



**LICENSING & APPEALS
COMMITTEE:**

4 JUNE 2019

Report of: Director of Leisure and Environment

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SUBJECT: APPROVAL OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY 2019

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

- 1.1 To approve the Hackney Carriage and Private Hire Licensing Policy 2019 following public consultation.

2.0 RECOMMENDATIONS

- 2.1 That having regard to the responses to the public consultation contained in this report, the Hackney Carriage and Private Hire Licensing Policy 2019 attached at Appendix 3 to this report be approved for use with effect from 5 June 2019.

3.0 BACKGROUND

- 3.1 Members will recall the reports of 9 October 2018 and 4 December 2018 which contained proposed changes to the Hackney Carriage and Private Hire Licensing Policy (the Policy). These changes principally addressed safeguarding issues arising from the Institute of Licensing 'Guidance on Determining the Suitability of Applicants and Licensees in the Hackney Carriage and Private Hire Trades', published on 26 April 2018, and also aspirational air quality controls. [The proposals were also congruent with the subsequently published Department for Transport - Taxi and Private Hire Vehicle Licensing: Protecting Users Consultation on Statutory Guidance for Licensing Authorities.]
- 3.2 Following Member approval, the draft Policy was subject to public consultation between 20 December 2018 and 14 March 2019. During this time, all licensed drivers, vehicle owners and operators were directly contacted on two occasions to make them aware of the amendments and of the need to submit any comments during the consultation period. In addition, the draft Policy was

published on the Council's website and a notice posted in the Licensing reception at Robert Hodge Centre. Two press releases were also published.

4.0 ISSUES

4.1 8 responses were received during the consultation period. This included a petition containing 103 signatures requesting the Council's requirements for licensed vehicle rear passenger window tint be changed. The anonymised summarised content of these responses and relevant analysis is provided in Appendix 2 to this report. Where the contact information was provided, those who submitted a response have been informed that the matter will be debated by the Committee and given the option to attend.

4.2 Accordingly, the Policy attached at Appendix 3 to this report has been amended in accordance with the content of Appendix 2 and is presented to Members for approval. Any amendments made to the Policy resulting from the consultation are highlighted.

4.3 However, two substantive issues have arisen from the consultation that require further debate:

(i) Vehicle rear passenger window tint

The details of this issue are provided in Appendix 2 to this report. This matter has been presented to the Committee on previous occasions, and the Committee have been resolute in their response to keep the current requirements. However, any differences between the Council's vehicle specification and that of neighbouring authorities has become more prevalent since the change in the law that permitted operators (licensed in more than one authority) to use these vehicles outside of the originating licensing authority. Accordingly, no specific amendments to the Policy have been made pending the Committee debating this issue. To this end, licence holders are expected to present their views to the Committee.

(ii) Proposed vehicle age and emission requirements

Members will recall the following proposals, which were derived from an initiative supported by the Lancashire County Council Public Health team and other authorities within Lancashire to develop a consistent approach to licensed vehicle emissions and to make policy commitments aimed to support the adoption of ultralow and zero emission vehicles:

- All Private Hire Vehicles licensed under a new application must be a maximum of 5 years old from 1 September 2020.
- All licensed vehicles be required to be compliant with the Euro 6 emission standard by 1 April 2022.
- To licence only zero emission Hackney Carriages and Private Hire Vehicles under a new application from 1 April 2028.

The proposed policy changes were therefore aspirational, but also reliant on the necessary infrastructure being in place to make the operation of zero emission vehicles viable in future years. Accordingly, Members approved the proposals on the understanding that they would be subject to public consultation and that the Policy would be routinely reviewed every

five years (or more frequently if Members deemed appropriate), so the contents could be amended if the pace of development of zero emission vehicles or the corresponding infrastructure did not match the Council's policy requirements.

Most of the views received during the consultation question the viability of the proposals and also the potential cost. Accordingly, no specific amendments to the Policy have been made pending the Committee debating this issue. To this end, licence holders are expected to present their views to the Committee.

5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 5.1 The Policy has the potential to impact upon many areas within the Community, particularly upon taxi services directly and the Council's ongoing safeguarding responsibilities to the public within West Lancashire.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 6.1 No additional financial or other resources are required.

7.0 RISK ASSESSMENT

- 7.1 The Council has a legal duty to administer the Hackney Carriage and Private Hire licensing regime, but not to prepare and operate a Policy document. However, given the complexity of the licensing regime, it is good practice for the Council to formulate and publish relevant policies and standards. Given that Members have already approved the existing Policy, a failure to improve and maintain the requirements of the Policy could result in criticism from the community including statutory bodies, the taxi trade, the travelling public and other interested parties.

Background Documents

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

None.

Equality Impact Assessment

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

Appendices

1. Equality Impact Assessment.
2. Consultation response analysis

3. Hackney Carriage and Private Hire Statement of Licensing Policy 2019

Appendix 1

Equality Impact Assessment Form



Directorate: Leisure and Wellbeing		Service: Licensing	
Completed by: Paul Charlson		Date: 21/05/19	
Subject Title: APPROVAL OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY 2019			
1. DESCRIPTION			
Is a policy or strategy being produced or revised:	Yes	<i>*delete as appropriate</i>	
Is a service being designed, redesigned or cutback:	No		
Is a commissioning plan or contract specification being developed:	No		
Is a budget being set or funding allocated:	No		
Is a programme or project being planned:	No		
Are recommendations being presented to senior managers and/or Councillors:	Yes		
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations):	No		
Details of the matter under consideration:			
<p><i>If you answered Yes to any of the above go straight to Section 3</i></p> <p><i>If you answered No to all the above please complete Section 2</i></p>			
2. RELEVANCE			
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	No	<i>*delete as appropriate</i>	
If Yes , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered Yes go to Section 3</i>			
If you answered No to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>			
3. EVIDENCE COLLECTION			
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	All licensed HC & PH drivers and operators.		
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	All sections of the public used licensed HC & PH vehicles, this report relates to the Council's implementation of relevant licensing legislation.		
Which of the protected characteristics are most relevant to the work being carried out?	<i>*delete as appropriate</i>		

Age	No
Gender	No
Disability	No
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No
4. DATA ANALYSIS	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	All licensed HC & PH drivers and operators.
What will the impact of the work being carried out be on usage/the stakeholders?	Revised licence requirements and procedures.
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	The proposed Policy has been subject to public consultation. The comments are included in this report.
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	The proposed Policy has been subject to public consultation. The comments are included in this report.
If any further data/consultation is needed and is to be gathered, please specify:	N/A
5. IMPACT OF DECISIONS	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	None.
6. CONSIDERING THE IMPACT	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	N/A
What actions do you plan to take to address any other issues above?	No actions <i>If no actions are planned state no actions</i>
7. MONITORING AND REVIEWING	
When will this assessment be reviewed and who will review it?	The proposed Policy has been subject to public consultation. The comments are included in this report.

Appendix 2: consultation response analysis

No.	Section/Paragraph	Comment	Analysis	Response
1	Vehicle specification – passenger window tint	<p>Petition signed by 103 licensed drivers.</p> <p>It is unfair that we are having to replace the glass on our vehicles. These days many cars come with tinted glass and the cost to change to standard glass is expensive and has often been difficult to get hold of. We also find the terms contradictive when you allow other area firms who appear to be taking advantage of the cross-border regulations, having badges in for example Sefton and West Lancs to pick up our customers with a vehicle fitted with tinted glass.</p>	<p>This issue has been presented to the Committee on previous occasions, however, it has recently become more prevalent resulting from the change in the law that permitted operators (licensed in more than one authority) to use these vehicles outside of the originating licensing authority.</p> <p>This means that vehicles licensed by neighbouring authorities can be legitimately be used within West Lancashire. Where those authorities permit tinted glass, this can lead to a potential lack of consistency and/or confusion. It also means that vehicles with tinted glass can legitimately operate within the Borough, thereby negating the Council's requirements.</p> <p>Furthermore, drivers have recently reported problems in sourcing suitable replacement glass to meet the Council's requirements, which results in additional cost to the driver.</p>	<p>The Committee has previously been resolute on this issue. However, it must balance the safeguarding risk and evidential argument against the cost to the licensed trade. The policies of neighbouring authorities is also a relevant consideration.</p> <p>No specific amendments to the Policy have been made pending the Committee debating this issue. To this end, licence holders are expected to present their views to the Committee.</p>
2	12.6 DBS Update Service	Positive idea. But not all have access to a computer or are computer literate.	Supportive comment. Note access to computer, which can be provided through the Licensing Service.	No change.
	12.15 Dementia training	Not needed. Common sense should prevail. Should be left to the medical	Noted. The intent of the training was to raise awareness not to diagnose	No change.

		industry.	or provide direct support.	
12:10	Applicants lived outside of the UK	Very important. Should also be able to pass the knowledge test.	Supportive comment.	No change.
12.26	Deferral of applications with outstanding criminal charges	Agree. However, statutory declarations should not need to include a speeding offence from 30 years ago.	Noted. The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendments) Order 2002 does not apply to licensed drivers. Enhanced DBS disclosures and statutory declarations must include such data.	No change.
12.27	Reduction of live DVLA points from 7 to 9 before attend Committee	Should be 12 points in line with the DVLA before banning people. It is very easy to amass points. You should take into account that driver do more miles than average. 7 is also an unusual number as offences issued in blocks of 3 points.	Noted. This change is in line with current national guidance / proposals.	No change.
12.32	Refusals / revocations by other Councils	Every council should have the same guidelines.	Noted. Use of the NAFN database should improve the consistency and approach of these decisions.	No change.
App G	code of conduct – no unauthorised images	Drivers need protecting. If I was attacked I would have no hesitation in trying to obtain photo or video of the person. CCTV should be fitted to all vehicles for the safety of drivers and passengers.	Noted. CCTV is currently not a mandatory requirement, but drivers are free to install CCTV to the correct standard and take responsibility for its use. Drivers cannot take any audio and/or images/video of passengers or members of the public on any device not authorised by the Authority.	No change. The proposed government guidance stops short of mandating CCTV in licensed vehicles. A further report could be presented to Members if they wished to explore this issue in greater detail.
13.19	Decrease of max age on new application from 6 to 5 years	Good idea. Will hopefully create better cars. I don't agree that cars can be kept until 15 years old or replaced with one 3 years younger on a transfer.	Supportive comment.	No specific amendments to the Policy have been made pending the Committee debating this issue. To this end, licence holders are expected to present their views to the Committee.

	13:20 Zero emissions for new vehicle applications from 2028.	All in favour of this to protect the environment. However, this is a massive financial burden to drivers. It is very difficult to get credit finance.	Supportive comment – noting the financial implications.	No specific amendments to the Policy have been made pending the Committee debating this issue. To this end, licence holders are expected to present their views to the Committee.
	General	More enforcement – appears to be a minority that do not comply. Some vehicle drivers put the taxi plate in window and one doesn't put it on at all. Others don't used door signs.	Noted.	Enforcement work continues and action taken where non-compliance is identified.
		I can often find it difficult to obtain an appointment to visit the Licensing office and sometimes have to wait when I arrive.	Noted.	A new taxi appointment system has been deployed since this comment was made. It is hoped that this will improve our service to drivers.
		Taxi plate can break easily.	Noted.	No other complaints or comments have been received, however Officers will review the current plate supplier to determine durability.
		Some drivers don't comply with the Dress Code.	Noted.	Enforcement work continues and action taken where non-compliance is identified.
		Remove requirement for tinted glass. It costs too much to replace and is not required in other Council's. This is made worse by cars with tinted glass from other Council's legitimately coming into the Borough.	See above analysis relating to tinted glass.	See above response relating to tinted glass.
3	12.27 Reduction of live DVLA points from 7 to 9 before attend Committee	I agree with: <ul style="list-style-type: none"> - DBS Update service - Safeguarding training - Revised requirements for applicants/licence holders that have lived outside the UK 	Noted. This change is in line with current national guidance / proposals. It would not directly lead to revocation, but to being brought before the Licensing & Appeals Committee.	No change.

		<ul style="list-style-type: none"> - Criminal offence charges relating to new driver licence applicants - <p>But I don't agree with the reduction in points. Drivers are on the road 12 hours a day and you could easily lose your licence and your job, which would damage your family.</p>		
	13.19 Decrease of max age on new application from 6 to 5 years	Cars should stay at 6 years, but a cap placed on how many taxis are allowed at a time.	Noted. No limit can be placed on PHVs.	No specific amendments to the Policy have been made pending the Committee debating this issue. To this end, licence holders are expected to present their views to the Committee.
4	13:20 Zero emissions for new vehicle applications from 2028.	Does this apply to plug in hybrid or pure electric?	Aspirational target for pure zero emission (i.e. not hybrid) vehicles.	No specific amendments to the Policy have been made pending the Committee debating this issue. To this end, licence holders are expected to present their views to the Committee.
	General	Amendments are not reflected by Sefton Council. How many drivers have applied to Sefton (e.g. Delta) and continue to work in West Lancs and how many more will continue to do so?	Councils are permitted to develop their own specification based on local requirements. However, see above analysis relating to tinted glass.	See above response relating to tinted glass.
5	12.6 DBS Update Service	Good idea.	Noted.	No change.
	12.15 Dementia training	I will attend if I'm paid £15.00 per hour	Noted. Attendance would be mandatory and built into the licence fee.	No change.
	12.27 Reduction of live DVLA points from 7 to 9 before attend Committee	I don't see this has got anything to do with the Council. The Police don't call you in when you get 9, just ban you when you get 12.	Noted. This change is in line with current national guidance / proposals. It would not directly lead to revocation, but to being brought before the Licensing & Appeals	No change.

		Committee.	
13:19 Decrease of max age on new application from 6 to 5 years	This will cost more money when we change vehicles, so I don't agree with this.	Noted.	No specific amendments to the Policy have been made pending the Committee debating this issue. To this end, licence holders are expected to present their views to the Committee.
13:20 Zero emissions for new vehicle applications from 2028.	I cannot have a charging point at my house due to cable running across the pavement. The cost of these vehicles is ridiculous and taxi fares and would have to be put up substantially.	Noted.	No specific amendments to the Policy have been made pending the Committee debating this issue. To this end, licence holders are expected to present their views to the Committee.
CCTV	Not being able to put CCTV in your car is not safeguarding drivers from assaults accusations of wrong doing etc. signage to let passengers know they are being filmed should be displayed and enough for them to accept this.	Noted. CCTV is currently not a mandatory requirement, but drivers are free to install CCTV to the correct standard and take responsibility for its use. Drivers cannot take any audio and/or images/video of passengers or members of the public on any device not authorised by the Authority.	No change. The proposed government guidance stops short of mandating CCTV in licensed vehicles. A further report could be presented to Members if they wished to explore this issue in greater detail.
Door signs	The rule of not having your door signage on the vehicle when not working is ridiculous. I was sent a letter about this when spotted when I wasn't working. The signs are removable and if somebody wanting to impersonate a taxi can steal them and pick them up illegally and a whole host of criminal activity could come from this.	Noted. It is long established case law that a licensed vehicle is always treated as such, regardless of whether the driver is working or not.	No change.
Window tint	Drivers take pride in our cars and we want to get new ones, but are being prevented as models such as	See above analysis relating to tinted glass.	See above response relating to tinted glass.

		the Skoda superb has tinted rear windows.		
6	12:27 Reduction of live DVLA points from 7 to 9 before attend Committee	<p>I agree with the majority of amendments, but would comment on:</p> <p>Reduction from 9 to 7 is unfavourable. For drivers with 6 points, one instance of human error could lead to more points and licence being revoked. Most points tend to added in 3s and sometimes there are negative environmental factors that contribute to receiving points. Taxis drivers do this as a career and daily job, so why put unnecessary pressure on those who already hold points, after all these are referred to as minor points and are accepted on licences.</p>	Noted. This change is in line with current national guidance / proposals. It would not directly lead to revocation, but to being brought before the Licensing & Appeals Committee.	No change.
	13:20 Zero emissions for new vehicle applications from 2028.	Strongly disagree as I my current 2014 vehicle is Euro 5 and I just missed out on Euro 6 by months. I would therefore need to refinance my car to replace or upgrade, which would incur significant cost. Are there any subsidies or grants available? I agree with the zero emissions by 2028 as this is a much more beneficial time frame for drivers. The 2022 date should be scrapped and keep to the 2028 date to save drivers time and money.	Noted.	No specific amendments to the Policy have been made pending the Committee debating this issue. To this end, licence holders are expected to present their views to the Committee.
7	Door signs	Request to amend the word and sizing requirements to permit oval door signs. The oval is an important	Several operators have previously made reference to the Council's current requirements preventing	This appears to be a reasonable request.

		<p>part of our company brand and we keen to use this across all our operations and advertising. We can use the oval design in other councils, but West Lancashire's current size requirements do not permit this. We currently use a rectangular sign, but this has caused confusion with our customers as there are several similarly named companies, but none that use an oval sign.</p>	<p>them from maintaining corporate branding through the door sign.</p> <p>The current requirements have been largely unchanged for some time and effectively dictate that a rectangular sign with certain size and style lettering must be provided. This prevents the use of oval (or other shaped) signage or other corporate lettering.</p>	<p>The prime concerns when setting door sign requirements are that the minimum information is provided to the public and that lettering of suitable size to ensure that is legible.</p> <p>The Private Hire Vehicle Specification at Appendix B to the Policy has been amended to permit greater flexibility of door sign design, but to retain controls governing the content and overall size of the sign.</p>
8	13:19 Decrease of max age on new application from 6 to 5 years	What is the reason for this when the vehicle would have a government approved MOT?	Noted.	No specific amendments to the Policy have been made pending the Committee debating this issue. To this end, licence holders are expected to present their views to the Committee.
	13:20 Zero emissions for new vehicle applications from 2028.	This will affect the majority of my fleet. Are there any government incentives for this? As I estimate the change will cost over £500,000 to replace the fleet. There is also a lack of charging point provision. We would need to know exactly where these are – for example how many would be in Tanhouse or Digmaor.	Noted.	No specific amendments to the Policy have been made pending the Committee debating this issue. To this end, licence holders are expected to present their views to the Committee.