

Report to:	Licensing Committee 7 September 2021
Lead Cabinet Member:	Cllr Brian Milnes
Lead Officer:	Rachel Jackson Principal Licensing Officer

Hackney Carriage and Private Hire Policy – Review

Executive Summary

1. That the Committee agree to recommend to Council the revision of the Hackney Carriage and Private Hire Licensing Policy.

Key Decision

2. No

Recommendations

3. Licensing Committee consider the proposed amendments to the Policy, taking into account any representations received and make recommendations to the Cabinet Lead.
4. It is recommended that where any further minor amendments to the policy are required or statutory changes make amendments necessary, then such Policy changes can be made and 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.
5. The proposed amendments are attached as a table as Annexe A.
6. The response to the proposed amendments from Panther Taxis is attached as Annexe B1 and B2.

Reasons for Recommendations

7. Due to the pandemic which resulted in a huge financial impact for the private hire and hackney carriage trade, concerns from the trade and a need to support the trade, it was felt appropriate to propose amendments to the Policy including a slippage of timescales for mandating ultra-low and zero emission vehicles.
8. In addition, another key area is the proposed review of mandating CCTV in all licensed vehicles. Whilst mandatory CCTV for all vehicles was supported by this

Committee in November 2019, to be in place the following year, there has been little progress between the Council and City of Cambridge to agree or approve CCTV specifications, principally due to staff resources and the pandemic. It should be noted that since this was approved in the Policy, the Department for Transport Statutory Taxi & Private Hire Vehicle Standards published in July 2020, state 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.” Whilst there is merit to requiring CCTV, Officers consider that there is not currently sufficient evidence to continue to mandate that CCTV must be installed in all vehicles.

9. All proposed amendments are supported by a rationale within the table at Appendix A.

Details

10. Consultation with the trade, Parish Councils, Cambridgeshire Police, neighbouring Authorities and via the Council’s website commenced from 8 July and closed on 2 August 2021.
11. Responses to the proposals were received from:
12. **Parish Councils** – Orwell Parish and Swavesey Parish Councils had no comment to make on the proposals.
13. **Licensed Chauffeur Operators** – had no comments on the Policy aside from a shared opinion that CCTV should be treated differently between chauffeur driven vehicles and private hire, namely, that it would be inappropriate to require CCTV in chauffeured vehicles due to client confidentiality and wishes.
14. **Private Hire Operators** – one response, from Panther, one of the District’s largest private hire operators is generally supportive of the proposals, and have provided a detailed response and rationale, which is attached as Appendices B1 and 2.
15. The Committee may approve or amend the changes to the Policy, but full Council is required to adopt the Policy.

Options

16. 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 Policy with amendments.

17. In addition, the Committee is asked to agree one of the following options;

- (i) Where any further minor amendments to the policy are required or statutory changes make amendments necessary, then such Policy 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.
- (ii) Any further minor amendments to the policy are required or statutory changes make amendments necessary, then such Policy changes must be referred to the Licensing Committee.

Implications

18. 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

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

Legal

20. 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.

21. Rights of appeal are granted to all applicants and licensees who are aggrieved by any licensing decisions.

Staffing

22. None for the purposes of this report.

Risks/Opportunities

23. With an extension to deadlines which were published within the Policy previously, there could be some reputational risk, and slight impact on the Council's green agenda. The risks are likely to be medium to low impact. Amending the Policy would support the trade post pandemic, with the positive impact far outweighing any potential reputational damage. Additional lead in times for ultra-low and zero emission vehicles would allow for wider installation of charging points within the District.

Background Papers

Existing Policy

Department for Transport Statutory Taxi & Private Hire Vehicle Standards

Appendices

Appendix A: Table of proposed changes to the existing Policy.

Appendix B1 and B2: Response to the consultation.

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