

Waverley Borough Council
LICENSING AND REGULATORY COMMITTEE

1 MARCH 2021

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 amendment, 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.

2.2 In 2017, the Minister for Transport John Hayes MP announced in the Commons that he was to establish a Task and Finish Group (TFG) to examine taxi and private hire vehicle licensing, with a view to highlighting the current dilemmas faced by licence holders and recommending possible legislative reform. The report was submitted to Government in July 2018. On 12th February 2019, the Department for Transport issued its response to the Task and Finish Group report and in July 2020 The Department for Transport issued The Statutory Taxi & Private Hire Vehicles Standards.

The Government issued these statutory taxi and private hire vehicle standards to licensing authorities, outlining how they should carry out their licensing function.

- 2.3 At the end of 2019, Officers conducted a review of Waverley's Hackney Carriage & Private Hire Policy. There were a number of existing conditions which Officers felt required update/clarification. It was also felt appropriate to incorporate recommendations from the Department for Transport on the report of the Task and Finish Group on Taxi and Private Hire Vehicle Licensing, with a view to providing a safer and more robust licensing system.
- 2.4 On 13 January 2020, the Licensing & Regulatory Committee considered the changes and recommendations to the Waverley Policy and agreed a basis for consultation.
- 2.5 Officers subsequently consulted on the Policy and were due to bring the comments from the consultation to the Licensing & Regulatory Committee on 23 March 2020 for consideration. This was overtaken by circumstances due to the Council's reprioritisation of services connected to the Covid-19 outbreak etc., and with members' agreement, this meeting was postponed.
- 2.6 Since the postponement, the Government has published the Department for Transport's 'Statutory Taxi & Private Hire Vehicle Standards'.

<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

- 2.7 On 9 November 2020, following publication of the Department for Transport's 'Statutory Taxi & Private Hire Vehicle Standards' the Licensing & Regulatory Committee considered the standards and changes/ recommendations to the policy and agreed a basis for consultation. A copy of the minutes are attached at **Annexe 1**.
- 2.8 The Licensing & Regulatory Committee requested/recommended a number of changes/amendments, which were made to the policy and in addition, asked that further consideration be given to;
 - a definition of a warning light' being set out in the policy. This was in reference to the penalty point scheme, page 66 No. 28 – Dashboard Warning light illuminated.
 - further defining the categories within the penalty points scheme (page 66 No 24) – Unsatisfactory condition of vehicle, interior or exterior and (page 67 No 46) – Minor Vehicle defects e.g. blown exhaust, ineffective/broken windscreen wiper washer.

Officers considered both these matters further and felt it would be unduly restrictive to refine them further by way of list as there are numerous possibilities which could feature within each category and a specific list of scenarios may not cover all possibilities and would likely impinge on Officer's

ability to exercise discretion. As matters stand, every incident can be dealt with on a case by case basis and the driver has a right to appeal to the Head of Environmental & Regulatory Services.

3.0. **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, and a notice placed on Waverley's website.

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

3.1 **Consultation timetable;**

- Initial report to Licensing & Regulatory Committee – 09 November 2020
- Email sent to all HC/PH licensees, all Councillors email group, Town & Parish Clerks, Waverley Pubwatch Schemes, Communications Team, Safeguarding, Local Police Inspector and the Campaign for better Transport – 26 November 2020
- Emailed to Chambers of Commerce – 27 November 2020
- Placed notice at all taxi ranks; – 01 December 2020
- Place consultation information on web – 01 December 2020
- Inspection copies at Council Offices – 26 November 2020
- Consultation period end 17 January 2020 (6-7 weeks)
- Licensing and Regulatory Committee – 1 March 2020

3.2 There have been 9 written responses to the consultation, a copy of the body of the responses from this consultation are attached at **Annexe 3**.

3.3 For reasons of openness and fairness, the 28 responses from the earlier consultation that were due to be considered by the Licensing & Regulatory Committee on the 23 March 2020 which was postponed have also been included and are attached at **Annexe 4**

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 outcome of the feedback from the consultation of the draft Hackney Carriage and Private Hire Licensing Policy and agrees it, with or without amendments.

6.0 **Reason for the recommendation(s)**

- 6.1 A review of the existing Policy is necessary following the publication of the Department for Transport's 'Statutory Taxi & Private Hire Vehicle Standard', the receipt of a number of comments from licensed operators and drivers and on the basis of a number of Officer observations based on experience in administering and enforcing the Waverley 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 program, specifically in respect of Air Quality and Electric Vehicle Charge strategy.

There is an action in the Carbon Neutrality Action Plan 2020 -2030 (Active Travel and Air Quality) re taxis/ph vehicles as follows:

Review taxi licensing policy to encourage the use of ultra-low emission vehicles and introduce a maximum age limit for cars. Proposed targets are:

- From 1 January 2023 a new application to licence a taxi must be a ULEV.
- From 1 January 2027 new licences must only include zero emission vehicles

Consultation January – March 2020

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 Statutory Standards are published under s177(1) of the Policing and Crime Act 2017 and set out a framework of policies that licensing authorities must have regard to when exercising functions. The new standards take precedence over all other Department for Transport best practice guidance and are in effect from January 2021, (and update Best Practice Guidance issued in 2010).

The Standards have been set directly to address the safeguarding of the public, and the potential impact of failings in this area, and the Department for Transport expects recommendations to be implemented unless there is a compelling local reason not to.

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 to 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 3.1 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:

Annexe 1 – Minutes from the Licensing & Regulatory Committee 9 November 2020

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

Annexe 3 - 9 written responses to the consultation from 26 November 2020-17 January 2021

Annexe 4 - 28 written responses to the consultation due to be considered by the Licensing & Regulatory Committee on 23 March 2020

Background Papers

There 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:

Legal Services: date

Head of Finance: date

Strategic Director: date

Portfolio Holder: date