



## OPEN REPORT LICENSING AND APPEALS COMMITTEE

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**Licensing and Appeals Committee – 26 March 2024**

### **REQUEST FOR EXEMPTION FROM TAXI LICENSING POLICY REQUIREMENT MAXIMUM AGE LIMIT FOR LICENSED VEHICLES**

#### **Report of Director of Regulatory Services**

##### **Report Author and Contact Details**

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##### **Wards Affected**

District Wide

##### **Report Summary**

This report seeks consideration of an application for an exemption from the Council's Taxi Licensing Policy's vehicle maximum age limit.

The Committee is informed that the Council's Taxi Licensing Policy requires that any vehicle to be licensed as a taxi (hackney carriage) or a private hire vehicle will not be more than 10 years old at the time of licensing. This means that when a licensed vehicle passes the tenth year of registration, the taxi/private hire vehicle licence cannot be automatically renewed as it no longer complies with the Policy requirement.

The Committee is asked to consider a request for an exemption from this Policy requirement from John Greenhough – Area Business Director, Derbyshire, of 24x7 Ltd, a company specialising in SEN (Special Education Needs) Transport. Mr Greenhough has requested an exemption from the 10-year age limit Policy requirement, in respect of 6 fully wheelchair accessible vehicles (WAVs) that the company currently licences with the District Council.

The Committee is advised that paragraph 30 of Appendix A (the Vehicle Specification) of the Council's current Taxi Licensing Policy, provides that the Council may in exceptional circumstances dispense with or vary any of the conditions set out in the Policy.

Applications for any deviation from the Policy requirements, such as an exemption from the vehicle age restriction, will be dealt with on a case-by-case basis. Where the Committee is minded to approve an exemption to the 10 year age limit of vehicles to be licensed, this would always be subject to the vehicle passing a vehicle inspection carried out at the District Council's approved testing station (Northwood Depot).

## Recommendations

1. That the Committee considers the request from John Greenhough, Area Director for Derbyshire for 24 x 7 Ltd, for an exemption from the Council's Taxi Licensing Policy requirement in respect of the maximum age limit for licensing a vehicle as a private hire vehicle.
2. That having considered the request, the Committee determines whether applications to re-licence the wheelchair accessible vehicles detailed in **Appendix 2** of the report, currently licensed as Private Hire Vehicles (contract only), should be accepted by the Licensing Manager.
3. That the Committee considers giving tacit approval for all 6 vehicles on the list (in Appendix 2 to the report) to be exempt from the maximum age requirement.

## List of Appendices

Appendix 1 - Email from Area Director for Derbyshire, 24 x 7 Ltd

Appendix 2 - Details of licensed Wheelchair Accessible Vehicles (WAVs) – 24x7 Ltd

## Background Papers

- Vehicle inspection reports from DDDC Testing Depot.
- DDDC Taxi and Private Hire Licensing Policy (2018)

## Consideration of report by Council or other committee

No.

## Council Approval Required

No.

## Exempt from Press or Public

No

## Request For Exemption from Taxi Licensing Policy Requirement - Maximum Age of Vehicles Licensed by the Council

### 1. Introduction

#### 1.1 Request for Exemption

A request has been received from John Greenhough, Area Director for 24 x 7 Ltd, for an exemption from the 10-year age limit in respect of a fully wheelchair accessible vehicles (WAV) currently licensed by the Council, but approaching 10 years of age.

Under the current Policy these vehicle licences cannot be automatically renewed when due, as the vehicle would no longer comply with the Council's Taxi Licensing Policy maximum age restriction for licensing a vehicle.

#### 1.2 The Licence-Holder

The company, 24 x 7 Ltd, have held private hire vehicle and private hire contract only driver licences with the District Council since October 2020. Currently they have 6 vehicles licensed that are fully wheelchair accessible vehicles (WAVs) and 4 mini-buses used for similar transportation needs.

This type of vehicle is suitable to allow the customer to remain seated in their wheelchair whilst travelling rather than having to transfer to a car seat.

- 1.3 Currently, 24x7 Ltd.'s vehicles are licensed for the full 12-month period. If it remains in use for the whole period, the licence needs renewing. This is different to other smaller vehicles which they licence from brand new and replace at 6 months old or after 4,000 miles, whichever comes first.
- 1.4 The Company currently licences 90+ other private hire vehicles with the Council. This allows them to fulfil Derbyshire County Council SEN (Special Educational Needs) and other social care (adults and children) contracts. They do not have any licensed vehicles that allow them to carry out standard private hire work involving transporting members of the general fare-paying public.
- 1.5 All drivers employed by 24 x 7 Ltd are licensed by the District Council as Private Hire Drivers (Contract Only), and all are required to undertake safeguarding awareness training as well as wheelchair/disability operational training on a regular basis.

#### 1.6 The Vehicles

The 6 vehicles that Mr Greenhough wishes to re-licence after each has passed 10 years of age, are listed in his request to the Committee for an exemption in **Appendix 1**.

A brief licensing history and the age of each vehicle is summarised in **Appendix 2**.

- 1.7 The first vehicle on the list in Appendix 2 will need to be replaced in March 2025.  
The second vehicle, although registered in July 2015, can be licensed for a further year from May 2023 without any exemption needed, but 24 x 7 Ltd would then need to apply for an exemption next year; and so on with the newer vehicles on the list.

## 2. **Key Issues**

- 2.1 These 6 vehicles are currently licensed by the District Council, are fully wheel-chair accessible private hire vehicles, and can only be used for County Council SEN and child and adult social care transport journeys.
- 2.2 The vehicles are high specification, and low mileage. Vehicles licensed as taxis or for private hire pre-booked journeys usually have high mileage and significant wear and tear, which is one reason for the Council limiting the age of vehicles to be licensed.
- 2.3 All licensed drivers (and passenger assistants) employed by 24 x 7 Ltd are fully trained in operating wheelchair accessible vehicles safely.
- 2.4 Any decision to approve the request would not set a precedent as each application for an exemption/deviation from the Policy requirement regarding the maximum age of a vehicle to be licensed must be determined on a case-by-case basis.

## 2.5 Equality Act 2010

Section 167 of the Equality Act 2010 requires Local Licensing Authorities (LLAs) to maintain and publish a list of designated wheelchair accessible taxis and PHVs.

The Council does not have any Taxis or Private Hire Vehicle WAVs currently licensed that can be booked by members of the general public. As the vehicles licensed by 24 x 7 Ltd will not be bookable by members of the public, they will not be included on a list of designated wheelchair accessible taxis and PHVs.

## 3 **Options Considered and Recommended Proposal**

- 3.1 It is recommended that the Committee consider the request for an exemption to the maximum age restriction for licensing 24 x 7 Ltd's private hire vehicles, where they are fully wheelchair accessible vehicles (WAVs).
- 3.2 The Committee may wish to consider giving tacit approval now for all 6 vehicles on the list to be exempt from the maximum age requirement. This would negate the need for 24 x 7 Ltd to make similar requests and would assist the company in planning their WAV provision for the next 3 years moving forwards. The newer vehicles on the list would still be subject to future satisfactory inspection reports at the Council's testing depot.

## 4. **Policy Implications**

### 4.1 Taxi and Private Hire Vehicle Licensing Policy

As Members are aware, Officers do not have delegated powers to permit any deviation from the Council's Policy, which is thought to be entirely proper. The Policy was put in place to improve standards across the entire fleet of licensed vehicles operating in the Derbyshire Dales, to protect public safety and to maintain a consistent and transparent approach to determining applications for licences.

- 4.2 It is however acknowledged that a 'blanket' Policy cannot be applied in every circumstance and there needs to be a process in place for any departure from the Policy to be considered, on a case-by-case basis. While the Policy binds officers in their decision-making it is not binding for Members. It is suggested that the Committee could choose to depart from the Policy if a vehicle is not intended for the standard use associated with the majority of Private Hire Vehicles licensed in the district but could be licensed without compromising public safety.
- 4.3 Applicants seeking an exemption from any Policy requirements are required to provide information/evidence to allow the Committee to consider the application and make an informed decision. 24 x 7 Ltd have submitted a request for an exemption from the vehicle age limit, and the reasons for the request. The Licensing Manager has confirmed the vehicle licensing history for each vehicle in **Appendix 2**.
- 4.4 Should the Committee approve the request, any fully wheelchair vehicles to be licensed for 24 x 7 Ltd, once they have passed 10 years of age, will have to be presented for inspection at the Council's Testing Depot (Northwood), before any licence would be renewed.

## **5 Financial and Resource Implications**

- 5.1 The licensing service sets application fees for licences on a full cost recovery basis. The application fee for a vehicle licence covers the cost of processing and determining the application, the cost of 2 vehicle inspections during the 12-month licence period and a contribution towards any enforcement activity. The application fee will be fully met by the licensed driver.
- 5.2 Therefore, the financial risk has been assessed as low.

## **6 Legal Advice and Implications**

- 6.1 The Council has a statutory duty to regulate private hire vehicles and hackney carriages (taxis) and has discretion in the application of its Policy.
- 6.2 The legal risk in taking the decisions as recommended in this report has been assessed as low.

## **7 Equalities Implications**

- 7.1 Under the Equality Act 2010, Derbyshire Dales District Council has a Public Sector Equality Duty to consider how its policies or decisions affect people who are protected under the Act, which specifically includes people with a physical or mental disability.
- 7.2 This duty also requires the Council to eliminate discrimination, victimisation and harassment, advance equality of opportunity and foster good relations between different groups. Providing a wheelchair accessible vehicle clearly meets the duty to advance equality of opportunity in accessing transport and also to eliminate discrimination against disabled people, by lack of suitable vehicles. This measure will therefore have a positive Equalities impact on the Derbyshire Dales community.

## **8 Climate Change Implications**

- 8.1 No direct impact.

## **9 Risk Management**

- 9.1 The District Council has a statutory responsibility for the regulation of the taxi and private hire vehicle trades.

### **Report Authorisation**

Approvals obtained from:

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Paul Wilson	18/03/2024
Director of Resources/ S.151 Officer	Gemma Hadfield	18/03/2024
Deputy Monitoring Officer	Kerry France	18/03/2024