

REPORT TO:	Licensing Committee
DATE:	5 th June 2024
LEAD OFFICER:	Head of Planning, Public Protection and Countryside Services
CONTACT OFFICER:	Senior Licensing Officer licensing@denbighshire.gov.uk 01824 706433
SUBJECT:	Review of licensing requirements for Wheel Chair Accessible Vehicles

1. PURPOSE OF THE REPORT

- 1.1 For Members to consider reviewing the existing requirements for wheel chair accessible vehicles (WAVs) licensed by the Council.

2. EXECUTIVE SUMMARY

- 2.1 Members requested officers review the current process for licensing WAVs for new and renewal applications due to the reported lack of availability of such vehicles in Denbighshire and as a result of a taxi proprietor approaching some Members to review the existing licensing requirements.
- 2.2 Should Members support proposing to amend the current process for licensing WAVs that they authorise Officers to consult with existing licence holders.

3. POWER TO MAKE THE DECISION

- 3.1 Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847.

4. BACKGROUND INFORMATION

- 4.1 The existing Hackney Carriage and Private Hire Vehicle Policy, together with vehicle specification and conditions, was approved at the December 2016 committee meeting, following extensive consultation, and came into effect on the 1st of July 2017. There have been a number of small amendments since this date, with the most recent being in 2022 when Members resolved to retain the current age limits for all licensed vehicles.

- 4.2 The existing policy conditions, at paragraphs 2.4.3 and 5.4.3, place an age restriction on vehicles whether new or for renewal, namely that all new to fleet vehicles must be a maximum of 5 years old and any vehicle reaching the age of 12 years old must be removed.
- 4.3 Members will recall that the upper age limit for vehicles to be allowed to stay licensed had grandfather rights originally until 2022, however these rights have been extended twice as a result of the 2020 Covid pandemic and the affects this had on the licensed trade, and will finally come into effect on the 1st July 2024.
- 4.4. Currently WAVs are required to meet the same licensing criteria as any other vehicle, however the costs associated with WAVs are much higher than a non-wheelchair accessible vehicle. A review of the current process is supported by Denbighshire School Transport as they have highlighted the need for additional WAVs to carry out school contracts.
- 4.5 Officers and Members have been approached by a small number of the taxi trade to review the process to make it more affordable to licence WAVs by either:

Removing the age limit for new vehicle applications or
Relaxing the upper age limit for renewal applications.

- 4.6 Department for Transport Best Practice guidance, which all Welsh authorities should have regard to until the Welsh Government have published their statutory guidance states *“The setting of an arbitrary age limit may be inappropriate, counterproductive and result in higher costs to the trade and ultimately passengers. For example, a maximum age for first licensing may have adverse unintended consequences. A 5-year-old used electric vehicle will produce less emissions than a new Euro 6 diesel or petrol car – enabling the trade to make use of previously owned vehicles will assist it to transition more rapidly to zero emission vehicles and improve air quality.*

Licensing authorities should not impose age limits for the licensing of vehicles instead they should consider more targeted requirements to meet their policy objectives on emissions, safety rating and increasing wheelchair accessible provision where this is low.”

- 4.7 The current position with regards to the Welsh Government’s Taxi and Private Hire Vehicle (Wales) Bill white paper is that they may be able to consult on their proposals for National Standards (that include maximum vehicle age or emissions) later this year, however they do encourage local authorities to continue adapting and evolving their existing policy.

- 4.8 Members may wish to consider whether it would be appropriate to remove the minimum and maximum age limits for WAV's and introduce a minimum emissions requirements such as Euro 6 standards (being the highest standard to date), as recommended by the Department for Transport.
- 4.9 For Members information, Euro New Car Assessment Programme (Euro NCAP) was established to provide an independent safety rating for new cars. Euro NCAP ratings take into account three factors of protection — for adults, children and pedestrians — plus the level of safety technology on-board a car. Although not a legal requirement it is considered an independent testbed for new cars. A car's Euro NCAP rating expires after six years. Whilst this is primarily due to Euro NCAP constantly raising its standards in scoring as technology advances and not necessarily due to the decline in the safety aspects of a vehicle it indicates the increased safety standards likely to be found in newer vehicles
- 4.10 Members may wish to note that older vehicles tend to have higher emissions because they use less sophisticated emissions control technology than newer vehicles and may be built to less stringent emission standards. Whilst it is recognised that emissions should remain the same for the life of the vehicle, age will be a major factor in any deterioration of those standards due to wear and tear on parts and, more importantly, the prevalence of a robust and regular maintenance schedule. Whilst many used vehicles are sold with a service history there are some that are sold with no recognisable service record.
- 4.11 All vehicles first registered after 1992 have had to be manufactured to a particular standard for emissions which will dictate the standard for the life of the vehicle, unless there is a manufacturers plate stating otherwise. The standards are tested at MoT and are as follows for vehicles first registered:
- Euro 1 - 31 December 1992
 - Euro 2 - 1 January 1997
 - Euro 3 - 1 January 2001
 - Euro 4 - 1 January 2006
 - Euro 5 - 1 January 2011
 - Euro 6 - 1 September 2015
- 4.12 Members will note that vehicles up to 9 years of age will need to comply with the highest emission standard.
- 4.13 As electric vehicles have zero emissions they will always meet the Euro 6 or above standards.
- 4.14 Initial discussions with Denbighshire' Fleet Services have taken place to gauge their opinion on whether they would support a different approach to

the minimum licensing requirements for WAVs and they have commented that they can't see any valid argument as to why any WAV licensed vehicles should be given any different terms and conditions to any other licensed hackney carriage or private hire vehicle as all vehicles licensed by Denbighshire should all meet the highest possible standards. They also have concerns that if allowances are made for WAVs that it may open the door for licence holders to request Members review the minimum standards for all hackney carriage and private hire applications.

- 4.15 Additionally, officers from within the Council's Passenger Transport section have indicated that they would support an increase of the number of WAVs available to carry learners.
- 4.16 The below table sets out the number of WAV's currently licensed by Denbighshire along with the age, out of a total of 271 licensed hackney carriage and private hire vehicles. There is approximately a equal split of WAV's currently licensed as either hackney carriage or private hire:

Year of Registration	Age	No of WAVs
2003	21	1
2004	20	1
2013	11	1
2014	10	2
2015	9	3
2016	8	1
2017	7	4
2018	6	3
2019	5	3
2021	3	2

- 4.17 Should Members consider proposing implementing Euro 6 emission standards as a minimum licensing requirement for WAVs, it would allow all existing licensed WAVs registered from Sept/Oct 2015 to remain licensed past 12 years of age with possible further testing requirements. It would also encourage more new applications as the current Euro 6 emissions standards would allow a 9 year old WAV to be licensed.
- 4.18 Should Members support further testing requirements for WAV vehicles that have reached the age of 12 years and older, this could involve an additional compliance test, at an approved testing station of the licence holders choice. It would be proposed that a compliance test would be required at 4 monthly intervals and at least one test a year must be at Denbighshire Fleet Services.

- 4.19 Currently the most popular WAV licensed by Denbighshire is a Ford Tourneo, of which we have 4 and to assist Members further the following information sets out the approximate cost of a WAV for this make and model which has been sourced from a basic internet search from a reputable car dealer:

5 year old (2019) model - diesel with 40,00 miles is approx. £24,000
8/9 year old (2016) model - diesel 100,00 miles is approx. £14,000

- 4.20 Members may also have the option to consider requiring all new applications for a Hackney Carriage vehicle to be a WAV. This could however have both a negative and positive impact moving forward, as it could increase the amount of WAV's licensed as hackneys, which can only be seen as positive, however it could deter the trade from submitting applications for new hackney carriages and instead apply for a private hire vehicle licence.
- 4.21 Any significant changes to policy should only be implemented following consultation with licensed operators and proprietors as well as interested parties as relevant

5. CONSIDERATION

- 5.1 Whilst all the information above is relevant, Officers are mindful that the Welsh Government review is still on-going, which is likely to include some further restrictions on either vehicle age or emissions. However, the shortage of licensed WAVs does need to be addressed and it is therefore recommended that Members consider one of the following options:
- a. Make no amendments to the current licensing requirements for WAVs meaning that they are licensed on the same basis as a "regular" vehicle.
 - b. Consider removing the current age requirements for WAVs and replacing it with all WAVs must meet Euro 6 emission standards with an additional compliance test per year once the vehicle reaches 12 years of age and each year it is licensed thereafter i.e. 3 tests a year at 4 monthly intervals.
 - c. Consider (b) above without any additional compliance testing
 - d. Consider that all new applications for a Hackney Carriage Vehicle licence be wheelchair accessible

6. RECOMMENDATION

- 6.1 Given the considerations outlined above, Members note the content of the report and in the first instance authorise Officers to instigate a consultation exercise with all interested parties on options 5(1) a-d and report back to a future meeting on the results of the consultation.