



**REPORT TO:** Licensing Committee

10<sup>th</sup> February 2020

**LEAD CABINET MEMBER:** Cllr Bill Handley – Environmental Services & Licensing

**LEAD OFFICER:** Jen Holah – Corporate Licensing Manager, H&ES

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## **Approval of Taxi Licensing Policy**

### **Executive Summary**

1. Licensing Committee is requested to recommend to Full Council the adoption of a new Taxi Licensing Policy for Hackney Carriage and Private Hire vehicles, drivers, proprietors (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> April 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.
11. 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.
12. A wide range of views have been submitted with a number of suggestions to be considered for any final policy. All consultation responses are attached as Appendix B and Appendix C. A summary of all the responses collated into the relevant section are attached as Appendix D.
13. An online petition was received in September 2019 rejecting the policy item on company door signs being mandatory. The petitioner attended the Licensing Committee on the 11<sup>th</sup> November 2019 and Full Council on 28<sup>th</sup> November to present this. A copy of the petition can be seen at Appendix E.
14. On the 27 November 2019 letters from representatives of the trade were received by South Cambridgeshire District Council (see Appendix F). Following legal advice and to enable further open consideration of the issues raised by the trade, it was agreed to go out for further consultation for a further 6 weeks, from the 20<sup>th</sup> December 2019 to the 31<sup>st</sup> January 2020.
15. Across the two consultations, responses were received from individuals, businesses, Councillors, Cambridge City Council and trade associations on behalf of drivers and operators.
16. Licensing Committee workshops were held to consider the comments made after the initial 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.
17. All proposed changes to the policy are set out in Appendix D along with a summary of consultation comments. Issues of particular note for 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
- Appeals against officers' decisions
- Dashcams

### **CCTV**

18. 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 into 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.
19. 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.
20. Members are asked to consider and agree a way forward on this matter.

### **Plate Exemption Policy**

21. 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.
22. 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.
23. 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**

24. 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.
25. 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.
26. 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.
27. 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**

28. 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**

29. The vehicle age policy has been amended to encourage use of ultra-low and zero emission vehicles.
30. The policy introduces an upper age limit of 9 years for the renewal of all vehicle licences. All petrol and diesel vehicles must comply with at least the "Euro 5" emissions standards limiting CO, NOX and particulate matter emissions

### **Appeals against Officer Decisions**

31. 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.

## **Dashcams**

32. Any dashcams installed in the licensed vehicle must be outward-facing only. Internal facing dashcams will not be permitted. It is the sole responsibility of the proprietor of the licensed vehicle to ensure they comply with any general data protection regulations (GDPR) and Information Commissioner Office requirements.

## **Climate & Environment Committee Considerations**

33. Climate & Environment Committee considered the proposed environment and emissions-related policy changes at its meeting on 19<sup>th</sup> November 2019. The committee recommended that:
- (a) The petrol and diesel vehicle age on renewal be kept at 9 years but that additionally, all petrol and diesel vehicles must comply with at least the “Euro 5” emissions standards limiting CO, NOX and particulate matter emissions, introduced in September 2011.
  - (b) The 2021 and 2028 deadlines for the introduction of ultra-low and zero-emission vehicles be agreed by Council
  - (c) That in addition to the vehicle age criteria, that clear standards are included in the Policy for the reduction of CO<sub>2</sub>, CO, NOX and Particulate Matter.
  - (d) Cabinet should consider increasing investment in the provision of dedicated electric vehicle charging points for use by drivers and vehicles across the district to support the uptake of ultra-low emission and zero emission vehicles.
  - (e) Council should balance the need to be ambitious in our environmental standards with the provision of sufficient high-quality vehicles to meet the huge accessibility and rural transport needs of South Cambridgeshire district.
  - (f) To keep up with changing standards and technical developments, that the detailed emissions limits be stated not in the Policy document, but in the accompanying “Hackney Carriage and Private Hire Handbook”. This will enable any detailed national standards to be updated via the Handbook and without the need for a full consultation and review of the Policy.

## **Considerations**

34. 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.
35. 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.

36. 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 & 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**

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

## **Implications**

38. 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**

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

#### **Legal**

40. 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**

41. There are no significant implications

#### **Risk Management**

42. 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**

43. Concerns have been raised by the trade over the possible low availability of wheelchair accessible vehicles that meet the ULEV and zero-emissions standards required from October 2021. This may have a negative impact on residents and customers who use a wheelchair. A Wheel Chair Demand Survey will be undertaken by June 2021 and the results taken to Licensing Committee to review the impact of the proposed policy on wheelchair users and make recommendations as to any Policy changes required, if any.

## **Climate Change**

44. Promotion of environmentally friendly vehicles will contribute to the reduction of harmful gasses in the atmosphere. Full comments from Climate & Environment Committee are included at para 33 above.

## **Consultation responses**

45. 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**

46. 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.

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

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

### **Being Green to our Core**

48. 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

## **Appendixes**

Appendix A: Hackney Carriage and Private Hire Policy  
Appendix B: Consultation Responses December 2019  
Appendix C: Consultation Responses January 2020  
Appendix D: Hackney Carriage and Private Hire Policy Consultation Feedback Summary  
Appendix E: Online petition  
Appendix F: Trade Representatives letters 27.11.19

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