



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)		X
	Licensing Committee 4 th February 2020		
	Full Council 24 th February 2020		
Is this an Executive Decision:	NO	Is this a Key Decision:	NO



Is this in the Forward Plan:	NO	Is the Report Confidential:	NO
If so, please state relevant paragraph from Schedule 12A LGA 1972:	[]		
<p>Essential Signatories:</p> <p>ALL REPORTS MUST BE IN THE NAME OF A HEAD OF SERVICE</p> <p>Monitoring Officer: Angela Wakefield</p> <p>Date Signature</p> <p>Chief Finance Officer: Sal Khan</p> <p>Date Signature</p>			

EAST STAFFORDSHIRE BOROUGH COUNCIL

Report to Licensing Committee

Date: 4 February 2020

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 approved 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 report to the Licensing Committee the responses received from the consultation exercise.
- 1.4. For the Licensing Committee to consider the responses from the consultation exercise and advise how they wish to proceed.

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. A report was presented to the Licensing Committee on 3rd December 2019 and approval given for a consultation exercise to commence. The consultation exercise concluded on 15th January 2020, where 11 responses were received. Licensing Officers conducted a small consultation exercise with members of the Trade on the proposed amendments, and proposed 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 Approved Vehicle List – During the last review of the Hackney Carriage and Private Hire Policy in 2018 a Hackney Carriage Approved 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 the additions to the policy were highlighted in red and bold. Appendix 1

5.12 Responses received to the consultation and comment

- 5.13 **Approved Vehicle List** - Respondents stated they would like to see particular vehicles added to the acceptable vehicle list. These included the Peugeot Partner Tepee, Citroen Berlingo, Fiat Doblo and Peugeot Expert Tepee.

Comment – These vehicles have been reviewed and included in the list. Other vehicles should they meet the vehicle specification can be added to the list.

- 5.14 **Emissions** – Respondents concerned regarding the introduction of the Euro 6 category. Respondents have stated that we should not implement these changes to the hackney and private hire vehicle policy. They have stated that they believe Euro 6 engine vehicles are not cheap to obtain, to get a euro 6 engine taxi for hackney carriage, which is purpose built M1 with a plate 2016-2017 you have to spend at least a minimum of £18,000.00. Respondents are concerned about how they will afford it, with expenses such as insurance, MOT, fuel, office rental and wear and tear. Other respondents have stated that whilst they agree that they will have to move to the emissions change they would like an extension to 2025 and that grandfather rights should apply for existing vehicles.

Comment – The Euro 6 is a Government led change since 1 January 2015. It is for the Licensing Committee to decide when ESBC should implement the change and whether grandfather rights will apply or if there should be an extension to 2022.

Other neighbouring authorities have or are about to introduce similar changes regarding emissions/euro ratings of licensed vehicles by 1 April 2022. For example Lichfield District Council, Ashfield District Council, North West Leicestershire District Council, Shropshire Council, Derby and Stoke on Trent City Council. Many Local Authorities have reviewed their policies particularly following the introduction or pending implementation of the Clean Air Zones in cities such as London, Birmingham, Leeds, Southampton and Derby.

The rationale for the emissions standard to be introduced by 2022 is all about public protection and compliance of taxis with the latest regulations. This will also contribute to the national and ESBC's objective of improving air quality. The introduction in 2022 will permit taxi drivers to enter a number of possible clean air zones without penalty. There are approximately 100 licensed vehicles that will be affected with registration plates 09/59, 10/60, 11/61, 12/62 which will all have to be or are due to be replaced in line with our current 10 year age policy on or before 2022. This still gives a further 2 years notice to vehicle proprietors to plan for a suitable replacement vehicle which complies with emission standards.

5.15 Write Off Vehicles – The Respondent has stated that the CAT D/N and C/S vehicle if they are checked and have MOT's and passed a VOSA inspection he doesn't see a problem with these being licensed. The respondent states that, that is why a Taxi has an MOT every 6 months to check if the vehicle is roadworthy.

The Trade group also disagrees with the introduction of the authorities' proposal not to continue to licence write off vehicles. The Trade group feels the council should allow as at present any vehicle even one sustaining a total loss subject to the VOSA approved MOT station passing the vehicle as per their high standards as safe to be on the road as is currently the procedure and if there is to be a change, proof must be provided by the Council that in allowing these Vehicle into the trade in ESBC it has a valid reason for concern.

Comment – It is proposed and for the Licensing Committee to consider that we reword the section to read "The Council will not licence any new vehicle that since the date of first registration has been recorded by the DVLA as having sustained structural damage from a road traffic accident rendering it beyond economical repair (an insurance "write off"). This relates to CAT S vehicles. This information can be found in Part 3 – special notes of the V5 registration certificate". CAT S vehicles have suffered structural damage and have been written off by the insurer as it was uneconomical to repair.

CAT N has also been written off by the insurer as it is uneconomical to repair but the difference is it has suffered non-structural damage. The important words in the policy are "as having sustained structural damage ". Cars written off as a CAT S case, must have a form V23 submitted by the insurer or agent to DVLA as soon as the categorisation decision is made and without waiting for the V5. There is a danger that some sellers try to pass off Cat S cars as non-damaged motors by hiding their past history. The damage is more than cosmetic and could include a bent or twisted chassis or collapsed crumple zone. Insurers often sell Cat S vehicles for Salvage. Therefore, these vehicles are risky in several ways including safety. The cars salvage category remains with the vehicle for life, which reduces its appeal and makes it cheaper to buy.

Main risks include substandard repairs, used parts, cheap labour and not professionally repaired (why it was rendered beyond economical repair in first place). Also, many insurers may refuse to insure this type of vehicle or accept with much higher premiums. There is a danger that Hackney Carriage/Private Hire drivers may have invalid or inadequate public hire insurance.

To not licence such vehicles is seen as good practice and other Local Authorities have included this safeguard in their licensing policy for example Shropshire Council and Staffordshire Moorlands DC.

To assist the trade, CAT N cars that have been written off should be allowed to be licensed once properly repaired and passed an MOT test. The difference being that the damage has not impacted the vehicle's structural integrity.

- 5.16 **Age of Vehicles** – The respondent is requesting that we look at the age of vehicles and extend the age for Hackney vehicles from 10 to 15 years and for private hire vehicles from 7 to 10 years so every couple of years drivers don't have to change their vehicles.

Comment - The age of vehicles do not form part of this current policy review and consultation.

- 5.17 **CCTV in Licensed Vehicles** – Respondent states - At present there is no legal requirement to have CCTV installed into a licenced vehicle and therefore there is very little chance of a driver presenting or having available any CCTV evidence to present to either authority. Moving forward on the issue of CCTV can the Council look at a grant to get this initiative installed into all Licenced Vehicles?

Comment – This issue is addressed in order to comply with the Data Protection Act and enforce meaningful use of any CCTV in use in vehicles. This does not apply to any vehicles who do not have CCTV at present. We are not aware of any funds that are available and therefore a matter for the trade.

The recommendation merely regulates use of CCTV / webcams already installed by vehicle proprietors. The Council are aware that there is no legal requirement to have CCTV installed however are advising that if a vehicle has CCTV installed that they follow the points listed in the policy.

A full list of all responses is set out at APPENDIX 3

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 Licensing Committee consider the amendments to the Policy in conjunction with the responses to the consultation exercise.
- 12.2. It is recommended that the Licensing Committee consider the Approved Vehicle List as suitable for adoption.
- 12.3. It is recommended that the Licensing Committee consider the Euro Standard and how this should be carried forward.
- 12.4. It is recommended that the Licensing Committee consider the stance regarding “write off vehicles”.
- 12.5. It is recommended that the Licensing Committee consider CCTV within licensed vehicles and consider adoption of the proposed amendment.

13. **Appendices**

- 13.1. Appendix 1: Draft Hackney Carriage and Private Hire Policy 2019-2022
- 13.2. Appendix 2: Matrix of Changes
- 13.3. Appendix 3: Summary of consultation response and comments