



**REPORT TO:** Licensing Committee

11 November 2019

**LEAD CABINET MEMBER:** Lead Cabinet Member for Environmental Services & Licensing

**LEAD OFFICER:** Director of Housing, Health & Environmental Services

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## **Hackney Carriage and Private Hire Licensing Policy and Conditions**

### **Executive Summary**

1. Licensing Committee is requested to approve a new Taxi Licensing Policy for Hackney Carriage and Private Hire vehicles, drivers, proprietor's (vehicles) and operators following a public consultation.

### **Key Decision - yes**

2. This is a key decision because it is significant in terms of its effects on communities throughout the district where taxi services are an integral part of the transport needs for rural areas.
3. The key decision was first published in the October 2019 Forward Plan.

### **Recommendations**

4. That Licensing Committee recommend to Full Council to approve and adopt the revised policy at Appendix A from 1<sup>st</sup> January 2020.

### **Reasons for Recommendations**

5. In order to adopt any changes of policy or conditions there is a requirement to consider the views submitted from any consultation of those who may be affected either directly or indirectly from the changes proposed.
6. This is a brand-new policy, updated to address the Council's Business Plan 2019-2024 and to increase protection of the public, improve air quality and support small local businesses. There are significant changes to the layout of the policy, and it is recommended that the policy is viewed as a completely new document.
7. The policy has been reviewed and updated to ensure complete legal compliance.

## Details

8. The Local Government (Miscellaneous Provisions) Act 1976 Part II and the Town Police Clauses Act 1847 creates a statutory duty for Local Authorities to licence Private Hire and Hackney Carriage vehicles, drivers and operators. In carrying out this function the Licensing Authority has a duty to ensure that public safety is paramount whether it is to prevent direct danger to the passenger from the driver of the vehicle or danger to the passenger and other members of society from the vehicle itself.
9. Under current legislation the Licensing Authority has the powers to introduce policies and conditions that it considers reasonably necessary to provide a service that is accessible and safe and promotes the safety of the travelling public. Too restrictive an approach can work against the public interest and could have safety implications by encouraging illegal operations or forcing the trade to licence elsewhere where conditions are less onerous, thereby losing regulatory control over drivers and vehicles working in our area. The provision of a service to the public should be accessible and safe.
10. The consultation on the draft policy took place between 8<sup>th</sup> July to 23<sup>rd</sup> September 2019 via consultation document on the website and sent out to key stakeholders. Additionally, a successful and very well-attended public and trade consultation event was undertaken in the Council Chamber on the 29<sup>th</sup> and 30<sup>th</sup> July 2019 with in excess of 150 people visiting over both days. In total 54 consultation responses were received from individuals, businesses, Councillors, Cambridge City Council and trade associations on behalf of drivers and operators.
11. A wide range of views have been submitted with a number of suggestions to be considered for any final policy. All consultations responses are attached as Appendix B. A summary of all the responses collated into the relevant section are attached as Appendix C
12. A Licensing Committee workshop was held to consider the comments made at the consultation, taking on board the views of the trade, officers and members. The policy at Appendix A reflects the consultation responses and member workshop views.
13. All proposed changes to the policy are set out in Appendix C along with a summary of consultation comments. Issues of particular note and consideration by Licensing Committee include:
  - CCTV in vehicles
  - Private Hire Vehicle Plate Exemption
  - Introduction of ultra-low and zero emission vehicles for all new vehicle licences from 2021
  - Introduction of ultra-low and zero emission vehicles for all renewed vehicle licences from 2028
  - Vehicle Age policy

## **CCTV**

14. There continues to be a number of concerns relating to CCTV with a strong resistance to its installation in plate exempt vehicles (chauffeur work) and also in relation to the cost being a barrier to entry. Officers have looked in to the overall cost of purchase and have come to an indicative price that meets the ICO (Information Commissioner Office) regulations at around £350 to £600.
15. Licensing Committee has previously considered these issues as part of the adoption of the 2018 policy, further consultation with the trade has taken place as part of this process. The policy at Appendix A proposes to implement the requirement for all vehicles (including plate exempt) to install CCTV to provide a consistent approach to safeguarding. Operators and drivers of plate exempt vehicles delivering executive and chauffeur style business models are resisting installation of CCTV on the grounds of protecting the privacy of pre-booked contract-based clients.
16. Members are asked to consider and agree a way forward on this matter.

## **Plate Exemption Policy**

17. Particular responses made around plate exempt executive vehicles that from time undertake localised “normal” Private Hire work highlighting that whilst chauffeur style work is the primary focus, there is still an occasional local need, particularly in rural areas where the transport network is reduced, to serve local people in a normal PH style which subject to approval has been reflected in the policy.
18. The 2018 policy provides for plate exemption for vehicles engaged ‘primarily’ in executive/chauffeur-based work. This enables plate exempt vehicles to undertake occasional non-plate-exempt private hire work. As a result, applications for plate exempt vehicles has noticeably increased due to the ambiguity of this policy wording. The new policy at Appendix A replace the word ‘primarily’ with the word ‘solely’ to clarify the grounds on which vehicles can be plate exempt. However, this has the effect of preventing plate exempt vehicles from being used for occasional ‘typical’ private hire work. Small operators and drivers are concerned that this means that they will lose money and be unable to provide occasional services to local residents which may keep their business trading.
19. Possible solutions for this include operators having pre-signed contracts in place for regular but occasional local customers or maintaining at least one non-exempt vehicle.

## **Introduction of ultra-low & zero emission vehicles for all new vehicle licences from 2021**

20. As part of the SCDC Business Plan ‘Green to the Core’ commitments, the new policy introduces a requirement for all new vehicles to be ultra-low or zero emission with effect from 1<sup>st</sup> October 2021. This will have a significant impact on improving air quality across the district and Cambridge City.
21. Everyone recognises the contribution this policy change will make to improving the health of residents and children. Additionally, this policy change aligns South Cambridgeshire and Cambridge City providing consistency of approach for local businesses across the boundary.

22. However, concerns were raised that this policy is being introduced too quickly and that there are not enough charging points in South Cambridgeshire, there is only limited availability of expensive ultra-low or zero emission vehicle that are unsuitable for use as taxis due to their relatively low mileage range.
23. For information Cambridge City Council has already introduced this policy but from April 2020. Cambridge City recently consulted on changing this date to April 2021 but members have decided against this.

#### **Introduction of ultra-low & zero emission vehicles for all renewed vehicle licences from 2028**

24. Similarly, as part of the SCDC Business Plan 'Green to the Core' commitments, the new policy introduces a requirement for all renewed vehicles to be ultra-low or zero emission with effect from 1<sup>st</sup> October 2028. This will allow current licence holders adequate time to plan for this change. Again, this will have a significant impact on improving air quality across the district and Cambridge City.

#### **Vehicle Age Policy**

25. The vehicle age policy has been amended to encourage use of ultra-low and zero emission vehicles.
26. The policy introduces an upper age limit of 7 years for the renewal of all other vehicles licences. There have been many consultation comments requesting an extension to this age limit to allow current compliant vehicles to be fully utilised.
27. It is proposed to increase this age limit from 7 years to 9 years. This will assist with current hire purchase agreements entered into by current proprietors and enable them to complete these agreements.

#### **Appeals against Officer Decisions**

28. The previous policy included provision for appeals against officer decisions to be heard by a Licensing Sub-committee. This is not a legal requirement but has been an extra step introduced by South Cambridgeshire District Council, with associated extra costs of officer and committee time. The new policy proposes to remove this route of appeal to licensing Sub-Committee and adopt the formal legal appeal route via Magistrates Court. This will reduce costs to the Council and speculative appeals against officer decisions.

## **Considerations**

29. In recommending the proposed draft policy and conditions, consideration has been given to the views of those that responded to the consultation, Department of Transport Best practise on Taxi & Private hire vehicle licensing, Local Government Association guidance, Institute of Licensing model convictions policy as well as policies currently in force with neighbouring authorities and the need to promote public safety. In addition, the policy has been reviewed by a leading legal expert on taxi licensing law.

30. The adoption of a comprehensive policy alongside more specific conditions will allow the authority to maintain high standards throughout the trade and will set expectations of conduct both to existing licence holders and prospective license holders. The overarching aim of any policy or conditions is to ensure that protection of the travelling public is paramount in any decisions taken by this authority
31. In preparing any policy, consideration must be given to the risks and benefits of adopting a policy that is too onerous to encourage take up by new applicants and existing trade.

#### Benefits

A strict policy and conditions will contribute to those people applying for and holding a licence with South Cambridgeshire District Council meeting stringent standards that will help contribute to a higher professional standard and safety of the travelling public.

#### Risk

A licensing policy and conditions that are too onerous may encourage the trade to go elsewhere where conditions are lower to obtain a licence and return to work in the South Cambridgeshire district. In such cases this authority would have no powers to enforce or regulate such activities.

Setting entry standards that are disproportionate or too onerous may lead to persons deliberately operating illegally due to the difficulty and cost of being licensed against the risk of being caught and the possible fines imposed by any court.

## **Options**

32. Members may agree one of the following options
  - Agree the proposed policy as recommended
  - Reject the proposed policy.
  - Amend the proposed policy.

## **Implications**

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

#### **Financial**

34. There are no significant financial implications. Taxi licensing remains chargeable on a cost recovery basis.

#### **Legal**

35. Any applicant for a licence or any existing licensee affected by a decision resulting from the introduction of new policies or conditions has a right of appeal to a Licensing sub-committee or a Magistrates Court

### **Staffing**

36. There are no significant implications

### **Risk Management**

37. There is a risk to the implementation of CCTV by the policy date. This is due to continued uncertainty as to the date by which taxi CCTV standards will be implemented by the Information Commissioner's Office. If required Licensing Committee will be asked to review the implementation date.

### **Equality and Diversity**

38. An equalities impact assessment will be completed before the policy is considered for decision by Full Council.

### **Climate Change**

39. Promotion of environmentally friendly vehicles will contribute to the reduction of harmful gasses in the atmosphere.

### **Consultation responses**

40. All existing licence holders were consulted seeking their written views and comments on the proposed changes. In addition we also sought views from:-
- (a) Hackney Carriage drivers and proprietors
  - (b) Private Hire drivers and proprietors
  - (c) South Cambridgeshire Private Hire operators  
South Cambridgeshire DC Councillors
  - (d) Parish Councillors
  - (e) Neighbouring authorities
  - (f) General Public

## **Effect on Council Priority Areas**

### **Growing local businesses and economies**

41. This policy supports local businesses in our villages by supporting local garages to undertake Certificate of Compliance tests twice a year on all licensed vehicles.
42. Additionally, the policy requires operators to be based in the district. This encourages local business opportunities.

### **Housing that is truly affordable for everyone to live in**

43. This policy ensures that South Cambridgeshire residents have access to sufficient local transport options in our rural district

## **Being green to our core**

44. This new taxi licensing policy promotes improved air quality and reduces environmental impacts through the introduction of ultra-low and zero emission vehicles.

## **Background Papers**

Local Government (Miscellaneous Provisions) Act 1976  
Town Police Clauses Act 1847  
DFT Taxi & Private Hire Vehicle Licensing – best practise guidance  
Local Government Association Convictions guidance

## **Appendices**

Appendix A: Hackney Carriage and Private Hire Policy  
Appendix B: Consultation Responses  
Appendix C: Hackney Carriage and Private Hire Policy Consultation Feedback Summary

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