



EAST STAFFORDSHIRE BOROUGH COUNCIL

REPORT COVER SHEET

Title of Report:	Hackney Carriage and Private Hire Policy Review of Vehicle Requirements		To be marked with an 'X' by Democratic Services after report has been presented
Meeting of:	Corporate Management Team 12 th November 2019		X
	Licensing Committee 3 rd December 2019 (6 week consultation ending 15 th January 2020)		
	Licensing Committee 4 th February 2020		
	Full Council 24 th February 2020		
Is this an Executive Decision:	NO	Is this a Key Decision:	NO

EAST STAFFORDSHIRE BOROUGH COUNCIL

Report to Licensing Committee

Date: 3 December 2019

REPORT TITLE: Hackney Carriage and Private Hire Policy Review of Vehicle Requirements

PORTFOLIO: Enforcement Services

HEAD OF SERVICE: Mark Rizk

CONTACT OFFICER: Margaret Woolley Ext. No. 1343

WARD(S) AFFECTED: All

1. Purpose of the Report

- 1.1. To seek approval to amend the vehicle specification for Private Hire and Hackney Carriage Vehicles including the Hackney Carriage accepted vehicle list contained within the main Private Hire and Hackney Carriage Policy 2019-2022 (Appendix M,N,O, P, Q, R, AA, BB).
- 1.2. To consider the long term objective of reducing pollution across the Borough.
- 1.3. To seek approval from Licensing Committee for a consultation exercise to be undertaken on the proposals contained within this report.

2. Executive Summary

- 2.1. This reports seeks to review and amend the vehicle specification, approved Hackney Carriage vehicle list, plate and panel exemption conditions and exceptional vehicle conditions contained within the appendices of the Hackney Carriage and Private Hire Policy 2019-2022.
- 2.2. The Licensing Team commenced a review of these areas in April 2019.
- 2.3. The review is focussed on the following:

- Updating the current Private Hire and Hackney Carriage vehicle specification
- Reviewing and updating the list of acceptable vehicles to be licensed as a Hackney Carriage
- Review of the plate and panel exemption criteria and conditions
- Review of the criteria for the exceptional vehicle criteria and conditions
- Vehicle Emissions

3. Background

3.1. The Hackney Carriage and Private Hire Policy was first introduced in 2008. Since this date the Policy has been regularly reviewed to ensure it is fit for purpose. The Policy was last reviewed in 2018 and republished in January 2019.

3.2. Since this time it has been identified that the vehicle specification and approved vehicle list require further modification.

3.3. The Licensing and Enforcement Team use two main statutes and Guidance documents to regulate the Hackney Carriage and Private Hire trade these being:

- Town and Police Clauses Act 1847
- Local Government Miscellaneous Provisions Act 1976
- Best Practice Guidance issued by the Department for Transport
- Institute of Licensing Guidance

3.4. The aim of this review is to further update the Private Hire and Hackney Carriage vehicle specification and approved vehicle list.

4. Contribution to Corporate Priorities

4.1. Value for money Council – the policy will ensure a consistent and transparent process particularly for those that access our service.

4.2. Environment and Health and Well Being – the Councils licensing activities are primarily concerned with public protection and those that are vulnerable.

5. Report

5.1. The Hackney Carriage and Private Hire Policy was last reviewed in 2018. It has since been recognised that a further review of the vehicle conditions and specification and the Hackney Carriage approved vehicle list was required.

- 5.2. Currently the Authority licence: 49 Private Hire Operators, 158 Hackney Carriage Vehicles, 339 Private Hire Vehicles, 20 Hackney Carriage Drivers, 187 Private Hire Drivers and 467 Combined Drivers.
- 5.3. Licensing Officers have conducted a small consultation exercise with members of the Trade on the proposed amendments, and therefore now propose the following changes to the policy:
- 5.4. Emissions – In order to promote the reduction of vehicle pollutants and environmental impact, not only within East Staffordshire, but beyond, (as our vehicles frequently visit destinations outside of the Borough) it is proposed that our strategy for licensed vehicles would mean vehicles meeting Euro Emissions Standard 6 (applicable since 1st January 2015). It is proposed that from 1st April 2022 all licensed Hackney Carriage Vehicles and Private Hire Vehicles must be fitted with at least a Euro 4 compliant engine for vehicles fitted with a petrol engine, or at least a Euro 6 compliant engine for vehicles fitted with a diesel engine. Consideration should be given to those vehicles already licensed and whether Grandfather Rights will apply. Clean Air Zones are due to be introduced into areas such as Birmingham, Derby, Leeds, Nottingham and Southampton by 2020. The creation of these Zones in major UK cities is part of the governments broader air quality plan which aims to improve air quality and address sources of pollution. By working at a local level we can take steps to positively contribute to improving air quality at a national level.
- 5.5. All wheelchair accessible vehicles or converted vehicles to be licensed for service in East Staffordshire must meet the current vehicle specification. Such vehicles may provide greater disability access and ability to carry a greater number of passengers. Applications for converted vehicles must be accompanied by written confirmation from the conversion company. To update this information it is intended to include the following wording – “or conversions which have been “type approved” to M or M1 categories must be presented with approved certification that the specific vehicle meets the requirements of one of these categories.
- 5.6. Update to Hackney Carriage Acceptable Vehicle List – During the last review of the Hackney Carriage and Private Hire Policy in 2018 a Hackney Carriage Acceptable Vehicle List was introduced. The list has been further updated with additional vehicles to extend choice to drivers. The list is not exhaustive and other vehicles will be considered should they meet the vehicle specification and be approved by the Licensing Team.
- 5.7. Tinted windows - Update to paragraph for tinted windows to include ‘Tinted windows will only be permitted in accordance with the manufacturers or specialist coach specification and must comply with the Road Vehicles (Contraction and Use) Regulations 1986’.
- 5.8. Update to policy to include dual fuel, hybrid and electric vehicles with the equivalent power to our current minimum engine capacity for each vehicle

which is 1200cc and will now include 95bhp or 125ps or greater. Each application for this type of vehicle will be considered on an individual basis.

- 5.9. Clarification of wording relating to roof signs on private hire vehicles – “no roof signs are permitted”.
- 5.10. Insertion of a paragraph with additional information relating to CCTV in vehicles – Material captured by the system shall be accessible to the Police, authorised officers of the Council, and/or the CCTV operator. The system should be of evidential quality, indicate the time and date and be retained for a period of 31days if an incident has taken place.
- 5.11. For ease of reference all of the additions to the policy are highlighted in red and bold. Appendix 1
- 5.12. A comprehensive summary of all the proposed changes can be found at Appendix 2 of this report.

6. Financial Considerations

This section has been approved by the following member of the Financial Management Unit: Anya Murray

- 6.1. The fees currently set are not expected to change based on the proposed revisions to the taxi policy.
- 6.2. There may be additional pressure on the licensing service (with corresponding increase in fee income) should a taxi driver wanting to change a vehicle to meet the change in taxi policy requirements, chose to do so in such a way that necessitates two vehicle inspections during a year.
There are no financial issues arising from this Report.

7. Risk Assessment and Management

- 7.1. The main risks to this Report and the Council achieving its objectives are as follows:
- 7.2. **Positive** (Opportunities/Benefits):
 - 7.2.1. The council will have a policy in place to advise applicants, officers of the council and Licensing Committee when implementing the provisions of the Hackney Carriage and Private Hire Policy
 - 7.2.2. Ensure consistency of the licensing function by the Council in the exercise of its duties
- 7.3. **Negative** (Threats):

7.3.1. Failure to review and adopt the Policy in a timely manner exposes the Council to the risk of challenge

7.4. The risks do not need to be entered in the Risk Register. Any financial implications to mitigate against these risks are considered above.

8. **Legal Considerations**

This section has been approved by the following member of the Legal Team: Angela Wakefield.

8.1. There are no significant legal issues arising from this Report.

9. **Equalities and Health**

9.1. **Equality impacts:** An equality and health impact assessment is not required.

9.2. **Health impacts:** An equality and health impact assessment is not required.

10. **Human Rights**

10.1. There are no Human Rights issues arising from this Report.

11. **Sustainability** (including climate change and change adaptation measures)

11.1. There are no sustainability issues in respect of this report.

12. **Recommendation(s)**

12.1. It is recommended that the draft revisions to the Policy be presented to the Licensing Committee to consider the amendments and approve a six week consultation exercise.

13. **Appendices**

13.1. Appendix 1: Draft Hackney Carriage and Private Hire Policy 2019-2022

13.2. Appendix 2: Matrix of Changes