

## EAST LINDSEY DISTRICT COUNCIL REPORT

**COMMITTEE:** GENERAL LICENSING COMMITTEE

**DATE:** 9 DECEMBER 2019

**SUBJECT:** REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE SPECIFICATION AND LICENSING POLICY

**Ward(s) affected:** ALL WARDS

### **Brief description of report content and the decision being asked for:**

#### **Summary:**

The Council is responsible for processing and determining licence applications in respect of hackney carriage vehicles (taxis) and private hire vehicles. The Council currently has specific vehicle specifications, licence conditions and policies in relation to such licence applications. On 16 September 2019, in line with this Authority's commitment to review its licensing policies on a regular basis, the Committee discussed a review of the vehicle specifications and licensing policy.

The Committee was asked decide on possible areas of amendment and review of the current policy and to issue a six week consultation to the licensed trade and other interested parties regarding possible policy changes. The Committee indicated that the results of the consultation exercise should be reported back to the Committee in December 2019.

Following the results of the consultation exercise the Committee is now asked to consider the consultation responses and to decide whether it wishes to move forward with the adoption of a revised hackney carriage vehicle and private hire vehicle licensing policy, licence conditions and vehicle specifications.

#### **Recommendations:**

1. That the Committee consider the consultation response, with regard to the proposed hackney carriage vehicle and private hire vehicle licensing policy, licence conditions and vehicle specifications.
2. That the Committee adopt the hackney carriage vehicle and private hire vehicle licensing policy, licence conditions and vehicle specifications shown at **Appendix A** of this Report. The adoption to come into force with immediate effect.
3. That Officers be asked to investigate ways in which the licensing regime can be used to reduce hackney carriage and private hire vehicle emission levels and that a report be brought to the Committee for consideration in 2020.

**Reason:** The adoption and maintenance of specific hackney carriage and private hire vehicle specifications and a detailed licensing policy will encourage transparency and consistency in considering and granting such licence applications. It will also provide clarity and guidance for Officers, Councillors, prospective applicants and licence holders.

**This report has been prepared by:**

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**This report was prepared after consultation with:** Not Applicable

**This report is number 2 in a series of 2.**

**This report has been signed off by:** Mr Jon Challen (Service Manager – Public Protection)

**The following policies form a context to this report:**

The Council's procedures in relation to the processing and consideration of hackney carriage and private hire vehicle licence applications.

**This report is not a key decision included in the Forward Plan.**

**LIST OF BACKGROUND PAPERS AS REQUIRED BY LAW**

(papers relied on to write the report but which are not published and do not contain exempt information)

1. Not Applicable

**OTHER HELPFUL PAPERS**

(papers which the report author considers might be helpful – this might include published material)

1. Not Applicable

**Local Government (Access to Information Act) 1985**

**Is the report Exempt – NO**

**Please contact the person who has written this report or Mr Jon Challen**

**(Service Manager – Public Protection) Tel. No. 01507 613051  
e-mail: jonathan.challen@e-lindsey.gov.uk, if you want more  
information about this report or the background papers.**

## **1.0. INTRODUCTION**

- 1.1. The Council is responsible for processing and determining licence applications in respect of hackney carriage vehicles (taxis) and private hire vehicles. The Council has specific vehicle specifications and policies in relation to such licence applications. In line with this Authority's commitment to review its licensing policies on a regular basis the vehicle specifications and policy are now due for review.
- 1.2. On 16 September 2019 the Committee was asked decide on possible areas of amendment and review of the current policy and to issue a six week consultation to the licensed trade and other interested parties regarding possible policy changes. The Committee indicated that the results of the consultation exercise should be reported back to the Committee in December 2019. A copy of the consultation document can be found at **Appendix B** of this Report.
- 1.3. In formulating this Report, advice contained in the Taxi and Private Hire Vehicle Licensing: Best Practice Guidance issued by the Department for Transport (DoT) in March 2010 has assisted the Licensing Team together with local circumstances and operational requirements.

## **2.0. SUBJECT INFORMATION AND ISSUES/FACTS AND FIGURES**

- 2.1. The legislation regulating hackney carriages dates back to the Town Police Clauses Act 1847, whilst private hire vehicles are regulated by the Local Government (Miscellaneous Provisions) Act 1976. The majority of this Authority's current hackney carriage and private hire vehicle licensing policies and procedures have been introduced since 2005.
- 2.2. The proposed new policy document can be found at **Appendix A** of this Report. A previous review of the vehicle specifications and licensing policy was undertaken by the Committee in 2011/12, with a small number of amendments to the policy (e.g. tinted windows in hackney carriage vehicles) being made since that date.
- 2.3. The purpose of having a vehicle licensing policy document is to give clear guidance on factors to be taken into account when determining applications for such licences. Adoption of such a policy, together with vehicle specifications, provides clarity and guidance for prospective applicants and licence holders.
- 2.4. **Consultation Response:** One response was received to the

consultation document – the response was submitted by Mr D Blackburn on behalf of the Skegness Taxi Owners Association. The consultation response is:

*Our Association feel that the seating arrangements in vehicles should be allowed as per manufacturer's recommendations. All vehicles are now put through vigorous safety checks before being NCAP approved. Passengers are at liberty to request preferred vehicles. This tends just to be either a car or a minibus. The reason for this is usually to do with the height of the vehicle, due to hip/back problems. We also believe the Council are leaving themselves open to some very expensive court cases in the future if they continue to go against manufacturer's and the DVLA recommendations. We feel exactly the same regarding the tinted window policy, we have at the moment.*

*The question over the age of the vehicles. We feel that the Council should take the DVLA stance and rely on the CO2 emissions of the vehicle rather than the age. This can be found in the log book, it determines the road tax of the vehicle and is monitored through regular MOT's. All this is done by DVLA to keep the carbon footprint down. Also it has shown that some newer cars have in fact got higher emissions than cars which may be older in years. So putting an age limit on vehicles maybe counterproductive as it could cause hardship for the local industry and achieve nothing towards our aim of lowering emissions.*

There were no other responses received to the consultation document.

- 2.5. The following sections of this Report deal with areas of the current policy which the Committee specifically identified for amendment or review.
- 2.6. **Vehicle Emission Standards:** The DoT Best Practice Guidance asks Licensing Authorities to “support any local environmental policies that the Local Authority may have adopted”. This would include any local vehicle emission standard. Officers are of the view that by adopting targeted air quality policies for road transport, significant reductions can be achieved for atmospheric pollutants. With this in mind the Committee was asked to consider whether efforts should be made to improve, as far as is reasonable, the efficiency of vehicles licensed by this Authority, particularly in the emission of pollutants. The Skegness Taxi Owners Association has expressed concern that in looking to improve the efficiency of vehicles this Authority may consider introducing a vehicle age policy.
- 2.7. This Report recommends that this Authority should adopt making a reduction in vehicle emission levels as one of its licensing taxi and private hire vehicle licensing objectives. The broad aim of the proposal in relation to vehicle emissions being to:

- Promote clean and efficient road transport vehicles.
- Increase energy efficiency in the transport sector.
- Protect the environment by reducing emissions of carbon dioxide and other pollutants from vehicles.

2.8. Paragraphs 1.4.2 and 3.1 to 3.8 of the proposed policy document at **Appendix A** of this Report set out the above licensing objective and indicate that the Authority will now look to investigate ways in the licensing regime can be used to reduce vehicle emission levels. Of course before moving forward with any specific and detailed proposals in relation to vehicle emission levels the Council will need to consult further on the proposed arrangements before possible implementation. It is recommended that Officers be asked to investigate ways in which the licensing regime can be used to reduce hackney carriage and private hire vehicle emission levels and that a report be back to the Committee for consideration in 2020.

2.9. **Hackney Carriage Vehicle Specification:** The Council has a policy regarding the type and specification of vehicles, which may be licensed as hackney carriage vehicles. The specification is designed to ensure the comfort and safety of fare paying passengers and that vehicles are suitable for use as a hackney carriage vehicle. In particular, the current hackney carriage vehicle specification states the following:

*Seating Arrangements: The maximum number of passengers a vehicle may carry is eight. Access to every seat must be unobstructed without the need for seats to be folded or removed.*

2.10. The above section of the hackney carriage vehicle specification is made on comfort and access grounds. Unlike private hire vehicles, hackney carriage vehicles are available for immediate hiring – hackney carriages can be flagged down in the street and approached by prospective customers when waiting on a taxi rank. In most cases customers approaching a hackney carriage vehicle will not have the opportunity of deciding which type of vehicle they wish to use. When adopting this part of the vehicle specification the Authority took the view that vehicles, which are available for immediate hiring, should be able to provide straightforward and immediate access for all customers, without the need to move a seat or climb over a seat. This is particularly the case for parties including elderly and ambulant disabled people.

2.11. Private hire vehicles by contrast can only be booked in advance. If a prospective customer does not want to hire a particular type of vehicle then he /she is able to advise the private hire operator of the particular type of vehicle they require or do not require at the time of the booking. If they do not wish to hire a vehicle that includes a tip up seating arrangement then they can advise the proprietor in advance; this opportunity is not available when vehicles are plying for hire. For this

reason the above section of the hackney carriage vehicle specification was not duplicated in the Council's private hire vehicle specification.

- 2.12. The specifics of this part of the policy and the reasons for its introduction can be found in Paragraphs 2.2.12 to 2.2.15 of the policy document shown at **Appendix A** of this Report.
- 2.13. This Report recommends that this Authority should continue with the arrangement, which requires unobstructed access to seats in hackney carriage vehicles, with the policy being amended and clarified to read as follows:

*Seating Arrangements: The maximum number of passengers a vehicle may carry is eight. Access to every seat must be unobstructed **and be easily accessible to passengers** without the need for seats to be folded or removed. **Any gap through which a passenger can be expected to pass shall be a minimum width of 400mm through which an average sized adult can pass freely in a normal manner without undue difficulty.***

N.B. The recommended amendments to the current policy requirement are shown in bold typeface above.

### **3.0. FINANCIAL CONSIDERATIONS/IMPLICATIONS**

- 3.1. This policy review is being undertaken as part of the normal duties carried out by the Licensing Team with no additional costs involved.

### **4.0. LEGAL CONSIDERATIONS/IMPLICATIONS**

- 4.1. Whilst there is no legal requirement for the Council to have written policies in place, with regard to hackney carriage and private hire vehicle licensing, this Authority has taken a decision to adopt such policies and has undertaken to review those policies as and when required. In adopting specific policies and procedures, decisions will be less challengeable and all parties are aware of the objectives that the Authority is seeking to achieve. Any amendment to the licensing policy, or decisions made based on the current policy, are open to legal challenge.

### **5.0. INCLUDE IF APPROPRIATE AND ONLY BRIEF EXPLANATION OF ISSUE**

- 5.1. **FOI/Human Rights/Data Protection** – Human Rights: The Licensing Authority must ensure that its decisions can withstand scrutiny by reference to the principle of proportionality, i.e. is the decision / action proportionate to what it wishes to achieve, or, colloquially does the end justify the means.

**Equality and Diversity** – The proposed policy does not have the potential to cause negative impact or discriminate against different groups in the community based on age, disability, gender, race/ethnicity, religion or religious belief (faith), or sexual orientation.

**6.0. HOW DO THE ACTIONS/RECOMMENDATIONS CONTAINED IN THIS REPORT DELIVER OUR COMMUNITY AND CORPORATE STRATEGIES?**

- 6.1. The licensing and compliance role of the Council is important in improving the health, safety, security and welfare of the District's residents, visitors and business community.

**Summary of Appendices**

**APPENDIX A** – Proposed hackney carriage and private hire vehicle specifications, licence conditions and licensing policy document.

**APPENDIX B** – Consultation document issued in respect of the proposed hackney carriage and private hire vehicle specifications, licence conditions and licensing policy document.