

LICENSING AND SAFETY COMMITTEE
29 April 2010

AGE OF VEHICLE POLICY
(Chief Officer : Environment and Public Protection)

1 PURPOSE OF DECISION

- 1.1. At its meeting on 8 February 2010 members requested officers to undertake a period of consultation with the taxi trade upon proposals to introduce guidelines to define what is meant by the terms “exceptional condition” and “abnormally low mileage” contained within our Age of Vehicle Licence condition.
- 1.2. The consultation process was concluded and the purpose of this report is to inform members of the results and bring forward a recommendation for consideration.

2 RECOMMENDATIONS

That the Committee agrees:

- i) **to adopt annex 2 to this report as guidance to interpret the terms “exceptional condition” and “abnormally low mileage”.**
- ii) **that this guidance shall come into effect on 1 May 2010.**

3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 3.1 The legal implications are identified within the report.

Borough Treasurer

- 3.2 The council has an age policy which, according to a bench of Magistrates, lacks clarity on the terms “exceptional condition” and “abnormally low mileage”. Substantial costs were awarded against the Council when an appeal was heard in November 2009. There is a risk that another appeal will reach the same conclusion and that the Council may incur further costs.

Equalities Impact Assessment

- 3.3 There are no equalities impacts identified within this report..

Strategic Risk Management Issues

- 3.4 If the policy is not clarified, this may leave the Council with an age policy introduced to protect the interests of consumers that is no longer viable or enforceable.

4 SUPPORTING INFORMATION

4.1. On 18 February 2010 a letter was sent to all hackney carriage licence holders and to all drivers licensed to drive hackney carriages. A copy of the letter together with the associated attachment is attached to this report as Annex 1 and Annex 2 respectively. The consultation period was 22 February to 5 April 2010.

4.2. The following responses have been received:

Annex 3 – e-mail from T P Carroll Licensed Driver 142.

Annex 4 – letter from John Yexley and Andrew Watson on behalf of members of the Bracknell Licensed Taxi Forum (BLTF).

4.3. The responses have made no comment with respect to the areas entitled “Exterior of Vehicle”, “Interior of Vehicle” and “Prestige Car” and therefore this report will make no further reference to those areas. Comments were however made with respect to the areas of regular servicing and abnormally low mileage. Mr Carroll in his submission suggests that the Council should look to extend the life of all vehicles by at least 2 years.

4.4. The BLTF have suggested that the words “Evidence has been presented to the Council that the vehicle has been regularly serviced and maintained in line with the manufacturers servicing schedule” is very vague. They also put forward the view that service records are not relevant as the vehicle would have to undergo and pass the Hackney / MOT Test to confirm its mechanical well being. Officers would comment that the MOT test is a specific test to cover a limited range of items that are likely to directly impact upon the safety of the vehicle whilst servicing covers a much wider range of items that also contribute to the safe and reliable use of the vehicle. Irregular or lack of servicing of a vehicle does not necessarily mean that a component will fail but it does mean that the risk of premature failure is much higher than if it had been serviced. Regular servicing gives an early indication of wear and tear and leads to earlier replacement of parts or systems prior to failure. A normal service interval for a vehicle is between 6,000 and 15,000 miles which means, on a hackney carriage doing an average 34,000 miles per year, between 5 and 2 services per year may be required. There would therefore be a minimum of 2 additional opportunities on a vehicle travelling 30,000 miles a year to spot and correct a fault which might put lives at risk if not identified and corrected.

4.5. Officers carefully considered the wording to be used to demonstrate that regular servicing had been carried out as we did not wish to place an unnecessary burden upon the taxi trade by specifying in this document that only certain records would be acceptable. The important point in view of the officers is that regular servicing is conducted to maintain the safety of the vehicle; how that is demonstrated is secondary. By being flexible upon the evidence that is presented, officers feel that the Council is placing trust in the trade that evidence produced is genuine and relates to the vehicle in question, we are also not placing an excessive burden upon the trade. Alternatively it might be considered appropriate to add the words “by a qualified mechanic” to the end of the sentence to add clarity and remove any accusation of vagary.

4.6. The BLTF in their submission have suggested that the national average for taxis is around the 40,000 mile mark and recommend 30,000 miles per year as the mark below which they would constitute abnormally low mileage. The BLTF have also raised concerns to set a lower mileage for saloon cars, namely 200,000.

- 4.7. The evidence of the average mileage travelled by hackney carriages within Bracknell Forest from Council records is 34,000 miles per year and this reflects local need and demand. Given the higher initial costs to purchase a purpose built or converted vehicle to meet the accessible requirements, the Council agreed when such requirements were introduced to allow a 10 year period prior to replacement. Given the age of vehicle policy on such vehicles is 10 years a mileage of 300,000 was therefore suggested as appropriate and reasonable and this amounts to 30,000 miles per year as suggested by the BLTF. The proposal for 200,000 miles is for a vehicle primarily intended for normal private use, not as a licensed vehicle, and this can be initially licensed for up to 8 years and that works out at 25,000 miles per annum.

Background Papers

Limitation on Vehicle Age – Hackney Carriage Sub-Committee 2 December 1998.

Contact for further information

Robert Sexton, Head of Trading Standards and Licensing, 01344-352000

Robert.sexton@bracknell-forest.gov.uk

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