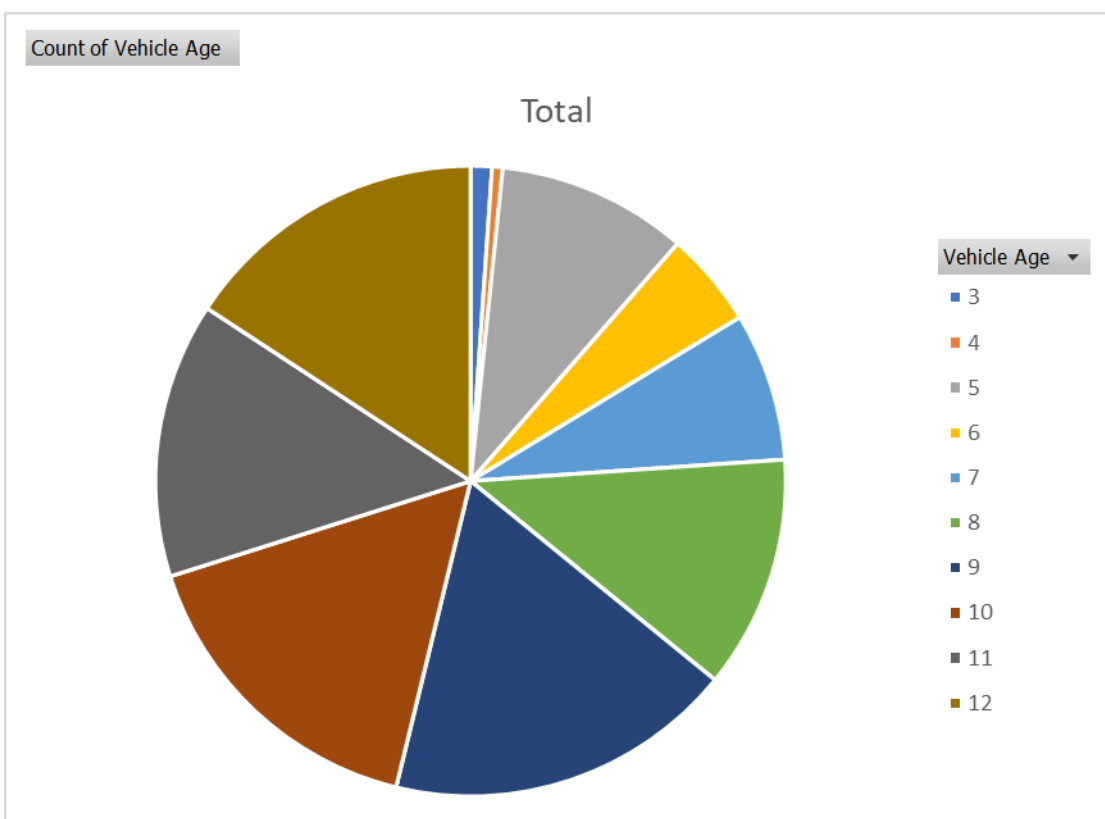


Vehicle Age	Count of Vehicle Age
0	3
1	36
2	49
3	44
4	115
5	223
6	211

7	136
8	146
9	158
10	122
11	81
12	21
13	2

Grand Total 1347

4.22 Hackney Carriages tend to be older, with a higher proportion aged 9 years or more. Any increase in the upper age limit for vehicles to remain licensed would have an immediate impact on the Hackney Carriage fleet. A change to the entry age of vehicles should enable those who do need a replacement vehicle to source a vehicle more easily.



Vehicle Age	Count of Vehicle Age
3	2
4	1
5	18
6	9
7	14
8	22
9	33
10	30
11	26
12	29
Grand Total	184

Temporary Relaxation of Existing Age Policy

- 4.23 Any vehicles over the age of 11 that have been relicensed under the temporary policy have been required to undergo an additional inspection at the Vehicle Testing Station, so that they are tested every 4 months instead of every 6 months.
- 4.24 During the period of the temporary relaxation of the age policy, data has been collected from the Vehicle Testing Station on the pass/failure rates of those vehicles that have been relicensed over the age of 11 years old. This information can be found at Appendix D.
- 4.25 The information shows that of all the vehicles that were inspected: -
- 13 Private Hire Vehicles passed first time.
 - 4 Hackney Carriages passed first time.

 - 7 Private Hire Vehicles failed and subsequently passed on retest.
 - 18 Hackney Carriages failed and subsequently passed on retest.

 - 4 Private Hire Vehicles passed on the second retest.
 - 9 Hackney Carriages passed on the second retest.

 - 1 Private Hire Vehicle failed its second retest.
 - 4 Hackney Carriages failed the second retest.

 - 0 Private Hire vehicles were not tested due to safety issues.
 - 4 Hackney Carriages were not tested due to safety issues.
- 4.26 The reasons for failure or vehicles not being tested are also included in the attached appendix.
- 4.27 The above information indicates that an additional vehicle inspection is needed to provide assurance that older vehicles continue to remain safe and suitable for licensing as hackney carriages / private hire vehicles.

Officer Comments

- 4.28 If members are minded to recommend an increase in the age limits for vehicles to be licensed then consideration should be given to the number of inspections that the vehicles will be required to undergo an inspection at the Vehicle Testing Station.
- 4.29 Currently all vehicles are inspected twice a year – when the vehicle is first licensed or when the licence is due for renewal, and a six-month interim inspection.
- 4.30 Section 50 of the Local Government (Miscellaneous Provisions) Act 1976 states: -
- “Without prejudice to the provisions of section 68 of this Act, the proprietor of any hackney carriage or of any private hire vehicle licensed by a District Council shall present such hackney carriage or private hire vehicle for inspection and testing within such period and at such place within the area of the council as they may by notice reasonably require:*

Provided that a district council shall not under the provisions of this subsection

*require a proprietor to present the same hackney carriage or private hire vehicle for inspection and testing **on no more than three separate occasions during any one period of 12 months***

- 4.31 The 'Taxi and Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities in England – dated 17 November 2023 states the following in relation to frequency of tests: -

Vehicle Testing

Licensing authorities must only license vehicles that are safe. It is therefore appropriate and proportionate that authorities require vehicles to pass rigorous safety checks. There is considerable variation between licensing authorities on vehicle testing, including the related but separate question of age limits. The following can be regarded as best practice.

Frequency of Vehicle Tests

The legal requirement is that private hire vehicles which are at least three years old, and all taxis, must be subject to an MOT test or its equivalent at least once a year. Local authorities may obtain a designation from the Secretary of State for Transport to issue 'Certificates of Compliance.' The requirements of the test normally include those in an MOT test but may also include another inspection by a licensing officer to ensure the vehicle meets the relevant local requirements for issuing a taxi or private hire vehicle licence e.g., cleanliness of the vehicle inside and outside, correct plates displayed etc.

An annual test for licensed vehicles of whatever age (including vehicles that are less than three years old) seems appropriate in most cases, unless local conditions suggest that more frequent tests are necessary. More frequent tests may be appropriate for older vehicles which may be more prone to mechanical defects.

- 4.32 As can be seen from paragraph 4.22 of the report and Appendix D those older vehicles which have been subject to the additional test during the temporary relaxation of the age limit have had a higher failure rate and for serious defects.
- 4.33 Any increase in the upper age limit of vehicles should also include an increase in the frequency of inspections for vehicles.
- 4.34 If the number of inspections is increased, then this will also have an impact on the capacity of the Vehicle Testing Station to carry out those inspections and retests.
- 4.35 A number of local authorities have reviewed their vehicle age policies in light of the guidance but also due to the impact that cross border hiring has had on their licence holders. The aim being to retain their licensed drivers and vehicles and hence maintain control over the quality and safety of the vehicles that are working in their areas.
- 4.36 The role of the Licensing Authority to 'protect the travelling public' by ensuring that only those drivers that are fit and proper are licensed and the vehicles that they drive are fit for purpose and safe. By amending the upper age limit for vehicles licensed within the city this will help retain those licence holders and in turn give the Council the ability to enforce our higher standards than other areas may currently have.

Concerns about safety and suitability may be addressed by requiring an additional inspection for older vehicles.

5. Financial, legal, equalities, climate emergency and other implications

5.1 Financial implications

There are no financial implications arising from the recommendations in this report.

Stuart McAvoy – Head of Finance, 454 4004

5.2 Legal implications

The power for the Council to license a Hackney Carriage/s is contained within Section 37 of the Town Police Clauses Act 1847 and the power to place conditions on the licensing of Hackney Carriages is contained in Section 47 of the Local Government (Miscellaneous Provisions) Act 1976. Section 48 of the same Act provides similar provisions for Private Hire Vehicles

It is for individual licensing authorities to reach their own decisions within their statutory powers on overall policies and individual licensing matters.

Katherine Jamieson, Solicitor, 4541452

5.3 Equalities implications

When making decisions, the Council must comply with the public sector equality duty (PSED) (Equality Act 2010) by paying due regard, when carrying out their functions, to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between people who share a 'protected characteristic' and those who do not.

Protected characteristics under the public sector equality duty are age, disability, gender re-assignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex and sexual orientation.

The report provides an update on the consultation outcomes for the council's permanent age policy for licensed vehicles and is seeking agreement on whether to amend the existing vehicle age policy. The council need to ensure that the agreed decision is communicated in a fair and accessible manner and publicity of the decision is targeted at the relevant stakeholders in a timely manner.

Sukhi Biring, Equalities Officer, 454 4175

5.4 Climate Emergency implications

Transport is responsible for around 25% of carbon emissions in Leicester. Following the city council's declaration of a Climate Emergency in 2019, and it's aim to achieve net zero carbon emissions, addressing transport-related emissions is a vital part of the council's work. This is particularly important in those areas where the council has the greatest level of influence.

In general, older vehicles are likely to have higher carbon emissions per mile travelled, and as such relaxing age standards for the city's taxis is likely to lead to some increase in emissions. As set out within the report however, the deregulation of taxi licensing means that retaining the current age policy may not prevent this impact. Consideration of opportunities to reduce carbon emissions from taxis should therefore take place alongside work on introducing cleaner vehicles more widely, as noted within the report.

Aidan Davis, Sustainability Officer, Ext 37 2284

5.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

None.

6. Background information and other papers:

Report presented to Licensing and Public Safety Committee on 8 November 2023

7. Summary of appendices:

Appendix A – Benchmarking of age policies

Appendix B – Consultation responses

Appendix C – Consultation comments

Appendix D – Data collected from Vehicle Testing Station on pass/failure rates of those vehicles which have had the additional test during the temporary relaxation of the age policy.

8. Is this a private report (If so, please indicate the reasons and state why it is not in the public interest to be dealt with publicly)?

No

9. Is this a “key decision”? If so, why?

No