

**MINUTES OF A MEETING OF THE  
LICENSING AND APPEALS COMMITTEE  
HELD ON MONDAY 23 MAY 2011 FROM 7.00PM TO 7.35PM**

*Present:- Barrie Patman (Chairman), Chris Bowring (Vice Chairman), Michael Firmager, Mike Gore, Mike Haines, Philip Houldsworth, Abdul Loyes, Ken Miall, Chris Singleton and Dee Tomlin*

*Also present:-*

*Julia O'Brien, Principal Environmental Health Officer (Licensing)  
Madeleine Shopland, Senior Democratic Services Officer*

**PART I**

**5. MINUTES**

The Minutes of the meetings of the Committee held on 10 January 2011 and 19 May 2011 were confirmed as a correct record and signed by the Chairman.

**6. APOLOGIES**

Apologies for absence were submitted from Councillors Sam Rahmouni and Bob Wyatt

**7. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**8. PUBLIC QUESTION TIME**

There were no public questions.

**9. MEMBER QUESTION TIME**

There were no Member questions.

**10. PRIVATE HIRE VEHICLE AGE RESTRICTION**

The Committee were informed that existing Private Hire Vehicle drivers had sought an amendment to the current Hackney Carriage and Private Hire Licensing Policy to allow the maximum age limit for Private Hire vehicles to be more than 8 years of age in exceptional circumstances and provide guidance on the criteria that vehicles would have to meet.

During the discussion of this item the following points were made:

- Currently no Private Hire Vehicle was licensed if it 8 years old or more. A number of drivers felt that this was unfair for a number of reasons. These reasons included that there was no parity between the Hackney Carriage and Private Hire vehicle age limits, Private Hire vehicles were often high quality, expensive vehicles which if properly maintained could remain in excellent conditions for longer and the eight year maximum age limit placed an undue financial burden on drivers.
- The Licensing and Appeals Committee had considered the maximum age limit for Private Hire Vehicles in 2005 and 2006 and had resolved to keep the age limit at eight years. However, it was felt that there may on occasion be exceptional circumstances for a vehicle to be licensed beyond the current age limit.
- It was suggested that requests to exceed the current age limit be put in writing to the Principal Environmental Health Officer – Licensing at least 60 days before the expiry of the licence. The criteria to be considered for exceptional circumstances would include one or a combination of full documented service history, low mileage for its age,

excellent condition throughout, wheelchair accessibility and vehicle in as original supplied condition as possible.

- Members looked at the positions taken with regards to the maximum age limit for Private Hire Vehicles, taken by nearby authorities such as Reading and Windsor and Maidenhead.
- The Committee also examined the proposed further guidance to be used when considering exceptional circumstances. The Committee asked for clarification regarding the section entitled 'Abnormally Low Mileage' and questioned whether there was a need to relate the vehicle's mileage to its age. The Principal Environmental Health Officer – Licensing reminded Members that it was proposed that in the majority of cases vehicles were no longer licensed once they reached 8 years old and the guidance could be referred to when ascertaining whether, in exceptional circumstances, a vehicle could be licensed beyond this time frame.
- It was noted that there would be an appeal process should the driver not agree with the Officers' decision.
- Several Members felt that the condition of the car was a more appropriate means of gauging whether a vehicle should or should not be on the fleet than its mileage.
- A Member was concerned that older vehicles may be allowed onto the fleet and allowed to deteriorate.
- The Committee agreed that there should be an amendment to the existing policy, that existing drivers should be consulted and that the implementation of the amendment be monitored.

**RESOLVED:** That

- 1) there be an amendment to the existing Hackney Carriage and Private Hire Licensing Policy to provide for an exemptions policy to the maximum age allowed for Private Hire Vehicles in exceptional circumstances;
- 2) The suggested criteria for the exceptional circumstances (Appendix 1 to the report);
- 3) That existing drivers are consulted on the amendment and criteria with a view to bringing the responses back to a future meeting of the Licensing and Appeals Committee.

**11. MAXIMUM AGE FOR HACKNEY CARRIAGE VEHICLES TO BE BROUGHT ONTO THE FLEET**

At its meeting in January the Committee had considered the maximum age for Hackney Carriage Vehicles to be brought onto the fleet. Members had felt that consideration should be given to implementing a maximum age of 5 years and that existing drivers should be consulted on this.

During the discussion of this item the following points were made:

- All existing Operators and Dual and Private Hire drivers had been written to (approximately 320) and their views on the proposed change asked for. 60 responses had been received of which 45 were from Hackney Carriage Vehicle owners. 11 drivers had indicated that they wanted a change and 48 had indicated that they did not. The drivers' comments were summarised in Appendix 1 of the report.
- The Principal Environmental Health Officer – Licensing informed the Committee that vehicles coming onto the fleet had to pass a vehicle test which was more stringent

than the MOT test. The condition of the vehicle's bodywork was taken into account during this test.

- It was noted that the maximum age for Hackney Carriage Vehicles first brought onto the fleet in Reading, Slough and Windsor and Maidenhead was 5 years and 4 years for those licensed by Bracknell Forest Council. At present there was no limit for vehicles licensed by Wokingham Borough Council. Some Members questioned whether this might encourage those with older vehicles to work in the borough Wokingham and agreed that a maximum age for Hackney Carriage vehicles to be brought onto the fleet should be introduced.
- Vehicles in poor condition reflected poorly on the Wokingham borough.
- In response to a question regarding the intention for a transfer/change in owner of a vehicle to be classified as a new application the Principal Environmental Health Officer clarified that the majority of Hackney Carriage drivers were independent and did not work for Operators.
- A Member questioned whether the age of a vehicle was the most appropriate means of gauging whether it should be brought onto and kept on the Council's fleet.
- A Member suggested that it be agreed that vehicles be a maximum of 5 years old when they were brought onto the fleet but that this limit be reviewed in 18 months time.
- Members agreed that the change to the existing policy should come into effect in 6 months time to ensure that existing drivers were aware of the amendment.

#### **RESOLVED That**

- 1) The existing Hackney Carriage/Private Hire Licensing Policy be changed with regards to the maximum age of a Hackney Carriage to first be brought onto the fleet to 'When making a Hackney Carriage vehicle licence application, a vehicle must be less than 5 years old from the date of first registration unless the application is for the renewal of a licence.' The intention would be that a transfer/change in owner of a vehicle would be classified as a new application.
- 2) That the amendment to the policy comes into effect in 6 months time.

*These are the Minutes of a meeting of the Licensing and Appeals Committee*

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