

**AGENDA ITEM**

**REPORT TO COUNCIL**

**20 NOVEMBER 2019**

**REPORT OF CORPORATE  
MANAGEMENT TEAM**

**PRIVATE HIRE & HACKNEY CARRIAGE LICENSING POLICY CONSULTATION**

**SUMMARY**

The licensed transport trade have requested changes to the current Private Hire and Hackney Carriage Policy. Council are asked to consider the proposed changes to the current policy which could bring licensed driver and vehicle requirements and specifications in line with the neighbouring Tees Valley Licensing Authorities.

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

**RECOMMENDATIONS**

Recommended to Council that the revised policy wording as detailed at Appendix 2 be agreed.

**DETAIL**

1. At the Taxi Trade meeting in June 2019 private hire operators in attendance requested formal consideration of proposed amendments to the Private Hire and Hackney Carriage Policy. In addition a request was received from the chairman of the Stockton Hackney Carriage Driver Association (SHCDA) for an amendment to policy.
2. A 28 day period of consultation was undertaken giving all stakeholders opportunity to comment of the proposed changes. The electronic consultation survey was sent to all licensees via the Trade Times. In addition the link was emailed to private hire operators, SHCDA, other local authorities and the police. The consultation has now closed and details of the responses are attached at Appendix 1.
3. The current policy wording and suggested amendments are attached at Appendix 2.
4. ***New Applicant DVLA licence requirement***  
The trade have requested that the current policy is amended for new applicants to have held a full driving licence for 12 months rather than the current policy requirement of three years. The trade have commented this higher requirement is making it increasingly difficult to recruit new drivers, and in light of issues raised regarding cross border applications with other authorities there is a need for an equitable approach across the Tees Valley.
5. Council should note that it is a legal requirement under section 51 of The Local Government Miscellaneous Act 1976 for new applicants to have held a full DVLA licence for 12 months only before a licence is granted. The current three year requirement was introduced by this

authority at the 2016 transport policy review and was based on LGA guidance that had just been released.

6. The other Tees Valley Authorities did not adopt the LGA guidance on this matter and therefore only require the applicant to have held a licence for 12 months. A Tees Valley policy comparison table on the DVLA licence requirement of new applicants is attached as Appendix 3.
7. Council should note all new applicants have to complete and pass the Tees Valley Taxi Driving Assessment before a licence is granted, which is a written and practical advanced driving assessment.
8. Council should note there has been a reduction in the number of new driver application received by the authority, the table below shows data of new applications received.

SBC new driver applications received		SBC total licensed drivers numbers from service plan at end of year	
16/17	104	16/17	874
17/18	80	17/18	860
18/19	62	18/19	837
Apr – 16.09.19	11	Sep 2019	803

9. A recent Freedom of Information request confirms the numbers of private hire operator (5), vehicle (125) and driver (243) applications with a TS postcode lodged with Wolverhampton City Council.
10. Wolverhampton's requirements are less stringent than this authority for example new applicants require a full DVLA licence held for 12 months before grant. Also Wolverhampton licensed vehicles complete an annual MOT only for vehicles under 10 years old, as opposed to this authority which requires an annual MOT plus biannual vehicle compliance tests.
11. The response to the consultation from the trade was highly in favour of this policy change.
12. The licensing committee were also in favour of this policy change.
13. In light of the above Council are requested to agree that Stockton reduces the DVLA licence requirement for new applicants from three years to one.

#### **14. Vehicle Specification**

Currently this authority will not licence any category of insurance write off vehicles. The trade have requested the current policy is amended to licence these vehicles, which can be licensed with other neighbouring and wider local authorities.

15. Due to the Deregulation Act 2015 Stockton licensed Private Hire Operators can subcontract work to other operators, vehicles and drivers licensed with other authorities. These vehicles and drivers are currently operating within the Borough, but are out of the control of this authority.
16. For the purposes of clarity an insurance write-off means a vehicle that has either sustained a level of damage that deems it unsafe to go back on the road, or it remains safe to drive but is beyond economical repair. The insurance write off categories are:

Cat A - Scrap only. For vehicle so badly damaged they should be crushed and even salvageable parts must be destroyed

Cat B - Body shell should be crushed. Signifies extensive damage, although some parts are salvageable.

Cat S (was C) - The vehicle has suffered structural damage. This could include a bent or twisted chassis, or a crumple zone that has collapsed in a crash and the vehicle will need to be professionally repaired, it won't be safe to drive until repairs have been completed.

Cat N (was D) - Vehicles have not sustained structural damage to the frame or chassis, the issue may have been cosmetic, however it is not economical to repair. Examples may include lights, infotainment, electrics or even heated seats.

A Tees Valley policy comparison table on vehicle specification is attached as Appendix 4.

17. The response to the consultation from the trade was highly in favour of this policy change.

18. The licensing committee were also in favour in favour of this policy change.

19. In light of the above Council are requested to agree that insurance write off category D / N non-structural damaged vehicles can be licenced.

#### **20. Tinted Windows Specification**

The trade have requested the current specification on tinted windows is amended to reflect factory fitted tints which come as standard in most modern vehicles. Currently this authority require light transmission of 75% in the vehicle windscreen and 70% in all other windows.

21. A Tees Valley policy comparison table on tinted windows in vehicles is attached as Appendix 5.

22. Regarding the use of industry standard window tints in licensed vehicles, Cleveland Police confirmed that this was a subject they considered when Middlesbrough Council were amending their transport policy. At that time Cleveland police were unable to provide any examples of safeguarding issues which had occurred as a result of the use of vehicles fitted with industry standard tinted windows.

23. Officers have also liaised with the Inspector in charge of the VEMT (Vulnerable, exploited Missing Trafficked) department and likewise we are unable to evidence any incidents where the use of taxis fitted with such tints has been an issue.

24. The response to the consultation from the trade was highly in favour of this policy change.

25. The licensing committee were also in favour of this policy change.

26. In light of the above Council are requested to agree to relax the tinted window vehicle specification in line with factory fitted tinted glass in modern vehicles.

27. Cabinet will consider the matter at its meeting to be held on 14 November 2019 and a copy of the relevant minute extract will be circulated to Members. Following approval any changes agreed would come in to immediate effect.

28. The trade will be informed of decisions via emails to private hire operators and the SHCDA, via the trade Facebook page and via the website. In addition the requests and decisions will be added to the agenda at the next trade meeting on 5 December 2019.

#### **COMMUNITY IMPACT IMPLICATIONS**

No implications

#### **CORPORATE PARENTING IMPLICATIONS**

No implications

#### **FINANCIAL IMPLICATIONS**

None

### **LEGAL IMPLICATIONS**

There are no direct legal implications arising from this report.

### **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.

### **WARDS AFFECTED AND CONSULTATION WITH WARD/COUNCILLORS**

Not specific to Wards

### **BACKGROUND PAPERS**

None

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