



Report to:	Licensing Committee 5 October 2022
Lead Cabinet Member:	Cllr Brian Milnes
Lead Officer:	Rachel Jackson Principal Licensing Officer

Hackney Carriage and Private Hire Policy – CCTV and age and emissions standards for Vehicles

Executive Summary

1. That the Committee agree to recommend to the Lead Cabinet Member for Environmental Services and Licensing, revisions to the Hackney Carriage and Private Hire Licensing Policy following a review in September and November 2021 relating to the mandating of CCTV in all licensed vehicles and age limits and emissions standards for private hire and hackney carriage vehicles. .

Key Decision

2. No

Recommendations

3. That the Licensing Committee consider the proposed amendments to the Policy, taking into account the decision outcomes from the Members' Workshop held in September 2022, and make recommendations to the Lead Cabinet Member for Environmental Services and Licensing.
4. With regards the mandating of CCTV, revise the policy so as to:
 - (i) Agree that the requirement for the mandatory installation of CCTV does not apply to exempt executive vehicles.
 - (ii) Agree to implement a phased and manageable approach, so that any grant of a vehicle licence or renewal of an existing licensed vehicle must be fitted with CCTV with effect from 1 April 2023 (date application submitted to the licensing authority), which would see all vehicles installed with CCTV by 1 April 2024)
 - (iii) Agree to add to the Policy: "Where a fault of the CCTV system is identified that this must be reported to the Licensing Authority within 24 hours, and if the fault is not rectified within 5 working days, the vehicle will be suspended until the CCTV equipment is fully operational."

5. With regards to the vehicle age limits and emissions standards, the Licensing Committee revise the Policy so as to state:
- (i) Until 1 December 2023, a new licence will be **granted** for a vehicle if it is at least Euro 6 compliant or zero or ultra-low emission.
 - (ii) Until 1 December 2023, a licence will be renewed only if it is at least Euro 5 emission standards.
 - (iii) From 1 December 2023, a licence will only be granted if it is at least Euro 6 compliant or zero or ultra-low emissions category.
 - (iv) From 1 December 2023 a licence will only be renewed if it is Euro 6 compliant, or zero or ultra-low emissions category.
 - (v) By no later than 1 December 2028, **all** licensed private hire and hackney carriage vehicles must be zero or ultra-low emission. This is to coincide with the restrictions for Cambridge City Centre access for Ultra-Low and Zero Emission licensed vehicles only

This aspect will be kept under review and may be modified by the Authority at a prior date.

6. In addition, where any further minor amendments to the policy and/or driver handbook are required or statutory changes make amendments necessary, then such changes can be implemented by the Head of Head of Climate, Environment and Waste following consultation with the Chair of the Licensing Committee and Lead Cabinet Member for Environmental Services and Licensing.

Reasons for Recommendations

7. Officers have considered data relating to incidents within licensed hackney carriage and private hire vehicles, based upon reported incidents to the Licensing Authority, and to crime/incident reports force-wide received from Cambridgeshire Police, and consider that there is adequate justification to mandate the installation of CCTV in licensed vehicles.
8. However, **none** of the reported crimes or incidents related to executive hire exempted vehicles. In addition, due to the nature of contract hire, executive drivers are much less likely to transport vulnerable persons and do not generally work in the night-time economy, as such this part of the sector is deemed a lower risk. For those reasons, requiring executive hire proprietors to install CCTV is **not** proportionate or suitably evidenced. The summary data is attached as Appendix A. Legal Services have confirmed they are in agreement with this assessment.
9. As of 22 September 2022, there are 968 licensed vehicles, of which 104 are executive hire/exempt.

10. There are identified companies which have expressed an interest in the installation of CCTV. The installation costs have been estimated at between £75 to £100 for a single camera system, and £100-£180 for a two-camera system, with units costing around £320 for a single camera unit with one panic button, to around £400- £500 for a two-camera unit with two panic buttons.
11. One company have advised that they estimate an installation could take up to one day to complete and can provide 6 installers. Another company are intending to use local installers, and it is anticipated that once trained, they could install CCTV in up to 4 vehicles per day, so with 2 installers, this could potentially install 40 units per week. Another provider has advised that they can provide a Cambridge based installation service and could install a two-camera system within two hours. In addition, car entertainment system installers have been contacted, and have confirmed they should be able to install any approved CCTV system. In light of this, there should be suitable provision of installers over a phased approach.
12. The considered pragmatic approach is the phase in the requirements, to enable effective installation (and administration) of the new regime.
13. Cambridge City Council have been closely working with this Authority on both the policy and CCTV specification and its Licensing Committee are expected to agree an implementation date of 1 April 2023. Both Authorities agreeing the same timeline, is seen as a pragmatic approach and supports the wish of Members to have policies aligned insofar as possible.

Details

14. In November 2019, after considerable consultation, the Licensing Committee determined that all licensed hackney carriage and private hire vehicles would be required to be fitted with CCTV by no later than March 2021.
15. However, at the Licensing Committee meeting on 7 September 2021, as a result of the pandemic, it was agreed it was agreed that the CCTV would be implemented by no later than 1 March 2023, with precise wording to be agreed upon at a later date.
16. Members were advised that in July 2020 the Department for Transport Statutory Taxi & Private Hire Vehicle Standards were published and stated that "Imposition of a blanket policy to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and **will therefore require an appropriately strong justification** and must be kept under regular review. Members had not previously been presented with sufficient evidence to continue to mandate that CCTV but had agreed that the imposition of the requirement was appropriate.
17. On 29 November 2021, the Licensing Committee met again to consider age limit and vehicle emission standards, the final agreement of the Cabinet Member for Environmental Services and Licensing was:
 - (i) Until 1 December 2023, a new licence will be **granted** for a vehicle if it is; Euro 6 compliant and less than 4 years old, or zero or ultra-low emission.

- (ii) A licence will be **renewed** only if it is at least Euro 5 emission standards, subject to provision of a satisfactory MOT Test Certificate and Certificate of Compliance.
 - Provisionally, **from 1 December 2023**, a licence will be renewed only if it is Euro 6 compliant, or zero or ultra-low emissions category.

18. In the summer of 2022, there was a consultation of the Best Practice Guidance - **Taxi and Private Hire Licensing. The document** suggests that the setting of an arbitrary age limit may be inappropriate and 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 five-year-old used electric vehicle will produce less emissions than a new Euro 6 diesel or petrol fuel 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 but should consider more targeted requirements to meet its policy objectives on emissions, safety rating and increasing wheelchair accessible provision where this is low.

19. Since the new Policy was implemented, two applications were refused a licence as they were over 4 years of age, and the decision appealed to the Licensing sub-Committee who determined the licences should be approved. Whilst this decision does not form a precedent, members should consider if the age limit remains necessary and appropriate.

20. On 26 September 2022, a Licensing Workshop took place, where Members agreed in principle revisions to the Policy. The summary of the Workshop agreements is attached as Appendix A.

21. The Committee may recommend to the Cabinet Lead the amendments to the Policy.

Options

22. The Committee may agree one of the following options;

- (i) Recommend that the Lead Cabinet Member for Environmental Services and Licensing approves the Policy revisions.
- (ii) Recommend that the Lead Cabinet Member rejects the Policy revisions.
- (iii) Recommend that the Lead Cabinet Member approves the revisions with amendments.

23. In addition, the Committee is asked to agree the following;

- (i) Where any further minor amendments to the policy and/or driver handbook are required or statutory changes make amendments

necessary, then such changes can be implemented by the Head of Head of Climate, Environment and Waste following consultation with the Chair of the Licensing Committee and Lead Cabinet Member for Environmental Services and Licensing.

Implications

24. In the writing of this report, taking into account financial, legal, staffing, risk, equality and diversity, climate change, and any other key issues, the following implications have been considered: -

Financial

25. The Finance Officer considers that the financial implications should be negligible.

Legal

26. There is no legal requirement for a policy, however it is best practice. This is different from the Licensing Act 2003 and the Gambling Act 2005 where a written policy is a legal requirement.

Staffing

27. None for the purposes of this report.

Risks/Opportunities

28. None related to this report.

Background Papers

Report to the 7 September 2021 Licensing Committee
Existing Hackney Carriage and Private Hire Policy (February 2022)
Department for Transport Statutory Taxi & Private Hire Vehicle Standards

Appendices

Appendix A: Summary Data relating to incidents.
Appendix B: Licensing Workshop Summary

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