

REPORT TITLE: REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY – PHASE 2'

15 SEPTEMBER 2020

REPORT OF CABINET MEMBER: Cllr Jackie Porter, Cabinet Member for Built Environment and Wellbeing.

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WARD(S): ALL

PURPOSE

Following the trade and public consultation, this report seeks to amend the Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators (“the Policy”), for approval by the Licensing and Regulation Committee. Once approved, the reviewed Policy would be considered by Cabinet for adoption.

RECOMMENDATIONS:

1. Members agree Policy wording, and;
2. The draft Policy (as amended) is approved for adoption by Cabinet.

IMPLICATIONS:

1 COUNCIL PLAN OUTCOME

- 1.1 Tackling the Climate Emergency and Creating a Greener District
- 1.2 As part of the Policy review, Officers and Members have considered the climate emergency and included changes to promote the licensing of hybrid and electric vehicles. We have also proposed to introduce an 'end of life' age for all vehicles to ensure all vehicles meet Euro 6 emissions standard by 1 January 2023.
- 1.3 Homes for all
- 1.4 N/A
- 1.5 Vibrant Local Economy
- 1.6 Supporting our taxi and private hire trade (private hire operators and self-employed drivers) to provide a safe and professional service for residents, visitors and tourists.
- 1.7 Living Well
- 1.8 The taxi and private hire trade provide an invaluable service to many different customers, especially those who are less mobile and rely on licensed drivers to pick them up and drop them off door to door. Without this service, some wouldn't be able to leave their homes.
- 1.9 Your Services, Your Voice
- 1.10 This Policy seeks to make improvements to ensure the safety of the public travelling in licensed vehicles. This gives the public confidence when using this service, for example, the introduction of contactless payments.

2 FINANCIAL IMPLICATIONS

- 2.1 Changes to the Policy do not require any additional resourcing. It is expected that the implementation will be covered by the current licensing team.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 The basis for determining the Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Drivers, Vehicles and Private Hire Operators is set out in Part 3.3 of the Council's constitution at paragraph 3.ii); Delegation of functions and Table D which provides that the Licensing and Regulation Committee is the correct forum for recommendation to Cabinet of Hackney Carriage and Private Hire policies. Legal Services has reviewed the draft policy and amendments in the recommendations.

- 3.2 It is good practice for local authorities to consult on any changes made to the Licensing Policy. A full consultation was carried out with all stakeholders – see paragraph 6 below.
- 3.3 Whilst a Judicial Review challenge is a possibility where there has been a lack of meaningful consultation as there has been full compliance with the correct procedures, the risk of a successful challenge is considered minimal.

4 WORKFORCE IMPLICATIONS

- 4.1 Two members of the licensing team were seconded to the Policy review project until end June 2020. Since then, the team have returned back to 3.8 FTE's.

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 None

6 CONSULTATION AND COMMUNICATION

- 6.1 Social and Market Strategic Research (SMSR Ltd) were appointed to carry out a full trade and public consultation on the proposed changes to the Policy. The consultation period was held from January to March 2020. 327 respondents participated; 62 stakeholders (19%) and 265 general public (81%).
- 6.2 A copy of the full consultation report can be found at Appendix 2.
- 6.3 To oversee the Policy review, a working party was set up to include;
- Cllr Jackie Porter, Cabinet Member for Built Environment & Wellbeing
 - Cllr Roger Bentote, Chairman of Licensing and Regulation Committee
 - Richard Botham, Director of Services, Simon Finch, Head of Regulatory and David Ingram, Service Lead for Public Protection
 - Claire Humphreys, Licensing Officer/Project Officer and Carol Stefanczuk, Licensing Manager/Project Lead since March 2020 (previously led by Graham Wren who left the Council in February 2020).
- 6.4 Regular Taxi and Private Hire Forum meetings have been held to ensure the trade are kept up-to-date on developments/changes and to encourage conversation about the Policy review. In general, the Forum are supportive of the proposed draft Policy. There are still some concerns from the trade about the requirement for permanent signage and plates being displayed on vehicles and in relation to the vehicle end of life age restrictions.

7 ENVIRONMENTAL CONSIDERATIONS

7.1 The Council's Air Quality Action Plan has been considered as part of the Policy review. The proposals include; allowing a reduction in the size of wheelchair accessible vehicles, incentives for hybrid and electric vehicles and introduction of an 'end of life' age for vehicles to reduce emissions. It is also proposed that all vehicles must meet Euro 6 emissions standard by 1 January 2023.

8 EQUALITY IMPACT ASSESSEMENT

8.1 The Council is committed to offering a range of vehicles for all customers. The current Policy requires all new hackney carriage vehicles to be wheelchair accessible; there is no proposal to change this.

9 DATA PROTECTION IMPACT ASSESSMENT

9.1 None required.

10 RISK MANAGEMENT

Risk	Mitigation	Opportunities
<i>Property</i>	N/A	
<i>Community Support</i>	The working party considered proposals and comments made prior to the draft Policy and report being prepared. We have also engaged with the Taxi and Private Hire Forum.	
<i>Timescales</i>	The reviewed Policy will take effect once adopted by Cabinet.	
<i>Project capacity</i>	N/A	
<i>Financial / VfM</i>	N/A	
<i>Legal</i>	The Policy could be challenged by Judicial Review, but as the Council's decision-making process is believed to be lawful, a challenge is considered to be unlikely.	
<i>Innovation</i>	N/A	
<i>Reputation</i>	The Council's paramount consideration is to protect the public. This Policy sets out what is required of new applicants and current licence holders in	

	line with relevant legislation.	
<i>Other</i> Effect on Taxi & PH Trade	The consultation started pre-Covid pandemic/lockdown. The trade has been severely affected. The working party have been mindful of this and made changes to the proposals in light of the current situation and with less financial impact to the licence holders.	

SUPPORTING INFORMATION:

11 Background

- 11.1 The Statement of Licensing Policy with respect to Hackney and Private Hire Vehicles, Drivers and Private Hire Operators (“the Policy”) came into effect from 1 April 2011 following full consultation and approval by the Licensing and Regulation Committee.
- 11.2 The Policy review project (previously known as ‘Tip Top Taxis’) commenced in 2018 and was included in the Council’s Corporate Strategy, with the main objective being to make positive changes to the taxi and private hire regime to further enhance public safety. Phase one [of 2] of the Policy review took place and was adopted in June 2019. This report covers Phase two of the project.
- 11.3 Hackney Carriage and Private Hire Drivers, Vehicles and Private Hire Operators are licensed under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. Authorised officers administer and enforce the provisions of this legislation.

12 Details of Proposals

- 12.1 The proposals can be found tracked changed in Appendix 1 to this report. The changes are explained in summary, below.

Vehicle Ages

- 12.2 Amend 5.1a to allow new petrol and diesel vehicles to be licensed as hackney carriage (taxis) up to five years old from the date of registration. The current Policy allows vehicles to up to three years old from the date of registration. This is to bring in line with new private hire vehicles and to encourage older, more polluting vehicles to be replaced sooner at a less cost to the proprietor/driver.

- 12.3 Add new proposal at 5.1b for all electric and hybrid vehicles, when licensed for the first time, to be up to eight years old from the date of registration. This is to incentivise the purchase of these types of vehicles for a more environmentally friendly option.
- 12.4 Propose an 'end of life' age for all vehicles so that when they reach the maximum age; up to 12 years old for petrol and diesel vehicles, and up to 15 years old for hybrid and electric vehicles (from the date of registration), the vehicle must be replaced in line with the Policy for new vehicles – see 5.1c & 5.1d.
- 12.5 Introduce a requirement that all existing vehicles (hackney carriage and private hire) that have a date of first registration before 1 September 2015 must be replaced by the 1 January 2023. This would ensure that vehicles that do not meet the Euro 6 emissions standard are replaced in just over 2 years. This contributes to the Council's priority of reducing carbon emissions.

Wheelchair accessible vehicles

- 12.6 Amend paragraph 5.2 to allow wheelchair accessible vehicles (WAVs) to be rear loading, in addition to side loading. The current Policy requires all WAVs to be side loading only. This will allow drivers/proprietors to licence smaller vehicles whilst still carrying a passenger in a wheelchair safely.
- 12.7 In addition to 12.6 above, the Policy has been amended (5.9 refers) to require WAV's to carry a wheelchair and its passenger, and a minimum of one other passenger, rather than the current requirement for a minimum of three additional passengers. This again will allow smaller, more environmentally friendly vehicles to be licensed, at a reduced cost to the driver/proprietor.

Livery

- 12.8 There were various discussions in relation to proposed livery for hackney carriages (taxis) licensed by this Council. In light of the Covid-19 pandemic, the working party agreed that a livery should still be proposed to increase public safety so that licensed taxis in this district are easily identifiable. However, this should not be at an excessive cost to the drivers/proprietors who are already struggling with the knock-on effects of the Covid-19 pandemic and national lockdown, on their trade. The working party therefore agreed on the proposal that all new hackney carriage vehicles (taxis) must:
- a) be a standard white paint colour only;
 - b) display permanently fixed door signs on the front doors (signs approved by Winchester City Council)
 - c) display the licence plate permanently fixed to the rear of the vehicle, to the satisfaction of the Licensing Authority.

- 12.9 All current licensed hackney carriage vehicles will be required to comply with points 12.8 b) and c) above no later than 30 June 2021 – see paragraphs 5.5 and 5.7 of the draft Policy.

Contactless payments

- 12.10 It is proposed that all licensed vehicles must carry a contactless payment device to offer card payments in addition to accepting cash – see 5.20 and 6.17 of the Policy. This is to ensure that vulnerable adults can still get home without the need for cash, which may otherwise encourage them to walk. During the Covid-19 pandemic, card payments have increased significantly with many drivers and operators already purchasing contactless payment devices to avoid taking cash.
- 12.11 Further to 12.10 above, all current private hire vehicles will also be required to carry a contactless payment device no later than 30 June 2021 (5.21 and 6.18 of the Policy refers). This allows sufficient time for the driver/proprietor/operator to purchase and install the device and obtain training on how to use the device, if required. Private hire vehicles that carry out work which is pre-paid or contract only, are exempt from this requirement – see 6.19 of the Policy).

Disability Awareness training

- 12.12 As part of the consultation, we asked if those participating in the survey thought that new and current drivers should be required to take formal training such as BTEC Level 2 Certificate in the Introduction to the Role of the Professional Taxi & Private Hire Driver. The consultation response revealed that 79% of respondents thought that new applicants should complete training before they become a driver and 59% said that current drivers should also be trained. Following discussion with the working party, it was agreed that as there are other forms of training already required by our Policy, such as Safeguarding, that there was scope to include disability awareness training at this stage and the need for a more encompassing qualification could be reviewed again in the future.
- 12.13 The draft Policy therefore includes the proposal at 8.10a, that all new applicants must complete and pass approved disability awareness training as part of the application process.
- 12.14 All current drivers will be required to pass approved disability awareness training no later than 31 August 2021 – 8.10b of the Policy refers.

13 Conclusion

- 13.1 The working party are taking a stepped approach to introducing changes to vehicle requirements. The licensing authority are not in a position to require all vehicles to be electric, for example. Once the district has adequate provision to make this a possibility, the Council will likely review the Policy again. This

will also allow for developments in vehicle specifications, reliability and cost of vehicle.

- 14 The changes to the Policy on vehicles is a choice based policy. This allows drivers/proprietors to choose the type and size of vehicles whilst complying with the stricter requirements in relation to vehicle emissions. Should a driver/proprietor still wish to change their hackney carriage vehicle and purchase a vehicle less than 3 years old, as per the current Policy, this still allows them to do so.
- 15 The Council's paramount consideration is the safety of the public. However, the City Council should not adopt a Policy that is too restrictive that damages the trade. The Council must keep in mind that whilst it will want to make positive changes to ensure public safety, it is dealing with a trade that has been severely impacted by the Covid-19 pandemic and should want to encourage customers to use these services again, confident that they will be safe.
- 16 OTHER OPTIONS CONSIDERED AND REJECTED
- 16.1 As part of the consultation, the public and trade were asked if they thought CCTV should be installed in all licensed vehicles. 71% of respondents agreed that CCTV should be installed in all hackney carriage and private hire vehicles. However, stakeholders were divided; 42% yes vs 45% no. The working party agreed that CCTV should not be introduced without thorough investigation and to consider if there is a justifiable need, i.e. why is it necessary?, is there a problem is it proportionate to solve the problem identified?. This would entail obtaining crime statistics from the Police and carrying out a proportionality assessment, before any policy changes are to be considered.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

[LR527](#) – Review of Hackney Carriage and Private Hire Licensing Policy – Phase One – Consultation Response - 19 September 2019

[LR520](#) – Review of Hackney Carriage and Private Hire Licensing Policy - Phase One Tip Top Taxis – 6 June 2019

[LR495](#) - Review of Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators – consultation comments – 16 March 2017

[LR490](#) - Review of Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators – 19 January 2017

Other Background Documents:-

Taxi Project (Working Party) minutes dated 29 May 2020 and 6 August 2020

Taxi and Private Hire Vehicle Licensing: Best Practice Guidance – issued by the Department for Transport March 2010

APPENDICES:

Appendix 1 – Draft Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators – v9 reviewed September 2020

Appendix 2 – full consultation report by SMSR – May 2020