

Waverley Borough Council
LICENSING AND REGULATORY COMMITTEE

23 MARCH 2020

Title:

HACKNEY CARRIAGE AND PRIVATE HIRE POLICY REVIEW

Portfolio Holder: Cllr Nick Palmer, Portfolio Holder for Operational & Enforcement

Head of Service: Richard Homewood
Head of Environmental & Regulatory Services

Key decision: No
Access: Public

1.0 Purpose and Summary:

1.1 The purpose of this report is to enable the Sub-Committee to consider comments following the consultation on the review of Waverley Borough Council's Taxi and Private Hire Licensing policy with a view to amending them if appropriate. It is intended that the Policy will provide clarity for licensed vehicle owners, drivers, operators and the public as to how Waverley will undertake its licensing functions. The policy will also seek to assist the licensing Authority in making decisions.

2.0 Introduction

2.1. Waverley's current Hackney Carriage/Private Hire Licensing Policy was initially adopted in July 2010 and the current version has been in effect since 1 March 2018. Officers have conducted a further review of a number of existing conditions which they felt required update/clarification. It was also felt appropriate to incorporate some recommendations from the Department of Transport on the report of the Task and Finish Group on Taxi and Private Hire Vehicle Licensing, given the outdated legislation and the new challenges facing the taxi industry.

The draft guidance introduces four broad objectives :-

1. *To ensure the safety and welfare of the public which is the overriding objective;*
2. *Encourage environmental sustainability;*

3. *Ensure an efficient and effective hackney carriage and private hire provision; and*
4. *Monitor and improve standards of service in the trade.*

Key changes within the policy

- a. DBS Update service - requirement for licencees to sign up and maintain subscription;
- b. Joint Warranting – reciprocal enforcement powers with other licensing authorities;
- c. Tinting – reduction in light transmission requirement from 70% to 22%, allowing darker tinted windows;
- d. Age Policy – introduction of an age policy for vehicles;
- e. Ultra Low Emissions Vehicles
- f. Private Hire Operators requirement for staff to have DBS
- g. Door Signs for Vehicles introduced;
- h. No written off vehicles to be accepted for licensing
- i. No second hand tyres or tyres over 10 years old

How we consulted

2.2 Draft proposals were approved for consultation on 13 January 2020 by the Licensing And Regulatory Committee. Having been initially considered by the Licensing and Regulatory Committee, the policy, with amendments, was sent out for consultation.

2.3. Hackney Carriage & Private Hire Policy – Public Consultation

The consultation has been by a written process to all Hackney Carriage and Private Hire licensees, a public notice at all the taxi ranks within Waverley, notice placed on Waverley's website and available for inspection at Council offices, and inclusion on the agenda of the taxi liaison meeting on 12th February 2020. The consultation period closed on 2 March 2020.

2.4 Consultation timetable

- Initial report to Licensing & Regulatory Committee – 13 January 2020
- Letter /e-mail notification to all HC/PH licencees – 20 January 2020
- Placed notice at all taxi ranks; – 21/22 January 2020
- Place consultation information on Council website – 20 January 2020
- Inspection copies at Council Offices – 20 January 2020
- Consultation period ends 02 March 2020 (6 weeks)
- Licensing and Regulatory Committee – 23 March 2020
- Press release taken up by Farnham & Haslemere Herald newspapers

Who responded?

2.5 There have been 28 written responses received in relation to the consultation. A brief summary of each is set out below with Officer comment on whether the amendments proposed - full details are attached at Annexe 1.

Key findings

	Comment Made	Officer Comment
1	Vehicle Age Policy – A bit harsh- suggest going to the old age policy of upto 4 years old when new and up to 10 years old.	
2	<ul style="list-style-type: none"> • Tinting – allow factory fitted tints • Written off vehicles – allow non structural damage 	
3	<ul style="list-style-type: none"> • Too many taxi drivers in Farnham – limit number of drivers by not issuing H/C licences only PH. • Only licence people in that live in Borough • Vehicles too old – limit the age a vehicle can be. 	
4	Door Signs – Can exemption be given	Officers propose that exemption may be able to be given in line with plate exemption on a case by case basis following request for Private Hire Vehicles ONLY
5	Tinting – allow for chauffeur vehicles ect	Proposal in policy to reduce the requirement of light transmission from 70% to 22% already. Exemption already available for chauffeur type businesses.
6	<p>Why change age policy, vehicles already managed by testing at Guildford</p> <p>Two dates quoted for ULEV's – suggest all vehicles to be ULEV by 01/01/2030</p>	<p>Drop in vehicle standards, public safety re new vehicles and climate emergency action</p> <p>Dates quoted;</p> <p>01 Jan 2023 for all new vehicles to be ULEV</p> <p>And all vehicles ULEV by 01/01/2030</p>
6A	<ul style="list-style-type: none"> • Age policy- strongly disagree • Consider enforcing a totally green policy by 2030 	
7	Ban 're-treads' as well as 10 year old tyre.	Possibly already covered by no second hand tyres proposal however additional wording would make it clear.
8	Age policy – Purchased 2014 vehicle in 2019 (5 year finance plan) which will need replacing by Jan 2023 in accordance with new policy- will still be paying for it but wont be able to use it.	
8a	Futher to previous comment at 8.	

	Propose 3 years when new upto 10 years old.	
9	<ul style="list-style-type: none"> Age Policy – objection to proposed amendment ULEV's – Waverley does not have the infrastructure 	ULEV does not mean all electric, many petrol / Diesel and hybrid cars meet the ULEV standard
10.	Less than 2 years old when 1 st licensed and no more than 8 years old	
11	Age Policy- Under 3 years when first licensed would make it too expensive to buy prestige luxury vehicles. Recommend 3 and a half or 4 years when first licensed,	
12.	Applaud the date of ULEV introduction but concerned re limited charging points	ULEV does not mean all electric, many petrol / Diesel and hybrid cars meet the ULEV standard
13	<p>Age Policy – objection – currently has ULEV vehicle that is 5 years old- Under 3 years old too expensive</p> <p>To many drivers in Farnham</p> <p>Written off vehicle proposal not clear</p> <p>Tinted windows- propose if fitted by manufacture is ok</p>	No written off vehicles of any category
14	Leave age policy as is but set a date for all vehicles to be electric by 2030.	
14A	<p>Further to previous comment at 14</p> <p>Grandfather rights for all current registered taxis and new age limits to come in for new vehicles. Personal opinion that working life of a taxi (withstanding its previous history) is about 3 years so will naturally demise.</p>	
14B	Further to previous comment at 14 and 14 a	
15	Age Policy – objection re cost and too many drivers to make ends meet. ULEV too expensive	
16.	<p>Age Policy- objection</p> <p>Propose 4 years when new to 8 years old</p>	
17.	Happy with new policy	
18.	<p>Age Policy – Fully support age policy but would bring in 7 years old sooner for existing vehicles as too many old vehicles</p> <p>ULEV- Excellent idea</p> <p>Other items raised, see response for full details</p>	
19	Age Policy – New vehicles 5 years old and allowed to be licensed for 7 years of use.	
20.	<p>Age Policy – reintroduction welcomed</p> <p>Door Signage for both HC and PHV vehicles so as to enable easier identification</p> <p>Other items raised, see response for full details</p>	

21.	Window tint- delighted at new proposal	
22.	Age Policy – Opposition to proposals but if must change have no age policy but vehicles to be ULEV Engine Size – remove requirement regarding engine size Window tinting – raised question of how can drivers check tinting	
23	Legislation requiring Community transport providers to obtain Operators Licence Waverley officers to establish hackney carriage main area of operation.	Legislation issues would need to be taken to relevant Gov Dept. All Waverley licensed H/C vehicles are able to ply for hire in Waverley Borough.
24	Age Policy – welcomed Lower emission vehicles welcomed Reduced fee for operators of low emmissions vehicles before cut off date.	Currently revieing fees with this in mind.
25.	Sent on behalf of 5 licensees Age Policy – Objection, leave policy as it is Door signage – Objection, no need for change, current plates satisfactory General cooments re costs - see response for full details	
26.	Suggestion that officers should licence a vehicle etc and put thenselves in the shoes of licensees - - see response for full	
27.	Age Policy – Objection, against proposal but if some age policy is introduced it should be phased in. Propose from 1 Sept 2020 new vehicles under 5 years and from 1 Sept 2022 to be under 4 years With max age of 10 years	
28.	Sent on behalf of 38 licensees Age Policy – Objection, Propose new vehicles under 5 years and licensed till 10 years old to come into force in 2023 with the ULEV. Window tinting – Propose Waverley purchase a light meter Request more random spot checks of vehicles.	

3. **Further Officer Proposed Changes to Hackney Carriage/Private Hire Licensing Policy**

A copy of the current Hackney Carriage Policy, with proposed amendments marked in colour, is attached at **Annexe 2**.

Officers have identified a further proposed suggestion that they would like to incorporate into the policy for clarification. The additional amendment (which has not been consulted on) is suggested to add clarity that the 'right to work' check also applies to Private Hire Operators.

With effect from 1 December 2016, the Council as licensing authority has a legal duty to ensure that driver and operator licences are only issued to applicants who have the right to work and hold a licence in the UK.

The law applies to everyone regardless of where individuals were born; how long they have lived in the UK and, of they already hold a driver or operator licence, for how long they have held that licence.

Guidance for licensing authorities to prevent illegal working in the taxi and private hire sector in England and Wales (January 2018) can be found at

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/675533/A_Licensing_Authority_guide_to_right_to_work_checks_-_England_and_Wales.pdf

The proposal is to include the additional wording at page 25 Para 4

“Right to Remain and work in the United Kingdom

Applicants for the Grant of a Licence will be required to produce documentary evidence of a right to remain and work in the UK. If an applicant has an expiry date on their right to work, any licence that may be granted will not be valid past the said expiry date unless further evidence of a right to remain or work is produced. If there is a restriction regarding the number of hours allowed to work then if a licence is granted a condition will be added to reflect said restriction.”

4.0 Conclusion

- 4.1 The Committee is asked to consider the comments made to the Hackney Carriage and Private Hire Licensing Policy and make its recommendations for amending the Policy to the Executive. The Policy is ultimately set by the Council as part of the Policy Framework, on the recommendation of the Executive, and the activity under the Policy is the remit of this Committee and its Licensing Act Sub-Committees.

5.0. Recommendation

- 5.1. It is recommended that the Licensing and Regulatory Committee considers the feedback from the consultation of the draft Hackney Carriage and Private Hire Licensing Policy and agrees it, with or without amendments and make recommendations so that the final revised version of the Hackney Carriage and Private Hire Licensing Policy for Waverley can be approved and be formally adopted by the Council.

6.0 Reason for the recommendation(s)

6.1 A review of the existing Policy is necessary following receipt of a Government report on the findings of the TFG report; the receipt of a number of comments and from licensed operators and drivers and on the basis of a number of Officer observations based on recent experience in administering and enforcing the policy.

7.0. **Relationship to the Corporate Strategy and Service Plan(s)**

7.1 Relevant matters within the Corporate strategy to this report are :-

- a thriving local economy, supporting business and employment;
- sense of responsibility for environment and protecting the planet;
- encouraging small businesses;
- encouraging carbon reduction and promotion of transport; and
- taking action on air quality issues.

Aspects of the report and proposals may be also be relevant to key decisions on the Council's forward programme, specifically in respect of Air Quality and Electric Vehicle Charge strategy.

8.0 **Implications of decision(s)**

8.1 **Resource (Finance, procurement, staffing, IT)**

Provision is made in the Council's budget for the licensing service which is run on a costs recovery basis. However, should members agree to particular condition(s) then there may be the question of who will bear the costs of the changes required. The resource implications would be the cost of the consultation on the policy, the possible advertising of any changes and following adoption.

8.2 **Risk management**

The Taxi and Private Hire Licensing Policy is in place to ensure public safety when using these services and to ensure the appropriate balances and mitigations are in place to minimise risk to public safety whilst enabling businesses to trade effectively, efficiently and legally.

8.3 **Legal**

Waverley is responsible for licensing Hackney Carriage, Private hire and dual drivers, proprietors and operators within the area. primarily through the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 as well as other legislation.

The Hackney Carriage and Private Hire licensing policy applies to all drivers, vehicles and operators and the policy is intended to ensure the trade and the

public have access to a document that fully explains the licensing requirements to all in a clear and transparent manner.

The Committee is asked to note and consider responses received following the consultation and to determine what (if any) changes to be made.

8.4 **Equality, diversity and inclusion**

There are no direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the Council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010.

8.5 **Climate emergency declaration**

The recommended conditions in relation to the age of vehicles and the measures to encourage a change to Ultra Low Emission Vehicles will help contribute toward the Council's target for net zero carbon emissions by 2030

8.6 **Consultation and engagement**

The recommended changes of the Taxi and Private Hire Licensing Policy set out above have been subject to consultation with the Taxi and Private Hire trade and the public before being finalised. The timetable for the consultation is set out in section 2.4 above

8.7 **Other options considered**

Other options considered are commented on throughout the report.

8.8 **Governance journey**

Trade and Public Consultation with final recommendations to Licensing and Regulatory Committee.

Annexes:¹

Annexe 1 - Written responses received in relation to the consultation.

Annexe 2 -A copy of the current Hackney Carriage Policy, with proposed amendments marked in colour

Background Papers

There are / are no background papers, as defined by Section 100D(5) of the Local Government Act 1972).

Background papers are those that are referred to in the report, but are not published and accessible to the public.

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Agreed and signed off by:

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