

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

10 NOVEMBER 2020

REPORT OF CABINET MEMBER: Cllr Jackie Porter, Portfolio Holder for Built
Environment and Wellbeing

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WARD(S): ALL

PURPOSE

At the Licensing and Regulation Committee on 15 September 2020, Members resolved to recommend for approval the revised Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators (“the Policy”).

Following further consultation with the trade, due to the Covid-19 pandemic, amendments have been made to the Policy to defer some sections that have financial implications to the trade.

Prior to publication, the revised Policy (with amendments) must be approved and adopted by the Cabinet.

RECOMMENDATIONS:

1. That the Cabinet agree to the amendments as highlighted yellow in Appendix 1, and;
2. The Cabinet approve and adopt the Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators (as amended) set out in Appendix 1.

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 Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Drivers, Vehicles and Private Hire Operators is recommended to Cabinet for amendments to the Hackney Carriage and Private Hire policies.
- 3.2 Local authorities are required to consult on proposed amendments to the Licensing Policy. In this report at paragraph 6 officers set out their consultation which was undertaken with those whom officers considered to be relevant stakeholders.

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 full time equivalent staff.

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 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, 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).
- 6.3 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. The Forum and trade are generally supportive of the proposed draft Policy. However, they have expressed concerns on the requirement for permanent signage and plates being displayed on vehicles and in relation to the vehicle end of life age restrictions.
- 6.4 Following the Licensing and Regulation Committee on 15 September 2020, a further Taxi and Private Hire Forum meeting was held. The members made a heartfelt plea to the Council to defer the Policy as, due to the Covid-19 pandemic, they have seen a significant loss of work. Drivers are struggling financially with overhead costs such as insurance, vehicle leasing payments and vehicle upkeep.
- 6.5 Officers met with Cllrs Porter, Bentote and Ferguson (Cabinet Member for Local Economy) and agreed to defer some sections of the Policy to support the drivers and operators during this uncertain and difficult time, due to the Covid-19 pandemic.

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 review of the policy has taken full account of potential impacts against all protected characteristics as set out in the Public Sector Equality Duty and includes a number of positive steps aimed at improving the experience for all service users. A link to the equality impact assessment is included as a background document to this report.

8.2 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 because there is no processing of personal data, or where there is processing it does not result in a high risk to the rights and freedoms of natural persons.

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 being prepared for Cabinet. We have also regularly held meetings with the Taxi and Private Hire Forum.	
<i>Timescales</i>	The reviewed Policy will take effect once adopted by Cabinet, with the proposed implementation date of 1 December 2020.	
<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 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.	In light of the current pandemic, there are proposals to defer some sections of the Policy to support the trade during this difficult time.
<i>Other</i> Effect of Taxi and Private Hire trade	The consultation started pre-Covid pandemic/lockdown. The trade has been severely affected. The working party have been mindful of this and made various changes to the proposals in light of the current situation and with less financial impact to the licence holders.	

11 SUPPORTING INFORMATION:

Introduction

- 11.1 Hackney Carriage and Private Hire Vehicles, Drivers 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.
- 11.2 It is accepted good practice for the Council to regularly review their Statement of Licensing Policy to ensure that it keeps up to date with legislative changes, changes recommended by the government or where the licensing authority considers amendments necessary to promote the safety of the public.
- 11.3 The previous Administration tasked the licensing team to review the Policy with specific areas of interest; safeguarding, review of convictions policy, wheelchair training, payment methods, vehicle livery and CCTV.
- 11.4 In 2018, the Policy review project (previously known as 'Tip Top Taxis') started 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 seeks to adopt Phase two of the Policy review.

Review of Policy

- 11.5 Phase one of the Policy review has been successfully implemented, with all current drivers attending and passing a comprehensive Safeguarding training course.
- 11.6 Phase two of the Policy review has mainly focused on vehicles (age, livery, signage), with additional requirements for current drivers and new applicants to undertake Disability Awareness training.
- 11.7 At the Licensing and Regulation Committee on 15 September 2020, Members resolved to approve the revised Policy, to be recommended to Cabinet for adoption.
- 11.8 As referred to in paragraph 6 above, following the Licensing and Regulation Committee meeting, officers met with the Taxi and Private Hire Forum. The trade explained how the Covid-19 pandemic has negatively affected the trade, with some drivers and operators considering selling their vehicles and seeking alternative employment. Officers sympathised with the Forum and subsequently met with Councillors to discuss proposed deferral of implementation for some sections of the Policy. These are:
- a) All petrol and diesel vehicles will have a maximum end of working life age of twelve years from the date of registration (paragraphs 5.1c & 6.1c of the Policy refers) – delay by 12 months. New implementation date 1 December 2021.
 - b) All electric and hybrid vehicle will have a maximum end of working life age of fifteen years from the date of registration (paragraphs 5.1d & 6.1d of the Policy refers) – delay by 12 months. New implementation date 1 December 2021.
 - c) All current drivers must pass approved disability awareness training no later than 31 August 2021 (paragraph 8.10b of the Policy refers) – delay by 6 months. Now amended to “... no later than 1 March 2022.”
- 11.9 It's important to note that some changes to the Policy are in the favour of the trade, which by implementing these changes will offer them more flexibility on the type and size of the vehicle. For example, by allowing slightly older and smaller wheelchair assessable vehicles with the option of rear loading, this reduces the initial cost to the proprietor. This is balanced with the new requirement to add permanent signage to the vehicles.
- 11.10 The addition of permanent signage is contentious with the trade. The drivers are concerned that this would increase the risk of their licensed vehicles being targeted by criminals and broken into when not in use. Members and Officers have been understanding of this and discussed this in depth; this was also discussed at the Licensing and Regulation Committee meeting on 15 September 2020. The primary reason for this requirement is to clearly show members of the public what is a licensed vehicle, so that this gives them the

confidence that they are using a regulated and safe vehicle, driven by a licensed driver who has met the 'fit and proper' test under relevant legislation. The working party and Licensing and Regulation Committee therefore agreed that public safety is paramount and must take precedence.

Conclusion

- 11.11 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.
- 11.12 The Council's overriding 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.
- 11.13 The Cabinet are asked to agree to the amendments as set out in Appendix 1 and adopt the Policy with effect from 1 December 2020.

12 OTHER OPTIONS CONSIDERED AND REJECTED

- 12.1 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:-

[LR535](#) – Review of Hackney Carriage and Private Hire Policy – Phase 2 – 15 September 2020

[CAB3200](#) – Adoption of Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators – 23 October 2019

[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:-

Equality Impact Assessment

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 – Extract of Minutes of the Licensing and Regulation Committee dated 15 September 2020.