



Northumberland

County Council

LICENSING AND REGULATORY COMMITTEE

DATE: 16 FEBRUARY 2022

Hackney Carriage and Private Hire Licensing

Report of Philip Soderquest, Head of Housing and Public Protection

Cabinet Member: Cllr. Colin Horncastle – Portfolio Holder Community Services

Purpose of report

To update Members with the responses received in relation to the recent taxi consultation in respect of areas associated with the licensing of hackney carriages, and/or private hire vehicles and drivers:

Recommendations

- 1) Members note the contents of the report.
- 2) Consider the responses to the consultation and consider whether to:
 - a) Approve the following additional conditions
 - i) A condition to be added to hackney carriage and private hire vehicle licences, which would require a notice to be displayed in all licensed vehicles, providing details of how to make a complaint.
 - ii) A condition for all licensed vehicle proprietors, operators, directors and partners with Northumberland County Council, to have an annual basic disclosure from the DBS and to advise the licensing authority of any change in directors or partners.
 - iii) A condition, that on the granting of a private hire operator licence, a register will be required to be kept of all staff who will be taking bookings or dispatching vehicles.
 - iv) a standard condition is to be attached to a Private Hire Operator's Licence which states;
A driver who holds a PCV licence and who has the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking, should not be permitted without the informed consent of the booker.
Where a private hire vehicle is unsuitable, the booker will be informed that a PSV is necessary, and that a PCV licensed driver will be used who is subject to different checks and not required to have an enhanced DBS check.
(Unless the driver also holds a private hire drivers' licence).
or
 - b) Determine not to include the conditions.
- 3) Consider the consultation responses relating to the emissions policy and consider whether to:
 - a) Approve the proposal and agree a timeframe for implementation
 - b) Amend the proposal and agree further consultation with the licensed trade or
 - c) Determine not to adopt the proposal and take no further action.

- 4) Consider the consultation responses relating to the hackney carriage zones and consider whether to:
- a) Agree to the removal of the six hackney carriage licensing zones or
 - b) Decide to retain the current arrangements.

Link to Corporate Plan

This report is relevant to the Living and Enjoying priorities included in the NCC Corporate Plan 2018-2021 and recognises 'Responding to Climate Change: A Statement of Intent'

Key issues

The original Hackney Carriage and Private Hire Licensing Policy, which sets out the approach the Council will take when exercising its discretion when making decisions about hackney and private hire licensing and associated matters, was adopted in 2010 and has been subject to review and minor amendment over recent years.

On 24th August 2021 the Licensing and Regulatory Committee approved a consultation exercise to look into four specific areas of the policy:

- Review of the Council's Hackney Carriage and Private Hire Licensing Policy in line with Governments statutory taxi and private hire vehicle standards
- Vehicle emissions
- Hackney Carriage Zones
- Hackney Carriage Tariff. (to be reported in separate report)
- The consultation period initially ended on 19th December 2021 but was further agreed to extend the period until 26th January 2022.
- There have been 332 responses received via an online system or email.

Background

Statutory Taxi & Private Hire Vehicle Standards

In July 2020 the Department of Transport issues a document called Statutory Taxi & Private Hire Vehicle Standards. The document recommends that the standards should be put into practice and administered appropriately to mitigate the risk posed to the public. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.

The Consultation requested the views in relation to the following questions:

- A proposed condition to be added to hackney carriage and private hire vehicle licences, which would require a notice to be displayed in all licensed vehicles, providing details of how to make a complaint.
- A proposed condition for all licensed vehicle proprietors, operators, directors and partners with Northumberland County Council, to have an annual basic disclosure from the DBS and to advise the licensing authority of any change in directors or partners.
- A condition is proposed, that on the granting of a private hire operator licence, a register will be required to be kept of all staff who will be taking bookings or dispatching vehicles.

- It is proposed that a standard condition is to be attached to a Private Hire Operator's Licence which states;
A driver who holds a PCV licence and who has the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking, should not be permitted without the informed consent of the booker.
Where a private hire vehicle is unsuitable, the booker will be informed that a PSV is necessary, and that a PCV licensed driver will be used who is subject to different checks and not required to have an enhanced DBS check. (Unless the driver also holds a private hire drivers' licence).

The responses to these questions are attached as appendix A.

Vehicle Emissions

In the light of ongoing concerns in the region about vehicle emissions, the North East Strategic Licensing Group (NESLEG) had been asked to develop a set of standards for vehicles used as Hackney Carriages or Private Hire vehicles.

Discussions amongst the NEPPP member authorities revealed that there was no consistency across the policies that had been adopted. Some had not set emissions or age standards, whilst others, Northumberland included, had used the European Union Euro Standards, the last of which, Euro 6, was introduced in 2015. All vehicles manufactured after that date for sale in Europe had to meet this higher standard.

The standards, control emissions of harmful gases. These include nitrogen oxide (NO_x), carbon monoxide (CO), hydrocarbons (THC and NMHC) and particulate matter (PM), which is basically soot from diesel cars. Reducing these pollutants can also mean improved fuel economy and lower CO₂ emissions.

The current Northumberland County Council policy states that 'Existing Licensed vehicles will be allowed to remain licensed until such times as the existing vehicle is no longer licensed or the ownership is transferred to another proprietor'.

The recommendation that was to be pursued, was to prohibit the use of any vehicle that is older than eight years from its date of first registration. Northumberland's current policy includes an exemption for prestigious vehicles that are not used for everyday hire and reward. (In considering if a vehicle is prestigious the Council will have regard to the manufacturer, age, specification, historical value, uniqueness and any other factors that are deemed appropriate.)

The original proposal was as below:

New Licences. A 4 year vehicle age policy with effect from April 2020 for all newly licensed vehicles. This means the EURO 6 emissions standard applies to all new licences.

Existing Vehicles. Adopt a maximum 8 year vehicle life with a start date of April 2023. The taxi trade therefore has 2 years to comply. This means that from April 2023 all diesel and petrol engine vehicles will be Euro 6.

Wheelchair accessible vehicles. Existing vehicles will have an extra 2 years added to the age restriction meaning that April 2025 is the compliance date.

'Full electric' and 'zero emission at source' vehicles would be exempt

On 26th February 2020 a report was submitted to the Committee with all responses received in response to the consultation. Due to the level of response the Committee requested that the Licensing Service conduct further discussions with the trade and report back to the Committee.

The introduction of Covid-19 restrictions in March 2020 reduced the ability of the Licensing Team to complete this work due to reduced resources, required changes to procedures and prioritisation of Covid-19 related work. It was also acknowledged that the challenges faced by the trade at that time were substantial with staffing issues and significant reduction in demand for their services.

The recent consultation requested the views as to whether the responder agreed with the proposal, what time frames they thought should be involved and whether an exemption for prestigious vehicles should be included.

Responses: 73 stated they agreed to the proposal, and 246 did not agree with the proposal .

Full responses are attached as Appendix B

Hackney Carriage Zones

Local Government Reorganisation in 2009 created 6 hackney carriage licensing zones which replicated the former district boundaries. A hackney carriage licensed to ply for hire in one zone may not ply for hire in another zone. The options available to the Council at the time were to retain the zones or remove them all.

The Law Commission commenced a review on Taxi and Private Hire Services in 2012 which recommended Councils have the ability to determine different zones should they wish to. As the Committee at the time preferred the option of two zones and this was not legally possible it was agreed that the current status would remain. The recommendation of the Law Commission was never brought forward. Although the issue of zones has been discussed with the trade several times in the following years it is believed that it would be appropriate to review this matter again.

Responses; 222 stated they wanted to retain the current hackney carriage zones and 93 stated they wanted them to be removed.

Responses to this question are attached as Appendix C.

Climate Change Action Plan for 2021-2023

The Council has published a Climate Change Action Plan for 2021-2023. Although there are now specific actions for hackney carriage and private hire vehicles, transport has been highlighted as a priority area.

The action plan states 'As a largely rural and a destination County we recognise the need for the right mix of public and private transport. That transport, where possible should be low carbon with zero tailpipe emissions, protecting local air quality and reducing noise. We will continue to invest in and grow our Electric Vehicle (EV) charging network, maintain our higher than England average number of charging points to ensure a practical solution for EV users. We will continue to encourage and support increased use of public transport and to support research into the development of alternative fuels for powering freight and passenger carrying vehicles.'

Implications

| | |
|--|---|
| Policy | The Authority has the power to introduce the proposed changes into its Taxi and Private Hire Licensing Policy |
| Finance and value for money | |
| Legal | |
| Procurement | |
| Human Resources | Consultation with the appropriate trade and organisation will require staffing resources |
| Property | |
| Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> | |
| Risk Assessment | none |
| Crime & Disorder | none |
| Customer Consideration | Before making changes to policy consultation with those affected should take place. |
| Carbon reduction | Some of the proposals are aimed at reducing emissions from older vehicles |

| | |
|-----------------------------|--|
| Health and Wellbeing | The proposals should reduce emissions from older vehicles being used on the road leading to fewer health issues associated with pollution. |
| Wards | All |

Background papers:

Statutory Taxi & Private Hire Vehicle Standards July 2020

Northumberland County Council Hackney Carriage and Private Hire Licensing Policy

Report sign off.

Authors must ensure that officers and members have agreed the content of the report:

| | Full Name of Officer |
|--|----------------------|
| Monitoring Officer/Legal | |
| Executive Director of Finance & S151 Officer | |
| Relevant Executive Director | |
| Chief Executive | Daljit Lally |
| Portfolio Holder(s) | Colin Horncastle |

Author and Contact Details

Tasmin Hardy, Licensing Manager

Tasmin.hardy@northumberland.gov.uk