

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

14 DECEMBER 2017

**REPORT OF ASSISTANT
DIRECTOR ADMINISTRATION,
DEMOCRATIC AND ELECTORAL
SERVICES**

CABINET DECISION/COUNCIL DECISION

Access, Communities and Community Safety – Lead Cabinet Member Councillor Steve Nelson

PRIVATE HIRE & HACKNEY CARRIAGE LICENSING POLICY CONSULTATION

1. Summary

For Members to consider the views and comments received from the Licensing Committee, trade and other interested parties following consultation on the Private Hire and Hackney Carriage Licensing Policy.

2. Recommendations

That Cabinet are asked to recommend to Council to approve:

1. The Introduction of an Age Restriction Policy for vehicles (No older than 5 years from the date of first registration for new vehicles and an maximum age limit of 12 years for vehicles already licensed) from 01 January 2020.
2. The implementation of the Disclosure and Barring Update Service from 01 June 2018.
3. The introduction of an Age Restriction Policy for wheelchair accessible vehicles (WAVs) (No older than 5 years from the date of first registration for new vehicles and an maximum age limit of 15 years for vehicles already licensed) from 01 January 2020.
4. The amendment of the approval of advertisements for vehicles from 01 June 2018.
5. That we do not adopt the requirement to have vehicle roof identification numbers on licensed vehicles.

3. Reasons for the Recommendation(s)/Decision(s)

The introduction of the revised Hackney Carriage and Private Hire Licensing Policy following this review will improve public safety, protect reputable traders and assist in ensuring that licensing application and disciplinary decision are made in an open and transparent matter.

4. Members' Interests

Members (including co-opted Members) should consider whether they have a personal interest in any item, as defined in **paragraphs 9 and 11** of the Council's code of conduct and, if so, declare the existence and nature of that interest in accordance with and/or taking account of **paragraphs 12 - 17** of the code.

Where a Member regards him/herself as having a personal interest, as described in **paragraph 16** of the code, in any business of the Council he/she must then, **in accordance with paragraph 18** of the code, consider whether that interest is one which a member of the public,

with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest and the business:-

- affects the members financial position or the financial position of a person or body described in **paragraph 17** of the code, or
- relates to the determining of any approval, consent, licence, permission or registration in relation to the member or any person or body described in **paragraph 17** of the code.

A Member with a personal interest, as described in **paragraph 18** of the code, may attend the meeting but must not take part in the consideration and voting upon the relevant item of business. However, a member with such an interest may make representations, answer questions or give evidence relating to that business before the business is considered or voted on, provided the public are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise (**paragraph 19** of the code)

Members may participate in any discussion and vote on a matter in which they have an interest, as described in **paragraph 18** of the code, where that interest relates to functions of the Council detailed in **paragraph 20** of the code.

Disclosable Pecuniary Interests

It is a criminal offence for a member to participate in any discussion or vote on a matter in which he/she has a disclosable pecuniary interest (and where an appropriate dispensation has not been granted) **paragraph 21** of the code.

Members are required to comply with any procedural rule adopted by the Council which requires a member to leave the meeting room whilst the meeting is discussing a matter in which that member has a disclosable pecuniary interest (**paragraph 22** of the code)

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ADMINISTRATION, DEMOCRATIC AND
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CABINET DECISION/COUNCIL DECISION

PRIVATE HIRE & HACKNEY CARRIAGE LICENSING POLICY CONSULTATION

SUMMARY

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RECOMMENDATIONS

That Cabinet are asked to recommend to Council to approve:

1. The Introduction of an Age Restriction Policy for vehicles (No older than 5 years from the date of first registration for new vehicles and an maximum age limit of 12 years for vehicles already licensed) from 01 January 2020.
2. The implementation of the Disclosure and Barring Update Service from 01 June 2018.
3. The introduction of an Age Restriction Policy for wheelchair accessible vehicles (WAVs) (No older than 5 years from the date of first registration for new vehicles and an maximum age limit of 15 years for vehicles already licensed) from 01 January 2020.
4. The amendment of the approval of advertisements for vehicles from 01 June 2018.
5. That we do not adopt the requirement to have vehicle roof identification numbers on licensed vehicles.

DETAIL

1. Further to the Licensing Committee meeting in December 2016 at which this Committee agreed for Licensing Officers to consult with the taxi trade on the proposed amendments to the Private Hire and Hackney Carriage Policy; the consultation has taken place and copy of the consultation is attached at Appendix 1.
2. A number of members of the trade responded to the online survey and written response from licensing consultants / private hire operators were also received.
3. The taxi trade meeting on Thursday 20 July 2017 provided a further opportunity for Officers to engage with approximately 170 members of the trade attending. The main areas of discussion were around the proposal to change the vehicles standards from a Euro Emission Standard to an Age Related Policy in relation to new vehicles coming on to the fleet and when they have to be removed from the fleet.
4. ***Consultation Question - AGE RESTRICTION AND EUROPEAN STANDARDS.*** *In order to raise the standards of vehicle licensed, it is therefore recommended we adopt an age related policy and new vehicles coming onto the fleet are no older than 3 years old from the date of first registration and have a maximum age limit of 8 years from the date of first registration.*

Two of the larger private Hire Operators agreed to this proposed change to policy. Whilst the smaller companies expressed concerns with the amount of resource that they would require to move their fleet to within the proposed age parameters.

5. During the trade meeting members of the trade suggested delaying the policy changes to allow economic upturn from developments such as the Globe and the Hampton by Hilton Hotel. The trade also requested changes to the vehicle age range for example new applications no older than 5 years and renewals allowed up until 12 years. Incentives to license newer vehicles were suggested, including different testing and inspection regimes based on age of vehicle.
6. It is therefore recommended that these changes are implemented for all new and renewal applications from 1 January 2020 and the age limits are revised to 5 years (vehicles not being older than 5 years from the date of first registration when the application is submitted) for new vehicles and maximum age limit of 12 years from the date of first registration for vehicles already licensed.
7. **Consultation Question - DISCLOSURE AND BARRING SERVICE CHECKS (DBS)**
It is a requirement that all applicants undertake a DBS check with the Council at the time of first application and every 3 years thereafter. In order to protect and safeguard the public, the Council is proposing to implement the DBS update service which new applicants and drivers would have to subscribe to, which will allow officers carry out online status checks annually.
8. The majority of respondents to the consultation agreed with this proposed amendment.
9. It is therefore recommend that these changes come into force in June 2018.
10. **Consultation Question – ACCESSIBILITY/WHEELCHAIR ACCESSIBLE VEHICLES (WAVs)**
It is recommended to introduce an age related policy for WAV's, and it is suggested that new vehicles are no older than 5 years old at the date of initial application and a maximum vehicle age limit of 12 years old before being removed from the fleet. This requirement would take effect at the renewal of the licence in 2019.
11. The majority of respondents did not agree with the proposed amendment to introduce an age related policy in this format again for reasons relating to the resources required to change their fleet.
12. During the trade meeting a suggestion was noted that the upper age limit of WAV's to should be increased to 15 years, given the initial expenditure required to purchase this type of vehicle.
13. It is therefore recommended that these changes are implemented for all new and renewal applications from 1 January 2020 and the age limits are revised to 5 years (vehicles not being older than 5 years from the date of first registration when the application is submitted) for new vehicles and maximum age limit of 15 years from the date of first registration for vehicles already licensed.
14. **Consultation Question - ADVERTISEMENTS, SIGNS, NOTICES, ETC.**
It is recommended to allow all Companies / Operators to submit one application form to approve their livery and contact detail adverts for all vehicles. Should companies / operator wish to use additional adverts then a separate application form to approval additional adverts will be required.
15. A number of respondents did not agree with the proposed changes, however during the trade meeting comments made about this proposal suggested that the trade did not understand the current policy of notifying of each advertisement on each vehicle, and the proposed changes would make this process less onerous for proprietors and operators.

16. When this proposed change was explained fully during the trade meeting there was a general consensus of agreement for this proposed change.
17. It is therefore recommended that these changes come into force in June 2018.
18. **Consultation Question - Vehicle Roof Identification Numbers**
In order to help prevent and detect crime for both the licensed trade and members of the public the Council is proposing the introduction of vehicle roof identification stickers for all licensed vehicles.
19. Vehicle Roof Identification numbers or Aerial roof markings are symbols, letters or numbers on the roof of selected vehicles such as emergency services, cash in transit vans, buses and boats to enable aircraft and/or CCTV to identify them. These markings can be used to identify a specific vehicle, vehicle type or agency.
20. The majority of respondents did not agree with this proposed change to transport policy as they did not feel it was proportionate and reflective of the crimes it would detect.
21. In addition comments received during the taxi trade meeting questioned the effectiveness of such roof stickers, and asked for further information to be provided by Cleveland Police on the effectiveness. Cleveland Police were only able to provide one case in Middlesbrough in which vehicle roof identification numbers were used to help trace a vehicle and resulted in the conviction of violent offender.
22. Therefore as the Police are unable to provide evidence to substantiate such a change in policy it is recommended that we do not adopt the vehicle roof identification numbers.

COMMUNITY IMPACT IMPLICATIONS

No implications

FINANCIAL IMPLICATIONS

None

LEGAL IMPLICATIONS

The Authority is required by law to review its Statement of Licensing Policy every five years. The Policy will assist in ensuring that licensing applications and disciplinary decisions are made in an open and transparent matter. This will strengthen the Council's position when dealing with any licensing appeals. Any person aggrieved by the requirements of the Policy has a legal right of challenge by way of Judicial Review.

RISK ASSESSMENT

This matter is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

COUNCIL PLAN POLICY PRINCIPLES AND PRIORITIES

The areas of activity covered in this report will positively support the community safety priorities detailed in the Council Plan for Licensing Services.

CORPORATE PARENTING IMPLICATIONS

None

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Education related?

No

Background Papers

None

Ward(s) and Ward Councillors

Not specific to Wards

Property

Not applicable

PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING POLICY REVIEW

The Licensing Service is considering amending the Private Hire and Hackney Carriage Licensing Policy, and wishes to seek the views of the Trade on the proposed changes to the policy set out below:

AGE RESTRICTION AND EUROPEAN EMISSION STANDARDS

In the interests of improving vehicle quality and by default air quality, any application for a **NEW** hackney carriage or private hire vehicle licence will only be granted if the vehicle meets the maximum age requirement of 3 years old at initial application.

The renewal of an **EXISTING** hackney carriage or private hire vehicle licence will only be granted if the vehicle does not exceed the maximum of 8 years old for those vehicles due for renewal in 2019 and beyond.

Vehicles that are due for renewal between January 2017 and December 2018 will not be relicensed if they exceed the 10 years age limit. (e.g. Euro III and Euro IV vehicles) this reflects current policy. This brings us in to line with neighbouring authorities.

Do you agree with the above policy change? Yes/No

Comments

DISCLOSURE AND BARRING SERVICE CHECKS (DBS)

To support safeguarding a criminal record check on a driver is an important safety measure. It is a requirement that all applicants undertake a DBS check with the Council at the time of first application and every 3 years thereafter. In order to protect and safeguard the public, the Council is proposing to implement the DBS update service which new applicants and drivers would have to subscribe to, which will allow officers carry out online status checks annually.

Do you agree with the above policy change? Yes/No

Comments

ACCESSIBILITY – WHEELCHAIR ACCESSIBLE VEHICLES (WAVs)

In line with the proposal to move all other forms of licensed vehicles to an age related policy, it is recommended to introduce an age related policy for WAV's. It is proposed that new licences for vehicles will only be granted where the vehicle is no older than 5 years old at the date of initial application and a maximum vehicle age limit of 12 years old before being removed from the fleet. This requirement would take effect at the renewal of the licence in 2019.

The age limit recommended recognises the higher initial cost to purchase a WAV and therefore the need to operate it longer to recover costs. The age limits also serve to promote and encourage WAV's on to the licensed fleet and is favourable compared to neighbouring authorities.

Do you agree with the above policy change? Yes/No

Comments

The Council needs to ensure that the number of WAV's in the fleet does not reduce. Therefore, it is proposed that all WAV's which are currently licensed can only be replaced with a like for like vehicle e.g. a wheelchair accessible vehicle which complies with current policy.

Do you agree with the above policy change? Yes/No

Comments

ADVERTISEMENTS, SIGNS, NOTICES, ETC.

The Council is proposing to amend the Policy which will require all companies/operators to submit ONE application to approve their livery and contact detail adverts for all vehicles. If companies/operators wish to use additional adverts, they will be required to complete a further application for approval.

Do you agree with the above policy change? Yes/No

Comments

VEHICLE ROOF IDENTIFICATION NUMBERS

In order help prevent and detect crime for both the licensed trade and members of the public the Council is proposing the introduction of vehicle roof identification stickers for all licensed vehicles.

Do you agree with the above policy change? Yes/No

Comments
