

## TRAFFORD COUNCIL

**Report to:** Public Protection Sub-Committee  
**Date:** 20<sup>th</sup> 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 1<sup>st</sup> April 2023. Following this date, these vehicles must be compliant with the minimum vehicle licensing standards adopted on 24<sup>th</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> January 2022 which requires fixed age standards with no exceptions.

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## 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 1<sup>st</sup> 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 24<sup>th</sup> 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 1<sup>st</sup> January 2022; and that the existing fleet be compliant with the policy standard by 1 April 2024. This means that from the 1<sup>st</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> January 2022 which requires fixed age standards with no exceptions.