

Policy Review Background Information

During the Coronavirus pandemic the licensing service supported the trade with financial and business difficulties they were experiencing at this time:

- a temporary extension to the age limit policy of one year for vehicles reaching the end upper age policy
- the option for drivers to pay for driver licences and vehicles in instalments
- Licence breaks for drivers and vehicles which were not carrying work
- Access to Government funding to purchase PPE and protective screens in vehicles
- One years supported funding of all drivers, vehicle, and operator licences in the financial year 2021-2022 to support the lifting of restrictions

Request have been made by the transport trade to review the current hackney carriage and private hire licensing policy post pandemic.

Legislation and Policy Considerations

Hackney carriage vehicles (Taxis) are available for immediate hire, can be hailed in the street ('ply for hire') can wait on ranks, can be booked direct and can work through a private hire operator (if the driver has a combined licence). Taxis in Stockton must be black in colour, have a roof sign and have a meter installed. Taxis have 2 types of licences, a vehicle licence (issued to the owner of the taxi) and a driver licence, both licences must be held by the same local authority.

Private hire vehicles (PHVs) must be pre-booked through an operator, cannot use taxi ranks and cannot ply for hire. PHVs in stockton can be any colour except black and cannot have roof signs. PHVs have 3 types of licences, a vehicle licence, a driver licence, and an operator licence all three licences must be held by the same local authority.

Combined drivers can drive both private hire and hackney carriage vehicles, the vehicle they are in dictates the type of work carried out.

The legislation covering this activity is outdated with modern transport licensing, and can be found at:

www.legislation.gov.uk/ukpga/1976/57/contents

www.legislation.gov.uk/ukpga/Vict/10-11/89/contents

A full copy of the current transport policy which can be found at:

www.stockton.gov.uk/article/1514/Introduction

In July 2020 the Department for Transport (Dft) produced statutory guidance which focused on driver standards and which the DfT expected all LAs to consider and adopt. SBC adopted these standards in the most recent review and implemented in January 2021. A copy of the standards can be found at:

[Statutory taxi and private hire vehicle standards - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/864822/Statutory_taxi_and_private_hire_vehicle_standards_-_GOV.UK_(www.gov.uk).pdf)

Recently the DfT consulted on another set of standards, focussing on vehicles, the result of which and subsequent guidance is expected early 2023, a further review of policy will be required after this, however there are several issues which need addressing before this date to maintain the current SBC licenced fleet.

The Deregulation Act 2015

Taxi legislation allows each local authority to set the standards it requires of its drivers, vehicles, and operators by imposing local policies and conditions. Therefore, standards can and do vary considerably across England depending on the local needs of each authority.

Traditionally it has been usual practice for private hire companies to obtain licences for vehicles, drivers from the local authority where they are based and where they intend to carry out the majority of their work.

However recent case law has reaffirmed the principle that a licensed hackney carriage may carry out pre-booked work anywhere in England and Wales. Furthermore, the Deregulation Act 2015 has enabled private hire operators, vehicle proprietors and drivers to obtain licences from other local authorities without ever intending to work in that local authority's area.

Private hire operators sub-contract bookings to operators licensed in other districts effectively allowing the use of private hire vehicles in any location under certain circumstances and has resulted in a situation where there are many vehicles and drivers in the borough over which SBC have no policy requirements or enforcement powers.

The standards, conditions and policy requirements set by other local authorities are different to SBC and this has resulted in the trade obtaining licences from local authorities such as Wolverhampton City Council whilst operating exclusively in the Borough and surrounding areas.

This issue is concerning many local authorities across the country with Wolverhampton City Council licensed private hire vehicles and drivers operating in many of the major towns and cities in England.

Background

There are 260,700 licensed drivers in England by 276 licensing authorities. In each case, it is a legal responsibility of licensing authorities to decide whether a person is fit and proper, safe and suitable to hold a taxi or private hire licence. Once licensed local authorities monitor the activity of their licensees and will suspend or revoke licences when they have legislative, safeguarding or road safety concerns.

SBC Taxi and Private Hire Figures by Year

SBC Licensed Vehicles				
Year (March)	Taxis	Private Hire Vehicles (PHVs)	Wheelchair Accessible Vehicles	Total Fleet
2018-19	264	421	18	703
2019-20	259	385	19	663
2020-21	257	333	16	606
2021-22	257	341	18	616
Current	257	339	16	612

SBC Licensed Drivers				
Year (March)	Hackney Carriage Drives	Private Hire Drivers	Combined Drivers	Total Driver Licensed Issued
2018-19	50	458	352	860
2019-20	46	388	350	784
2020-21	46	348	343	737
2021-22	35	339	371	745
Current	34	318	380	732

Since 2018 the SBC fleet has decreased by 91 vehicles and 128 drivers. The DfT have just released their annual statistics which can be found at: www.gov.uk/government/collections/taxi-statistics

In summary statistics on taxi and private hire vehicles (PHV) in England show at end March 2022:

- 260,700 licensed taxis and PHVs, an increase of 3.8% since 2021
- 78% of all licensed vehicles were PHVs
- 55% of licensed taxis were wheelchair accessible
- all taxis in London were wheelchair accessible
- 2% of PHVs were wheelchair accessible
- there were 330,300 driver licences, a decrease of 3.4% since 2021
- 65% of licences were PHV only licences
- 12% were taxi only licences
- 22% were dual licences

The statistics will have been impacted to some extent by the national restrictions implemented from March 2020 onwards in response to the coronavirus (COVID-19) pandemic.

Wolverhampton City Council have the highest number of licensed vehicles per 1,000 population, with 49.5, while several rural areas had less than 1 licensed taxi per 1,000 people. Differences between local authorities can reflect factors such as licensing policies as well as levels of provision. For example, it is possible that vehicles can be licensed in one authority while operating primarily elsewhere.

- Wolverhampton City Council licence 13,100 vehicles, 231 operators, 19,560 drivers. Current population 262,242
- Stockton licence 612 vehicles, 24 operators, 732 drivers. Current population 200,000

Interim Policy Review Proposals

It is vital to review policies to reflect changes in the industry both nationally and locally. The effectiveness of the hackney carriage and private hire licensing regime depends on licensing authorities to acknowledge and manage such changes to ensure that, alongside the benefits being achieved, any negatives are minimised for passengers, the trade, and wider communities. The trade have made a number of requests to amend the current policy.

Age / Emissions Standards for Wheelchair Accessible Vehicles

There are currently 16 WAVs (approx. 2.3%) licensed with SBC. The previous and current policy has not encouraged an increase in these numbers and numbers are falling.

Make Model	Registration Date	Terminal Date	Test 1	Test 2	Test 3
Citroen Dispatch	07/11/2006	07/11/2022	10/09/20 Pass	17/09/21 Pass	23/03/22 Pass
Peugeot Expert	20/05/2008	20/05/2023	25/11/20 Pass	25/05/20 Pass	24/11/21 Pass
Fiat Scudo	07/06/2008	07/06/2023	08/06/21 Pass	05/01/22 Pass	06/01/22 Pass
Peugeot Expert	13/10/2008	13/10/2023	10/05/22 Pass	FTA	25/08/21 Pass
Peugeot Euro 7	18/02/2009	18/02/2024	12/08/21 Pass	19/08/21 Pass	18/02/22 Pass
Peugeot Expert	05/10/2009	05/10/2024	27/10/21 Pass	20/04/22 Fail	22/04/22 Pass
Peugeot Partner	15/04/2011	15/04/2026	29/04/21 Pass	29/10/21 Pass	22/04/22 Pass
Peugeot Expert	09/02/2012	09/02/2027	18/02/21 Pass	23/08/21 Pass	21/02/22 Pass
Peugeot Partner	16/05/2012	16/05/2027	21/09/21 Pass	28/03/22 Fail	30/03/22 Pass
VW Caddy	28/05/2012	28/05/2027	17/03/21 Pass	13/09/21 Pass	30/03/22 Pass
Peugeot Premier	19/06/2012	19/06/2027	19/04/21 Fail	20/04/21 Pass	21/04/22 Pass
Peugeot Euro 7	23/05/2013	23/05/2028	11/12/20 Pass	24/06/21 Pass	03/12/21 Pass
Citroen Berlingo	07/10/2015	07/10/2030	28/01/21 Pass	14/07/21 Pass	04/01/22 Pass
Ford Freedom	31/01/2017	31/01/2032	23/06/21 Pass	08/12/21 Pass	01/06/22 Pass
VW Caddy	04/09/2018	04/09/2033	17/02/21 Pass	17/08/21 Pass	22/02/22 Pass

Data on the past three vehicle compliance tests for these WAVs shows high levels of pass results, from this an indication can be made on the level of maintenance the proprietors carry out on these vehicles.

Two requests have been received to review the age policy for wheelchair accessible vehicles (WAVs). The first from Mr Mumtaz who is the proprietor of 5 of the 16 WAVs and the second from the Stockton Hackney Carriage Association. The requests detail the current market for second hand vehicles, along with the increased investment a proprietor must make to purchase a WAV.

In addition to this licensing are currently working with Adults Services on a scrutiny review of day opportunities for adults. Work is currently ongoing assessing the need for accessible licensed vehicles in this sector, but also on how the number could be increased.

The Dft encourage licensing authorities to not impose age limits for the licensing of vehicles but should consider more targeted requirements to meet its policy objectives such as increasing wheelchair accessible provision where this is low.

Rather than restrict vehicles on fleet it is proposed to incentivise WAVs by removing the upper and lower age policy, instead focusing on vehicle safety and compliance test passes, mitigating additional costs faced by the trade where a wider social benefit is provided.

Removing the age limit will ensure that the existing financial realities of purchasing and running WAVs do not discourage proprietors from licensing such vehicles to the detriment of wheelchair users. Without this change there is a very real risk that the already low number of WAVs would be reduced further as time goes on.

Removing the age policy for Wheelchair accessible vehicles would not affect public safety, which is the primary concern of the licensing regime, as vehicles would still be subject to rigorous biannual compliance inspections.

Age / Emissions Standards for Hybrid / Electric Vehicles

There are currently 22 electric / hybrid vehicles (approx.3.5%) licensed with SBC.

Make/Model	Registration Date	Age Policy Terminal Date
Toyota Prius	16/03/2010	16/03/2022
Toyota Prius	31/03/2010	31/03/2022
Toyota Prius	13/11/2010	13/11/2022
Toyota Prius	03/12/2010	03/12/2022
Toyota Prius	15/06/2012	15/06/2024
Toyota Auris	18/12/2013	18/12/2025
Toyota Prius	30/01/2014	30/01/2026
Toyota Auris	14/05/2016	14/05/2028
Toyota Auris	27/06/2016	27/06/2028
Toyota Auris	30/11/2016	30/11/2028
Toyota Auris	22/03/2017	22/03/2029
Toyota Auris	06/02/2018	06/02/2030
Hyundai Ioniq	03/04/2018	03/04/2030
Toyota Auris	04/06/2018	04/06/2030
Toyota Prius	16/07/2018	16/07/2030
Toyota Corolla	29/04/2019	29/04/2031
Toyota Prius	29/10/2019	29/10/2031
Toyota Corolla	11/12/2019	11/12/2031
Toyota Corolla	04/03/2020	04/03/2032
Toyota Prius	30/09/2020	30/09/2032
Toyota Prius	30/09/2020	30/09/2032
Toyota Corolla	01/09/2021	01/09/2033

Over the past 12 months individual proprietors of hybrid vehicles have asked the Council to depart from policy to allow these vehicles to stay on fleet passed the 12 year age policy, due to the increased costs of these vehicles and their positive impact on the environment. The trade claim replacing these hybrid vehicles with petrol / diesel vehicles which are cheaper to buy second hand than hybrids would have a detrimental impact on environmental policy.

The requests have been considered as part of the delegated decision process and have been agreed in conjunction with the Chair of the Licensing Committee. Exceptional circumstances

being that to remove these vehicles from fleet and replace them with cheaper petrol / diesel vehicles would have a detrimental effect on the environmental sustainability plan.

The Dft encourage licensing authorities to not impose age limits for the licensing of vehicles but should consider more targeted requirements to meet its policy objectives such as increasing hybrid / electric provision where this is low.

Removing the age policy for these vehicles will retain the existing fleet and encourage further investment from the trade in hybrid / electric vehicles.

Removing the age policy for hybrid / electric vehicles would not affect public safety, which is the primary concern of the licensing regime, as vehicles would still be subject to rigorous biannual compliance inspections.

Age / Emissions Standards for Standard Vehicles

There has been a vehicle age policy in place since 2018. The current policy allows vehicles to be first licensed up to 5 years of age and allow them to remain licensed up to 12 years of age, 15 years for wheelchair accessible vehicles.

In relation to the safety of vehicles, a stringent vehicle compliance test is carried out annually for vehicles less than 3 years old and every 6 months for vehicles over 3 years of age, alongside an annual MOT by the Council's Cowpen Depot.

By way of comparison, Wolverhampton City Council have no upper age limit and allow vehicles onto fleet 11yrs 6 months, and instead use annual MOT passes as a decision to renew or not and do not have a 6 month compliance check, another cited extra cost to the trade.

As a result Wolverhampton City Council City Council's licensed vehicle proprietors can purchase and licence older, less expensive vehicles for licensing and are able to run their vehicles for longer before having to find a replacement vehicle.

Consequently, they have a significant advantage over SBC licensed vehicle proprietors evidenced by an increasing number of private hire vehicles licensed by Wolverhampton City Council City Council operating within the Borough.

Stockton Council have suffered a loss of 91 vehicles since 2018, increasing numbers of the trade are quoting the current vehicle age policy as the reason vehicles are not renewed. It is proposed the age policy is removed and replaced by an Emissions policy which can be made more stringent over time.

European emission standards define the acceptable limits for exhaust emissions of new vehicles sold. In relation to all motor cars with up to 8 passenger seats (and light goods vehicles which form the basis for many vehicle conversions), the standards are as follows:

- Euro I technology – became mandatory for new passenger cars from 1993 (light goods vehicles 1994)
- Euro II technology – became mandatory for new passenger cars from 1997 (light goods vehicles 1998)
- Euro III technology – became mandatory for new passenger cars from 2001 (light goods vehicles 2002)
- Euro IV technology – became mandatory for new passenger cars in January 2006
- Euro V technology – became mandatory for new passenger cars in September 2010
- Euro VI technology – became mandatory for new passenger cars in September 2015

The Dft encourages licensing authorities to ensure the ongoing safety of vehicles by vehicle testing adding that setting an arbitrary age limit may be inappropriate and counterproductive

and result in higher costs to the trade and ultimately passengers. Setting a maximum age for first licensing may have adverse unintended consequences. 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.

Removing the age policy for vehicles and replacing it with an emissions policy would not affect public safety which is the primary concern of the licensing regime, as vehicles would still be subject to rigorous biannual compliance inspections.

Accident Damaged Replacement Vehicles

Over the past 12 months several requests to depart from policy have been received from drivers involved in vehicle accidents. These vehicles were written off by insurance companies as category A,B,C or S.

Under current policy requirements these vehicles are revoked and should be replaced with a vehicle shall be no older than five years from the date of first registration.

The proprietors involved in these accidents asked to depart from policy for several reasons including insurance pay-outs not covering the cost of newer vehicles due to the second-hand car market.

The requests have been considered as part of the delegated decision process and have been agreed in conjunction with the Chair of the Licensing Committee. Exceptional circumstances being these accidents are out of the drivers control, the accidents are sudden with no time to plan financially for replacement newer vehicles.

A policy that allows accident damaged vehicles to be replaced like for like would not affect public safety which is the primary concern of the licensing regime, as vehicles would still be subject to rigorous application and biannual compliance inspections. It would remove the administrative burden on the Licensing Service in considering these accidents on a case by case basis.

Manufactures Fitted Tinted Windows

The Road Vehicles (Construction & Use) Regulations 1986, for all vehicles driven in the UK requires that the windows on the vehicle allow at least 75% of light through the front windscreen and 70% of light through the front side windows. The legislation on window tints does not apply to the rear windscreen or rear passenger windows.

www.gov.uk/tinted-vehicle-window-rules

www.legislation.gov.uk/ukxi/1986/1078/contents/made

In recent years most vehicle manufacturers have started to introduce privacy glass and 'weather glass' in the rear passenger windows as standard. Some of these vehicles in particular VW and Skoda higher quality vehicles are currently failing the Cowpen tint test.

This is a manual test carried out with a handheld machine, as a result vehicle proprietors have had to invest several hundreds, and in some cases thousands of pounds, to replace glass in vehicles in some cases invalidating the warranty on their vehicle. In some instances vehicle proprietors have chosen not to replace glass and have instead chosen to licence these vehicles with Wolverhampton City Council who do not have a window tint policy. These vehicles, once licensed with Wolverhampton City Council continue to operate in the Borough

Recently the tint test failures have been challenged by the vehicle manufactures who claim the tests are wrong and the vehicles 'weather technology' glass does meet policy. Following this a decision was made by the Chair of Licensing Committee that if the manufacturer can produce documented evidence the windows meet policy the vehicle can be licensed. This is placing an administrative burden on the Licensing Service, the trade and the manufactures.

The Dft encourages licensing authorities to be mindful of the large costs and inconvenience associated with changing glass and questions local authorities prohibition of tinted windows to address concerns that illegal activity is taking place in a vehicle, asking for evidence for this to be established. When licensing vehicles, authorities should be mindful of this as well as the significant costs and inconvenience associated with changing glass that conforms with the requirements of vehicle construction regulations. In the absence of any evidence to show that a requirement for the removal of factory fitted windows is necessary and proportionate, licensing authorities should not require their removal as part of vehicle specifications. However, authorities should carefully consider the views of the public and the trade when considering the acceptance of 'after-market' tinting.

Removing the current tinted window requirements and instead using the vehicle construction regulations would not affect public safety which is the primary concern of the licensing regime there are other adequate measures in place to protect the public, such as rigorous vetting and safeguarding training for drivers.