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**TRAFFORD
COUNCIL**

AGENDA PAPERS FOR PUBLIC PROTECTION SUB-COMMITTEE

Date: Thursday, 20 January 2022

Time: 6.30 pm

**Place: Council Chamber, Trafford Town Hall, Talbot Road, Stretford,
Manchester, M32 0TH**

A G E N D A	PART I	Pages
1. ATTENDANCES		
To note attendances, including Officers and any apologies for absence.		
2. MINUTES		
To receive and if so determined, to approve as a correct record the Minutes of the meeting held on 16 th December 2021.		
3. PRIVATE HIRE WHEELCHAIR ACCESSIBLE VEHICLES - TEMPORARY EXEMPTION FROM CURRENT AGE POLICY		1 - 2
To consider a report of the Head of Regulatory Services.		
4. URGENT BUSINESS (IF ANY)		3 - 8
Any other item or items (not likely to disclose “exempt information”) which, by reason of special circumstances (to be specified), the Chairman of the meeting is of the opinion should be considered at this meeting as a matter of urgency.		
5. EXCLUSION RESOLUTION (REMAINING ITEMS)		
Motion (Which may be amended as Members think fit):		
That the public be excluded from this meeting during consideration of the remaining items on the agenda, because of the likelihood of disclosure of “exempt information” which falls within one or more descriptive category or		

categories of the Local Government Act 1972, Schedule 12A, as amended by The Local Government (Access to Information) (Variation) Order 2006, and specified on the agenda item or report relating to each such item respectively.

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| 6. | APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE VEHICLE DRIVER'S LICENCE | PART II | |
| | To consider a report of the Head of Regulatory Services. | Para. 1 | 9 - 14 |
| 7. | URGENT BUSINESS (IF ANY) | PART II | Para. 1 |

SARA TODD
Chief Executive

Membership of the Committee

Councillors D. Jarman (Chair), S. Thomas (Vice-Chair), J.M. Axford, B. Brotherton, D. Butt, G. Coggins, S. Taylor, M.P. Whetton and B.G. Winstanley.

Further Information

For help, advice and information about this meeting please contact:

Natalie Owen, Governance Officer
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This agenda was issued on **Wednesday, 12 January 2022** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall; Talbot Road, Stretford, Manchester, M32 0TH

PUBLIC PROTECTION SUB-COMMITTEE

16 DECEMBER 2021

PRESENT

Councillor D. Jarman (in the Chair).

Councillors S. Thomas (Vice-Chair), J.M. Axford, G. Coggins, S. Taylor, M.P. Whetton and B.G. Winstanley

In attendance

C. Myers	Solicitor,
J.Boyle	Licensing Team Leader,
A. Murray	Governance Officer

APOLOGIES

Apologies for absence were received from Councillors B. Brotherton and D. Butt

27. MINUTES

RESOLVED: That the minutes of the meetings held on 16th September and 30th September be approved as a correct record and signed by the Chair.

28. EXCLUSION RESOLUTION (REMAINING ITEMS)

RESOLVED: That the public be excluded from this meeting during consideration of the following items on the agenda because of the likelihood of disclosure of “exempt information” which falls within one or more descriptive category or categories of the Local Government Act 1972, Schedule 12A, as specified.

29. APPLICATION FOR THE GRANT OF A NEW PRIVATE HIRE VEHICLE DRIVER'S LICENCE

The Head of Regulatory Services submitted a report requesting members to consider an application for the grant of a new Private Hire driver's licence.

The applicant attended the meeting to enable members to give the matter their full consideration.

The applicant gave his version of the offence and answered questions from members of the Sub-Committee.

The Sub-Committee considered the report and the evidence given at the meeting and concluded that the applicant was not a fit and proper person to hold a Private Hire driver's licence.

RESOLVED: That Mr A. G's application for a new Private Hire driver's licence be refused.

The meeting commenced at 6.30 pm and finished at 8.05 pm

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TRAFFORD COUNCIL

Report to: Public Protection Sub-Committee
Date: 20th January 2022
Report for: Decision
Report of: Head of Regulatory Services

Report Title

PRIVATE HIRE WHEELCHAIR ACCESSIBLE VEHICLES – TEMPORARY EXEMPTION FROM CURRENT AGE POLICY

Summary

The Trafford Travel Co-ordination Unit (TTCU) has recently raised concerns about the impact of the Minimum Licensing Standards on the delivery of the Council's duty to provide transport for children and vulnerable adults with Special Educational Needs and Disabilities (SEND).

This report proposes a waiver of certain current requirements that will hopefully provide some certainty for TTCU and their contractors who have older vehicles that private hire wheelchair adapted vehicles will continue to be licensed until the first renewal date of the vehicle licence which falls after the 1st April 2023. Following this date, these vehicles must be compliant with the minimum vehicle licensing standards adopted on 24th November 2021

Recommendation(s)

The Sub-committee is invited to consider the report and approve the proposal to waive the exceptional condition test for existing private hire wheelchair adapted vehicles which provide transport for children and vulnerable adults with SEND, regardless of the vehicle age or condition. The exemption will be effective until the first licence renewal date falling after the 1st April 2023.

The exempted vehicles will still be required to pass the Council's six monthly compliance test (MOT).

Any new to license vehicle must meet the new Minimum Licensing Standards from the 1st January 2022 which requires fixed age standards with no exceptions.

Contact person for access to background papers and further information:

Name: Joanne Boyle
Extension: joanne.boyle@trafford.gov.uk

1. BACKGROUND

Current Hackney Carriage and Private Hire Vehicle Age Policy

- 1.1 The Council's current vehicle renewal policy which will continue to apply to existing licensed vehicles until 1st April 2023, states:

On Renewal:

<u>Type of Vehicle</u>	<u>Maximum Age</u>
Private Hire Vehicle	6 years
Hackney Carriage Vehicle	15 years

- 1.2 All maximum age limits are subject to the proviso that if an older vehicle is deemed by the Council to be in exceptional condition for its age it can be eligible to be licensed. The decision as to whether a vehicle is in exceptional condition is made, in the first instance, by the Council's nominated garages based on guidance provided by the Council (See Appendix A – Exceptional Condition Guidance).

Minimum Licensing Standards (MLS)

- 1.3 On the 24th November 2021 the Council adopted a new set of minimum vehicle licensing standards which included a new vehicle age policy:

- Private Hire Vehicle – under 5 years on to fleet and 10 years off
- Private Hire Vehicle Wheelchair Accessible – under 7 years on to fleet and 15 years off
- Purpose built Hackney Carriage Vehicle– under 7 years on to fleet and 15 years off
- Air quality metrics and impacts and testing data to be reviewed over the next 2-3 years by the Licensing Network and risks or proposed amendments brought back to Members as necessary
- To remove the exceptional condition (age) test.

- 1.4 It was agreed that the standard be implemented for new to licence vehicles from the 1st January 2022; and that the existing fleet be compliant with the policy standard by 1 April 2024. This means that from the 1st April 2023 a vehicle licence will not be renewed if the vehicle does not meet the above standards.

Wheelchair Accessible Private Hire Vehicles

- 1.5 In response to the consultation on MLS in 2020 issues were raised in relation to wheelchair accessible private hire vehicles. Strong views were expressed by the trade in relation to the capital cost and shortage of suitable adapted vehicles, as well as the ongoing impact of Covid.

- 1.6 It was recognised that a balance was needed between providing the duty of home to school transport which often requires adapted vehicles; and the wider concerns of pollution and protecting the environment etc. In direct response to these concerns the age limit for private hire wheelchair adapted vehicles was extended from 10 to 15 years.

Statutory Duty to Provide Transport

- 1.7 The Trafford Travel Co-ordination Unit (TTCU) has recently raised concerns about the impact of MLS on the delivery of the Council's duty to provide transport for children and vulnerable adults with Special Educational Needs and Disabilities (SEND).
- 1.8 TTCU report that demand for this service is increasing which runs parallel to an increase in children and young people with Education and Health Care Plans. It is believed that demand has also increased due to the pandemic.
- 1.9 On consulting with colleagues in other SEND transport units across GM it is reported that they are now having similar issues with an increase in demand but a decrease in resource (drivers, vehicles, PAs).
- 1.10 TTCU report that contractors with old vehicles which are subject to licensing regulations are being told that their vehicles may not meet the current exceptional condition (age) test. There is an ongoing case at the moment involving a contractor who has two wheel chair accessible vehicles and who has been informed that the vehicles will not meet the age test even though the vehicle has a valid MOT and is exempt from a clean air perspective. The Licensing Section has extended the vehicle licences to allow the sub-committee to consider this report.
- 1.11 In order to allow the Council to consider further the implications of the MLS on the provision of transport for children and young people with SEND; it is proposed to waive the exceptional condition test for existing private hire wheelchair adapted vehicles until the introduction of the new vehicle standards from 1st April 2023. This will provide some certainty for TTCU and their contractors with older vehicles that they will continue to be licensed.

2. RECOMMENDATION

- 2.1 The Sub-committee is invited to consider the report and approve the proposal to waive the exceptional condition test for existing private hire wheelchair adapted vehicles which provide transport for children and vulnerable adults with SEND, regardless of the vehicle age or condition. The exemption will be effective until the licence renewal date falling after the 1st April 2023.
- 2.2 The exempted vehicles will still be required to pass the Council's six monthly compliance test (MOT).
- 2.3 Any new to license vehicle must meet the new Minimum Licensing Standards from the 1st January 2022 which requires fixed age standards with no exceptions.

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Ages of Public/Private Hire Vehicles

Trafford Council has a policy as regards the maximum ages of public/private hire vehicles when they are first licensed:-

- Private Hire Vehicles 4 years
- Hackney carriage Vehicles 10 years

After first licensing the maximum age limits are:

- Private Hire Vehicle 6 years
- Hackney Carriage Vehicle 15 years

These maximum age limits are subject to the proviso that if an older vehicle is deemed by the Council's Transport section to be in exceptional condition it can be eligible to be licensed.

What is meant by 'exceptional condition'?

From the dictionary – '*exceptional*' – *rare, unusual or different.*

'condition' – state of being

For a vehicle to be regarded as in exceptional condition it must appear to be in substantially better condition than would normally be expected for a vehicle of the maximum age (see above).

Indications of which include:-

General

- Lower than average mileage recorded
- Evidence of a high standard of maintenance

Interior

- Seats, carpet, roof lining, trim, and dashboard free from cuts, burns, scratches, extensive wear, heavy soiling and staining
- Seat padding firm
- All trim and fittings secured correctly
- Surface of driving controls free from extensive wear
- Previous use of overmats and seat covers

Under Bonnet

- Clean and tidy appearance
- No evidence of accident damage or repairs to accident damage
- No visible corrosion or evidence of repairs to corrosion damage
- Under bonnet components correctly secured

- Engine/gearbox etc. free from oil or other leaks
- No evidence of incorrect maintenance or repairs

Luggage Space

- No dampness or other evidence of ingress of water
- Trim free from cuts, burns, scratches, extensive wear, heavy soiling and staining
- No trim missing
- All trim correctly fitted and secured

Exterior

- General appearance to a high standard
- No accident or other damage
- No evidence of extensive repairs to accident damage
- No noticeable repairs to accident damage (poor quality repairs)
- No visible corrosion or evidence of repairs to corrosion damage
- Paint finish glossy and free from extensive chipping, scratches and other blemishes
- Bumpers and all trim correctly secured and aligned

The above represent examples of the indicators which may be used when assessing whether a vehicle is in exceptional condition, it is not intended as a complete checklist or inspection format.

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