

<b>Report To:</b>	<b>LICENSING COMMITTEE</b>	<b>DATE:</b>	<b>22<sup>ND</sup> FEBRUARY 2018</b>
<b>Heading:</b>	<b>HACKNEY CARRIAGE &amp; PRIVATE HIRE LICENSING POLICY:  PROPOSALS TO AMEND THE CONDITIONS ATTACHED TO THE GRANT OF LICENCES FOR DRIVERS, VEHICLES &amp; OPERATORS; AND TO AMEND THE AGE LIMITS APPLICABLE TO LICENSED HACKNEY CARRIAGE &amp; PRIVATE HIRE VEHICLES</b>		
<b>Portfolio Holder:</b>	<b>ENVIRONMENT</b>		
<b>Ward/s:</b>	<b>ALL</b>		
<b>Key Decision:</b>	<b>No</b>		
<b>Subject to Call-In:</b>	<b>No</b>		

### **Purpose of Report**

To seek the modernisation of conditions attached to the grant of licences issued to drivers, proprietors and operators of Hackney Carriage and Private Hire Vehicles in order to promote a professional and customer focused licensed Trade; whilst seeking to reduce the financial costs incurred by those seeking to provide licensed vehicles and considering the long term objective of reducing vehicle pollution across the District.

### **Recommendation(s)**

**The Licensing Committee is recommended to:**

- a) Approve the proposed conditions to be attached to the grant of driver, vehicle and operator licences;**
- b) Approve the revisions to the age limit criteria applicable to Hackney Carriage and Private Hire Vehicles;**
- c) Authorise the Licensing Manager carry out a consultation on the proposals detailed within this report; and**
- d) Authority be delegated to the Chair of the Licensing Committee, in conjunction with the Service Director: Place & Communities, to consider any responses to the consultation, make any relevant changes to the Policy and finalise accordingly.**

## **Reasons for Recommendation(s)**

The report seeks the implementation of conditions to be attached to drivers, vehicles and operators licensed by this Authority, and reflect today's Hackney Carriage and Private Hire Trade.

The report also seeks amendments to the age limits currently adopted in relation to Hackney Carriage and Private Hire vehicles in order to reduce the financial costs faced by local businesses when purchasing vehicles to be used to provide transport services, whilst seeking to also promote a strategy to reduce vehicle pollution.

## **Alternative Options Considered (With Reasons Why Not Adopted)**

None.

## **Detailed Information**

### **Introduction**

The current Hackney Carriage & Private Hire Licensing Policy came into effect on 17<sup>th</sup> October 2016, and was the subject of textual amendments that took effect on 10<sup>th</sup> October 2017.

The primary legislation that is in place that regulates the Hackney Carriage and Private Hire Trade is contained within the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, and the Deregulation Act 2015.

However, whilst the current Policy highlights both the Authority's dedication to safeguarding the public and an expectation that proprietors will maintain their licensed vehicles to a suitable standard, the conditions attached to the grant of Driver, Vehicle and Operator licences appear not to have been reviewed for a considerable time, which in turn has led to a lack of understanding and consistency in the Trade when seeking to adhere to the legal requirements placed upon it, and assist the Trade to work towards the principles of "best practice".

Furthermore, in light of the need to promote a modern and professional local taxi trade that enhances the programme of transformation across the District, and encourages local business to feel confident when investing in the local economy, this report seeks to review the current criteria in relation to the age limit specifications that are in force when licensing Hackney Carriage and Private Hire vehicles.

The proposals contained within this report have already been discussed at a Taxi Trade Meeting held by the Licensing Manager with a number of licence holders, and these proposals were supported by those who attended the meeting.

Any decision by this Committee to approve the proposals contained within this report, will require a public consultation to be undertaken, the results of which will be placed before the Chair and Service Director: Place & Communities for consideration, ahead of any recommendations being made to Council.

The Licensing Manager joined Ashfield District Council in December 2016 having previously worked for a number of other Licensing Authorities, and in that time has sought to modernise the working practices that are carried out locally, and to engage with the various Trades across all of our licensing functions, in order that our policies and working practices best suit the needs of local businesses, promote the needs of the general public, and place Ashfield on the map as a District which is attractive to investors.

When carrying out compliance checks on the Hackney Carriage and Private Hire Trade, and during general discussions with Trade members, the Licensing Manager has found there to be a perceived lack of trust towards the Council, and a real lack of communication with the Trade when developing local policy.

In order to promote a respected and professional local Trade, the Licensing Manager has reviewed the current conditions that are attached to licences, and has sought to overhaul and modernise the requirements placed on the Trade by way of new conditions (to replace those currently in force). These new conditions are transparent and enforceable, and do not place any additional duties on the Trade that the aforementioned primary legislation does not already require. By wording such requirements by way of licence conditions, all licence holders and new applicants will have a “best practice” set of conditions within which to go about their working day.

When formulating these new conditions, the Licensing Manager sought to utilise his own previous experiences of modernising Licensing Authorities and Taxi Licensing functions, and benchmarked other Authorities (and sought advice from the Institute of Licensing and the National Private Hire Association) in order to ensure that all of these new conditions were relevant, necessary and appropriate to the objectives of promoting public safety, and promoting a respected and professional Trade.

Attached at **Appendix One** are the proposed conditions to be attached to the grant of a Hackney Carriage & Private Hire (Dual) Driver Licence, at **Appendix Two** are the proposed conditions to be attached to the grant of a Hackney Carriage or Private Hire Vehicle Licence, and attached at **Appendix Three** are the proposed conditions to be attached to the grant of a Private Hire Operator Licence.

It is proposed that these appendices directly replace the current text contained within the Hackney Carriage & Private Hire Licensing Policy. Copies of the current Policy will be provided at this meeting, but the Policy can be found in advance online at: <https://www.ashfield.gov.uk/media/3662/hackney-carriage-and-private-hire.pdf>

## **Hackney Carriage and Private Hire Vehicles: Age Limits**

Ashfield District Council currently places the following stipulations on the permitted age limits for licensed vehicles:

### **HACKNEY CARRIAGES:**

1. New Hackney Carriage Licences will only be issued for wheelchair accessible vehicles.
2. All new Hackney Carriages must be less than **two** years old on initial application.
3. The following upper age limits apply:

- All vehicles must be replaced when they reach 12 years of age.
- Replacement vehicles must be younger than the vehicle they replace but in all cases they cannot be any older than **eight** years old from the date of first registration.

- Existing Hackney Carriages that are **not** wheelchair accessible may be replaced with a non-wheelchair accessible vehicle (e.g. saloon).
- Existing Hackney Carriages that are wheelchair accessible **must** be replaced with a vehicle that is younger than that vehicle but in all cases the replacement vehicle cannot be not more than 9 years old from date of first registration **and** must also be wheelchair accessible vehicle.

### **PRIVATE HIRE VEHICLES:**

1. All new Private Hire Vehicles must be less than **two** years old on initial application.
2. The following upper age limits apply:
  - All vehicles must be replaced at 12 years old from date of first registration.
  - Vehicles that reach 12 years old or younger from the date of first registration must be replaced with vehicles that are younger in age but in all cases the replacement vehicle cannot be any older than eight years of age from its first date of registration.
  - Existing Private Hire Vehicles that are wheelchair accessible must be replaced with a wheelchair accessible vehicle that is not more than **nine** years old from the date of first registration and in any case must be younger than the vehicle they are replacing.
  - Replacement vehicles must be newer than the existing licensed vehicle.

It is felt that the requirement for all “new” Hackney Carriage and Private Hire Vehicles submitted for a licence having to be under 2 years of age (from date of first registration as detailed on the V5 Log Book) places a heavy financial burden on many seeking to start or grow their business, and leads to business looking at other District Council areas where such age limits are less restrictive, in order to start and grow.

Furthermore, the upper age limit of 12 years (meaning that no licence may be in force for any vehicle when it reaches such an age) results in proprietors having to remove such vehicles from service owing to a licence having been issued for less than the standard 1 year period, rather than allow them to take up a full annual licence in the knowledge that such a licence will simply not be “renewed” should the vehicle be of 12 years of age or more.

The following amendments to the age limits are proposed in order to reduce the financial burden on business by amending the “entry age limit” to that of “under 5 years of age”, and to allow for a vehicle that reaches 12 years of age to remain licensed (if such a licence is in force), but that no licence shall be renewed should the vehicle at the time of the renewal application being made have reached 12 years of age or more.

### **HACKNEY CARRIAGES:**

1. New Hackney Carriage Licences will only be issued for wheelchair accessible vehicles.
2. All new Hackney Carriages must be less than **five** years old from date of first registration on initial application.
3. The following upper age limits apply:
  - No vehicle licence will be renewed on any vehicle that is of 12 years of age or more.
  - Replacement vehicles shall meet with the requirements of a New Hackney Carriage Vehicle Licence.
  - Existing Hackney Carriages that are **not** wheelchair accessible, when replaced, may be replaced with a non-wheelchair accessible vehicle (e.g. saloon) but must be less than **five** years old from date of first registration on initial application.

- Existing Hackney Carriages that are wheelchair accessible, when replaced, must be replaced with a vehicle meeting the requirements of a New Hackney Carriage Vehicle Licence.

4. Date of first registration shall mean the date of first registration in the UK, or the date of manufacture in the case of vehicles first registered outside the UK.

#### **PRIVATE HIRE VEHICLES:**

1. All new Private Hire Vehicles must be less than **five** years old from date of first registration on initial application on initial application.
2. The following upper age limits apply:
  - No vehicle licence will be renewed on any vehicle that is of 12 years of age or more.
  - Replacement vehicles shall meet with the requirements of a New Private Hire Vehicle Licence.
  - Existing Private Hire Vehicles that are **not** wheelchair accessible, when replaced, may be replaced with a non-wheelchair accessible vehicle (e.g. saloon) but must be less than **five** years old from date of first registration on initial application.
  - Existing Private Hire Vehicles that are wheelchair accessible, when replaced, must be replaced with a vehicle meeting the requirements of a New Private Hire Vehicle Licence.
3. Date of first registration shall mean the date of first registration in the UK, or the date of manufacture in the case of vehicles first registered outside the UK.

The above proposals promote a consistent approach to the replacing of licensed vehicles by ensuring that any replacement vehicle meets with the vehicle age requirements of a new licence, and as such enables a continual modernisation of the licensed fleet, whilst reducing the financial outlay faced by proprietors.

#### **Environmental Considerations**

When assessing the environmental impact of the proposal to amend the age limit requirements currently in force locally, the introduction of an “under 5 years of age” strategy would mean that the emissions of such vehicles would meet with Euro Emission Standard V (applicable since 1<sup>st</sup> January 2011) and Euro Emissions Standard VI (applicable since 1<sup>st</sup> January 2015).

Under the present age limit requirements, the Council permits Euro Emissions Standard IV vehicles to obtain a licence when they are used to replace existing older vehicles, simply by them being newer than the vehicle they replace (but such vehicles may be no older than 8 years of age if a saloon Hackney Carriage or 9 years of age if a wheelchair accessible Hackney Carriage or a Private Hire vehicle).

In order to promote the reduction of vehicle pollutants, not only within the Ashfield District, but beyond (as our vehicles frequently attend destinations outside of the Ashfield District which have their own Air Quality Strategies applicable to their licensed vehicles), and to provide an incentive to Private Hire Operators to utilise zero / low emission vehicles, it is further proposed that the £30.00 annual charge levied against a Private Hire Operator Licence per vehicle in his / her employ be waived, should such a vehicle that is provided with pre-booked work by the Operator be of zero / low emissions (as defined within the tables below):

For vehicles first registered before 1<sup>st</sup> April 2017:

Vehicle Excise Duty Band	CO2 Emissions (g/km)
A	up to 100
B	101-110
C	111-120

For vehicles first registered from 1<sup>st</sup> April 2017:

CO2 emissions (g/km)	Petrol and Diesel	Alternative Fuel
0	£0	£0
1 - 50	£10	£0
51 - 75	£25	£15

Should such a proposal be acceptable, the Fees and Charges applicable to the Private Hire Operator licensing regime will be amended accordingly to reflect such a decision.

### **Implications**

#### **Corporate Plan:**

The Council has a duty to carry out its licensing functions in accordance with the relevant legislation and regulations in force for each of the functions detailed within this report.

By carrying out its licensing functions, the Licensing Authority will contribute towards the reduction of crime and disorder within the district, and seek to improve community safety and environmental quality, whilst in turn seeking to promote a vibrant and sustainable local economy.

#### **Legal:**

The applicable legislation is set out in the report.

#### **Finance:**

Information Only

No financial implications for the Council.

This report is effective from 22/02/2018 and has the following financial implications.

Budget Area	Implication
General Fund – Revenue Budget	None

General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

**Risk:**

<b>Risk</b>	<b>Mitigation</b>
The Council has a statutory duty to carry out its licensing functions.	Approved processes, procedures and policies are in force to ensure that the Licensing Authority minimises any risks it may be exposed to when carry out its licensing functions and decision making processes.

**Human Resources:**

Information Only.

There are no direct HR implications contained within this report

**Equalities** *(to be completed by the author):*

Information Only.

There no diversity or equality implications contained within this report.

**Other Implications:**

None.

**Reason(s) for Urgency (if applicable):**

Not applicable.

**Background Papers**

**Appendix One:** Proposed Conditions to be attached to the grant of a Hackney Carriage & Private Hire (Dual) Driver Licence.

**Appendix Two:** Proposed conditions to be attached to the grant of a Hackney Carriage or Private Hire Vehicle Licence.

**Appendix Three:** Proposed conditions to be attached to the grant of a Private Hire Operator Licence.

**Report Author and Contact Officer**

**Julian Alison**  
**Licensing Team Leader**  
**Email: [j.alison@ashfield.gov.uk](mailto:j.alison@ashfield.gov.uk)**

**Tel: 01623 457364**