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**COMMITTEE: LICENSING & REGULATORY**      **REF NO: LR/19/10**

**DATE: 3 OCTOBER 2019**

**SUBJECT: PROPOSED GUIDANCE FOR APPLYING FOR  
AN EXEMPTION TO VEHICLE AGE LIMITS FOR TAXIS AND  
PRVIATE HIRE**

**PORTFOLIO HOLDER: COUNCILLOR A ROSS**

**HEAD OF SERVICE: IAN BLOFIELD**

***Short description of report content and the decision requested:***

This report proposes the guidance to be adopted for applying for an exemption to the vehicle age limits for taxis and private hire.

***Ward(s) affected:***

All

***List of Appendices included in this report:***

a) Appendix 1 – Proposed Guidance

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***This report was prepared after consultation with:***

*Internal consultees*

*Legal Services*

*Head of Service*

*External consultees*

***The following policies form a context to this report:***

*(all relevant policies must also be referred to in the body of the report)*

*Building a Better Ipswich 2017*

**LIST OF BACKGROUND PAPERS AS REQUIRED BY LAW**

*(papers relied on to write the report but which are not published and do not contain exempt information)*

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| <p><b>1. Report to Licensing and Regulatory Committee 07/08/19 report reference LR/19/06</b></p> |
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**OTHER HELPFUL PAPERS**

*(papers which the report author considers might be helpful – this might include published material)*

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| <p><b>1.</b></p> |
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## **1. Introduction**

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- 1.1 At the meeting of the Licensing and Regulatory Committee on 7 August 2019 the Committee determined that Council would be asked to implement the Taxi and Private Hire Licensing Policy. Council approved the Policy at its meeting on 18 September 2019 for it to come into effect from 1 October 2019.
- 1.2 Attached as Appendix 1 to this report is the proposed guidance for proprietors of licensed taxis and private hire vehicles.

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## **2. Background**

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- 2.1 The Taxi and Private Hire Licensing Policy introduces an age limit of 15 years old for all vehicles from 2020 and from 10 years old from 2025, however, included a caveat that the Committee reserved the right to make exemptions for vehicles which would be heard and considered by the Committee. The Committee requested that some guidance be produced in order to limit any requests for any vehicles to those which are of an exceptional standard.
- 2.2 Appendix 1 to this report contains the method in which an application for an exemption is to be made and suggested guidance as to what is required for a vehicle to be determined as of an exceptional standard
- 2.3 It is suggested that Officers be authorised to 'filter' applications for exemptions against this guidance and only if a vehicle meets all of the criteria or minorly fails the criteria, that the application is put before the Committee for consideration. Any applications that are refused will be reported to the next Committee giving the reasons for the refusal.

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## **3. Relevant Policies**

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- 3.1 Building a Better Ipswich 2017 underlying principle of working with businesses to ensure safe licensing practices.

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## **4. Consultations**

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- 4.1 The taxi and private hire trades were extensively consulted for the Policy. No consultation has taken place on the proposed guidance.

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## 5. Risk Management

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<b>Risk Description</b>	<b>Consequence of risk</b>	<b>Risk Controls</b>	<b>Probability of risk occurring taking account of controls (scale 1-6) 1 – almost impossible 6 – very high</b>	<b>Impact of risk, if it occurred taking account of actions (scale 1 – negligible; 4 – catastrophic)</b>	<b>Actions to mitigate risk</b>
Vehicle proprietors could allege unfair decisions	Vehicle proprietors could lodge a court appeal	Publish guidance on what is considered an exceptional standard for a vehicle	3	2	Consider publishing guidance on what is considered an exceptional standard for a vehicle

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## 5. Environmental Impact Assessment

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- 5.1 There are minimal environmental impacts associated with this policy review. An exemption to the vehicle age for taxis and private hire would be in respect of an older, more polluting vehicle. However, there is likely to be a very small number of exemptions issues.

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## 6. Equalities and Diversity Implications

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- 6.1 Under the general equality duty as set out in the Equality Act 2010, public authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not.
- 6.2 The protected grounds covered by the equality duty are: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. The equality duty also covers marriage and civil partnership, but only in respect of eliminating unlawful discrimination.
- 6.3 The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had due regard to the aims of the equality duty.

- 6.4 An Equality Impact Screening was undertaken to assess if this report could result in less favorable treatment of some groups, and how this could be mitigated. No negative impact on the equalities groups was foreseen.

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## **7. Financial Considerations**

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- 7.1 There are no financial considerations.

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## **8. Legal Considerations**

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- 8.1 Each Local Authority can determine the criteria for licensing vehicles. In publishing formal guidance it gives clear information on what vehicles will be considered to be of an exceptional standard.
- 8.2 Without such guidance it could lead to claims by vehicle proprietors of unfair decisions, which could be appealed in Court.

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## **9. Performance Monitoring**

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- 9.1 If approved, the Guide for applying for an exemption to the vehicle age will be published.

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## **10. Conclusions**

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- 10.1 The publishing of guidance for applications for exemptions from the vehicle age requirements of the Taxi and Private Hire Policy will mitigate the risks of a legal challenge to decisions.

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## **11. Recommendations**

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- 11.1 That the Committee publishes Appendix 1, Guidance on the standard required for vehicles to be exempt from the age limit for licensed vehicles.**