

AGENDA ITEM

REPORT TO CABINET

12 OCTOBER 2023

**REPORT OF CORPORATE
MANAGEMENT TEAM**

CABINET / COUNCIL DECISION

Access, Communities and Community Safety – Lead Cabinet Member Councillor Norma Stephenson

PRIVATE HIRE & HACKNEY CARRIAGE LICENSING POLICY INTERIM REVIEW

SUMMARY

For Cabinet to consider the views and comments received from the General Licensing Committee, transport trade and other interested parties following consultation on the Private Hire and Hackney Carriage Licensing Policy and to make recommendations to Council.

REASONS FOR RECOMMENDATION(S)/DECISION(S)

In November 2022 the transport policy was reviewed at the request of the transport trade, due to changes in the industry both locally and nationally. The trade have now requested one of these changes is reversed and a 21 day public consultation was undertaken giving stakeholders opportunity to comment.

RECOMMENDATIONS

It is recommended that Cabinet

1. Note the content of this report.
2. Recommend to Council that the proposed change to the Private Hire and Hackney Carriage Licensing Policy is approved with an implementation date of 1 December 2023.

DETAIL

1. The current private hire & hackney carriage licensing policy was approved in 2022 following a full public consultation. A copy of the current policy document can be found at: www.stockton.gov.uk/article/1514/Introduction
2. In November 2022 following requests from the trade the transport policy was reviewed. The changes were approved and the requirements on new hackney carriage vehicle specification was relaxed. Since this policy change the hackney carriage vehicle fleet has increased by 35 vehicles, hackney carriage wheelchair accessible vehicles (WAVs) have increased by 2.
3. The licensed trade made a request for the policy to be reviewed again and for this policy change to be reversed. A 21 day public consultation was undertaken giving stakeholders opportunity to comment.

4. The public consultation survey was available online and links were directly sent to all licensees, members and interested parties.
5. There were 105 responses to the consultation. In summary the proposed policy wording was supported:

	Agree with proposed wording – 69%	Disagree proposed wording 15%	Neither agree or disagree – 15%
Combined driver	44	7	5
Hackney carriage driver	13	3	2
Private hire driver	7	2	6

6. The proposed policy wording is below and would mean any applications for new hackney carriage vehicles would need to be wheelchair accessible, existing hackney carriage vehicles would still be able to be replaced like for like.

<p>Current Wording</p> <p>Wheelchair Accessible Vehicles (WAV) WAV's that are currently licensed may be replaced with a like for like vehicle e.g. another WAV that complies with current policy.</p> <p>Departure from policy in exceptional circumstances e.g. medical grounds will be considered on a case by case basis.</p> <p>The hackney carriage and private hire trade will continue to be encouraged to licence a proportion of their fleet as Wheelchair Accessible Vehicles.</p>
<p>Proposed Wording</p> <p>All new applications for hackney carriage vehicle licences are required to be wheelchair accessible vehicles.</p> <p>Hackney carriage vehicles which are currently licensed may be replaced with a like for like vehicle e.g.</p> <ul style="list-style-type: none"> • WAVs maybe replaced with another WAV which complies with current Policy. • Saloons (5 seats) may be replaced with another Saloon which complies with current Policy • MPVs (more than 5 seats) may be replaced with another MPV which complies with current Policy <p>The private hire trade will continue to be encouraged to licence a proportion of their fleet as Wheelchair Accessible Vehicles.</p>

7. The Licensing Service continue to explore ways to increase the WAV fleet, this is a national issue, these vehicles cost more to purchase, run and maintain and drivers cannot charge more for WAV journeys under disability legislation.
8. A full review of the policy is expected later this year or early next year, after the publication of the Department for Transport's Best Practice Guidance document, which was consulted on in 2022 and was expected in Spring 2023.
9. This matter was considered by the General Licensing Committee on 8 August 2023 the committee recommended the proposed changes are considered by Cabinet and Council.

10. Summary of the consultation will be considered by Cabinet on 12 October 2023 and full Council on 22 November 2023. Following approval any changes agreed would come in to effect on 1 December 2023.
11. If revised, the trade will be informed of the new policy via email and via private hire operators and the SHCDA. Changes will also be publicised on the trade Facebook page and via the Council website. In addition the policy changes will be added to future trade meeting agendas.

COMMUNITY IMPACT IMPLICATIONS

Control and regulation of the private hire and hackney carriage trade ensures the safety of the public and other road users. This proposal will enhance public safety objectives of the licensing regime.

FINANCIAL IMPLICATIONS

Trade licensing fees are set locally and are not affected by this proposal.

LEGAL IMPLICATIONS

If a person is aggrieved with the adoption of the Private Hire and Hackney Carriage Licensing Policy then they could challenge it by Judicial Review proceedings before the Administrative Court. A claimant must file a claim promptly, and in any event not later than three months after the grounds to make the claim first arose. The implementation and operation of the Private Hire & Hackney Carriage Licensing Policy will be done in accordance with the legislation and associated guidance.

RISK ASSESSMENT

The risks associated with the Private Hire & Hackney Carriage Licensing Policy are mitigated by the administration and enforcement provisions of legislation and associated guidance.

COUNCIL PLAN POLICY PRINCIPLES AND PRIORITIES

The administration and enforcement provisions within the legislation and associated guidance assist officers in dealing with public safety and can lead to the revocation of a licence.

CORPORATE PARENTING IMPLICATIONS

None.

CONSULTATION INCLUDING WARD/COUNCILLORS

The Cabinet Member for Access, Communities and Community Safety has been consulted, along with Members, Responsible Authorities, the trade, and the public.

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Education related? No

Background Papers

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

Ward(s) and Ward Councillors:

Not applicable – does not relate directly to specific wards.

Property

Not applicable.