

LICENSING COMMITTEE	AGENDA ITEM No. 4
7 JULY 2022	PUBLIC REPORT

Report of:	Name of Director(s) Adrian Chapman Executive Director, Peter Gell Assistant Director	
Cabinet Member(s) responsible:	Cllr Stephen Allen – Deputy Leader and Cabinet Member for Communication, Culture and Communities	
Contact Officer(s):	Gareth Brighton – Licensing & Business Manager Jacqui Harvey - Head of Operations Environmental Health & Licensing Terri Martin – Strategic Regulatory Officer - Licensing	Tel: 864103 Tel: 453502 Tel. 453561

PROPOSED HACKNEY CARRIAGE AND PRIVATE HIRE POLICY - RESPONSES TO CONSULTATION AND ADOPTION OF FINAL POLICY AND IMPLEMENTATION

RECOMMENDATIONS	
FROM: Regulatory Services – Licensing Team	Deadline date: 27 July 2022
It is recommended that The Licensing Committee:	
<ul style="list-style-type: none"> I. Adopt the revisions in policy as recommended by DfT (Department for Transport) Statutory Guidance and Officers as detailed in paragraph 7.3 of this report. II. Retain the current decision-making process as set out in section 2.5.4.1 (a), (b) and (c) of the council's constitution as recommended by officers in paragraph 7.5 of this report. III. To consider mandating the installation of CCTV in licensed vehicles as detailed in paragraph 7.7 of this report IV. Adopt the revised vehicle restrictions giving 'acquired' rights to vehicles licensed before 26 July 2022 as detailed in paragraph 10.2 of this report V. Set the maximum age limit beyond which a ZEV will not be licensed at 18 years old as detailed in section 10.3 of this report VI. Set the maximum CO2 level at 105g/km to be considered as a ULEV in relation to this policy as detailed in section 10.4 of this report VII. Retain Aragon as the council's only appointed testing station as detailed in paragraph 10.5 of this report VIII. Require licensed vehicles to display internal and external signage as detailed in paragraph 10.7 of this report. IX. Approve and recommend adoption to full council the revised policy as detailed in paragraph 10.10 of this report and attached at Appendix H 	

1. ORIGIN OF REPORT

1.1 This report is submitted to the Licensing Committee following a review, revision and consultation of the policy, in line with the recommended review period of 5 years.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to advise members of the review, revision and consultation process carried out, to request members to properly consider the responses received and determine the direction of the policy in consideration of those responses and Officer recommendations, agree the adoption of the final policy, subject to any amendments, and set the implementation date for the policy and conditions to take effect
- 2.2 This report is for Licensing Committee to consider under its Terms of Reference No. 2.5.2.3 (a). To exercise the functions of the authority as listed in Schedule 2.5.5, where these are not delegated to officers as listed at section 2.5.4, namely hackney carriage and private hire vehicle licensing

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	YES
Date for relevant Council meeting	27 th July 2022

4. BACKGROUND AND KEY ISSUES

- 4.1 Hackney carriage and private hire legislation is primarily concentrated in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The aim of the legislation is to protect the public. The legislation provides a broad framework for the licensing of drivers, vehicles and operators, but allows local authorities to set their own standards and conditions, to ensure the public travel in safe well-maintained vehicles driven by competent drivers.
- 4.2 Peterborough City Council's current Hackney Carriage and Private Hire Licensing Policy was adopted by full council on 26 July 2017. The policy is required to be kept under review and revised as appropriate and in any event not less than every 5 years. Therefore, the current policy is due for review and consultation before July 2022.
- 4.3 The policy was reviewed and revised, the amendments fell into three sections:
Section 1: To comply with recommendations within the DfT (Department for Transport) Statutory Guidance, to improve safety standards in order to better protect children and vulnerable adults.
Section 2: To comply with the requirements of the Finance Act 2021 regarding 'Tax Conditionality'
Section 3: Other; to address the council's zero carbon ambition, concerns from the trade, consideration of local circumstances, best practice in line with case law and public safety.
- 4.4 As the amendments affected so many areas of the policy, a 'clean' draft was published, with an Index of amendments detailing the nature of the changes and paragraphs and appendices affected.
The Index of amendments (broken down into the above three sections) can be found at **Appendix A**.
- 4.5 The revised draft policy (with 13 appendix documents) which was subject to consultation can be found at **Appendix B**

5. CONSULTATION

- 5.1 The revised draft policy (with 13 appendix documents) was put out to consultation for 8 weeks, starting on Friday 28th January 2022 and ending on Friday 25 March 2022. The consultation letter can be found at **Appendix C**
- 5.2 A copy of the public notice which appeared in the local press on Thursday 3rd February 2022, advising of the consultation and period can be found at **Appendix D**

- 5.3 Notice of the consultation was put up at the Town Hall, the trade notice board at the train station, Sand Martin House and Central Library. The consultation document was also made available at Sand Martin House, Central Library and the council's website.
- 5.4 Emails were sent to various stakeholders as detailed in section 1.17 of the draft policy, advising them of the consultation and period, which included a link to the consultation documents on the council's website and pdf attachments of the consultation documents. Reminder emails were also sent just over halfway through the consultation period.
See **Appendix E** for a full list of those consulted.
- 5.5 Meetings with representatives of both the Private Hire and Hackney trade took place during the consultation period. Specific details of the draft policy were discussed in depth and the meetings were an opportunity for trade representatives to outline any concerns they may have arising from the proposal.

6 CONSULTATION RESPONSES

- 6.1 A total of 139 consultation responses were received. Two from representatives of Cambridgeshire Constabulary and 137 from the trade (although some trade individuals responded more than once). The trade responses broke down into eight main points:
- 1) 94% - Disagreed with the draft proposal of reducing the vehicle age limit for petrol and diesel vehicles. Most considered that the proposal should only apply to new vehicle applications, allowing vehicles which were currently licensed to have 'acquired' rights (paragraph 2.27 of the draft policy)
 - 2) 8% - Were in support of the vehicle age and CO2 reduction, but thought that the new TX EV should be licensed for up to 20 years (paragraph 2.27 of the draft policy)
 - 3) 37% - Disagreed with the proposed ULEV CO2 emission level of 75g/km as they considered it too stringent (paragraph 2.27 of the draft policy)
 - 4) 17% - Requested garages other than Aragon (the councils only appointed garage) should be able to carry out vehicle testing (paragraph 2.43 of the draft policy)
 - 5) 15% - Have concerns that the current vehicle charging infrastructure is insufficient to meet demand (paragraph 2.27 of the draft policy)
 - 6) 24% - Take issue with the vehicle signage requirements, both existing and proposed. (Door stickers for PHV, internal plate number in windscreen, Part 1 and part 2 notice)
 - 7) 11% - Are in support of the implementation of Safeguarding and County lines training, but concerned about the costs and that it will apply to all drivers and operators (not just school transport contracts) (paragraphs 1.40, 1.55, 3.5, 3.6, 3.22, 4.21, 5.5)
 - 8) 3% - Were concerned how the extra vehicle testing (every 4 months) requirement would be applied (paragraph 2.39 of the draft policy)

A response table which contains all the responses (as received) and details the main eight points (as listed above) can be found at **Appendix F**.

Please see Section 10 of this report for officers' responses and recommendations in consideration of these points

- 6.2 Of the two Police responses, the one from PC Hawkins stated, '*No comment at this time*'.

The other from Police Superintendent Neil Billany stated:

'I am the local policing commander for Peterborough and Fenland and have reviewed the proposed revisions.'

Between 2015/2016 as an Inspector, I led the Metropolitan Police's Taxi and Private Hire Policing Team, a team of 61 police officers investigating sexual offences committed in licenced taxi and private hire vehicles, and vehicles purporting to be a taxi or PHV, and also routine compliance checks on drivers, vehicles and operators. At this time, I was the most senior police officer nationally working full time in this area. Through this role I was invited to work with the Department for Transport, and I provided evidence to the group that produced the revised national guidance.

I remain a supporter of CCTV in Taxi and Private Hire vehicles, and while noting that this is not mandatory, I strongly support wider use of CCTV in licensed vehicles, both for passenger and driver safety.

Another cause for my involvement in this work was the issue with drivers from one licensed area working almost exclusively in another, via app based operators (i.e. Uber, Lyft etc). I do not know the impact of this on Peterborough, so cannot fully comment at this stage, but if for example there is a trend of TfL / Uttlesford licenced drivers (2 significant examples of licensing authorities who license drivers not living / working in their area) working in Peterborough I would ask what regulatory powers Peterborough Council held, and would place on record concern that any expectation for enforcement, or compliance activity, would fall to the police and not the local authority given the regrettable lack of authority for Peterborough to manage drivers not licenced by them.'

- 6.3 All consultation responses must be properly considered prior to determination of the final policy. Officers have reviewed the responses and made recommendations with rationale for members to consider in sections 7 and 10 of this report.

7 STATUTORY GUIDANCE – DfT Statutory Taxi and Private Hire Standards

- 7.1 The introduction and commencement of Section 177 of The Policing and Crime Act 2017 allows the Secretary of State to issue Statutory Guidance for taxi and private hire licensing, to protect children, and vulnerable individuals who are 18 or over, from harm. The Statutory Guidance which must be given due regard, was published by the Department for Transport (DfT) in July 2020. This document can be found at **Appendix G**

- 7.2 Paragraph 1.3 of this guidance states:

*'Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**'*

- 7.3 Some of the recommendations within the statutory guidance are already in place, however the following recommendations have been incorporated in the revised policy:
- Mandatory requirement for licensed drivers to maintain subscription to the DBS (Disclosure and Barring Service) update service and allow the licensing authority to make periodic enquiry checks with the DBS
 - Annual basic DBS disclosure requirement for proprietors and operators, who are not also licensed drivers.
 - Checking and reporting to NAFN NR3 database (see Appendix M of the draft policy)
 - Mandatory Safeguarding training, including County Lines, for all licensed drivers and operators.
 - Requirement for all licence holders to notify the licensing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.

- Requirement for all applicants, who, since the age of 18, have spent an extended period (i.e. six months or more) outside the UK, to provide a Certificate of Good Character or Criminal Record(s) Information.
- Revisions to the Guidelines Relating to the Relevance of Convictions so that they align with IoL (Institute of Licensing) Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades
- Operators to maintain a register of staff, have sight of a basic DBS for staff on the register and provide a copy of their policy for employing ex-offenders.
- Duty for an operator to provide required information to a person who requests a vehicle with more than 8 passenger seats

(The policy paragraphs affected by these amendments are listed within Section 1 of Appendix A to this report)

It is officer's recommendation that the matters listed above are adopted.

- 7.4 Paragraphs 5.6 to 5.11 of the DfT statutory guidance recommends individual cases should be considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board, to ensure clear separation between investigator and the decision maker. This is **not** recommended by officers
- 7.5 Decisions regarding individual cases are made in line with the policy and associated guidance by the Licensing & Business Manager and/or the Head of Operations Environmental Health & Licensing. This ensures a swift decision-making process for dealing with serious matters that may require the immediate revocation or suspension of a licence and consistency of decisions.

A clear separation is achieved as the Licensing Manager and/or the Head of Operations Environmental Health & Licensing are not directly involved in investigations. (Investigations are carried out by Regulatory Officers who produce a report for consideration by Managers)
If an officer is of the opinion that an application should be considered by the licensing committee then it can be referred. This approach is consistent with section 2.5.4.1 (a), (b) and (c) of the council's constitution.

It is officer's recommendation that the current decision-making process remains as detailed in section 2.5.4.1 (a), (b) and (c) of the council's constitution.

- a) to set fees, issue/renew/suspend/revoke hackney carriage drivers' and vehicle licences and private hire drivers' and vehicle licences, except where the Officer is of the opinion that the application/matter should be considered by the Licensing Committee;**
- b) to approve advertising in or on purpose-built Hackney Carriage vehicles subject to there being no advertising of alcohol or tobacco related products and the advertisements complying with the code of acceptance except where the Officer is of the opinion that an application should be considered by Licensing Committee.**
- c) to set fees, issue/renew/suspend/revoke Private Hire Operator's licences except where the Officer is of the opinion that an application should be considered by the Licensing Committee.**

- 7.6 Paragraphs 7.7 to 7.13 of the DfT statutory guidance detail the DfT's view regarding 'In-vehicle visual and audio recording – CCTV'. Their view is that the use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:
- deterring and preventing the occurrence of crime;
 - reducing the fear of crime;
 - Assisting the police in investigating incidents of crime;
 - Assisting insurance companies in investigating motor vehicle accidents.

The DfT CCTV guidance recommends that as a vehicle can be used for personal use, it should be possible to manually switch off recording, when not being used for hire. A requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

Paragraph 7.13 states:

'The imposition of a blanket requirement to attach CCTV as a condition to licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review...'

- 7.7 Installing CCTV cameras in vehicles is something which many other councils have adopted and has been shown to lead to reduced threats and violence against drivers and passengers. Cameras can play a role in deterring and preventing the occurrence of crime, such as - reducing the fear of crime, assisting the police in investigating incidents of crime and assisting insurance companies in investigating motor vehicle accidents. CCTV can be useful in cases of complaints/disputes as footage from an incident can provide invaluable insight, providing an 'independent witness' to an event.

It is officers' recommendation that the Committee considers mandating the installation of CCTV systems in all licensed vehicles to be "phased in" in order to allow both vehicle proprietors and system installers' time to comply with any new requirements.

8 CHANGES IN LEGISLATION

- 8.1 The change in legislation brought about by the commencement of Section 125 of the Finance Act 2021, affects all applications for licensed drivers and operators after 4 April 2022. Referred to as Tax Conditionality, it requires renewal applicants to provide a tax check code to prove they are correctly registered with HMRC before an application can be considered. New applicants must declare that they understand their tax obligations, before an application can be considered.
- 8.2 The amendments made in relation to Tax Conditionality are a legal obligation under the Section 125 of the Finance Act 2021, therefore must be adopted. (The policy paragraphs affected by this amendment are listed within Section 2 of Appendix A to this report)
- 8.3 The Taxi and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 received Royal Assent on 31 March 2022, which was after the end of the revision and consultation period.

Sections 5 and 6 of this Act commenced on 31 May 2022, these sections require licensing authorities to report relevant information to each other. This is already incorporated within the draft policy see paragraphs 1.44, 1.46 and 3.3.

The other provisions of the Act (such as duty to search and record required information on a database accessible to other licensing authorities) don't take effect until a Statutory Instrument is laid and Guidance from Secretary of State is released.

9 OTHER AMENDMENTS

- 9.1 Some sections such as Key Facts about Peterborough, consultation and revision, Local Transport Plan etc. have just been updated in line with current information.

The policy has been updated regarding designated vehicles for the purposes of 165 and 167 of the Equality Act, which were in place, but not reflected in the policy.

The other amendments to the policy were made to address the council's zero carbon ambition, concerns from the trade, consideration of local circumstances, best practice in line with case law and public safety. These main changes were:

- Insertion of new section ‘Applicant and licence holder responsibilities’, detailing some of the new changes required to comply with the DfT guidance, changes in legislation and case law affecting all licence holders.
- Requirement to display a sign identifying the vehicle licence number in the windscreen, this is in line with DfT best practice guidance 2010
- No dual plating of licensed vehicles, if a vehicle is already licensed by another licensing authority, it will not also be licensed by this authority, due to specific vehicle signage requirements.
- Extra testing requirement for licensed vehicles which present at the council’s appointed testing station with multiple faults on multiple occasions indicating that the vehicle is not being properly maintained, will be subject to an extra test (i.e. every 4 months)
- Amendments to licensed vehicle restrictions aimed to reduce carbon impact;
 - reducing the maximum age limit for when a petrol or diesel private hire vehicle would be initially accepted for licensing, from 6 years to 4 years old;
 - Mileage restrictions removed for all private hire vehicles;
 - reducing the maximum age limit beyond which a petrol or diesel vehicle will not be licensed from 15 years to 12 years for hackney carriages, and from 10 years to 9 years for private hire:
 - Petrol and diesel hackney carriage vehicles subject to critical testing at an earlier age, from 12 years to 10 years old;
 - Introducing age related extensions for all licensed vehicles which are ULEV (Ultra Low Emission vehicles) or ZEV (Zero Emission Vehicles) and advising of the council’s ambition to stop licensing petrol and diesel vehicles, see below.

	ULEV	ZEV
Maximum age at time of first being licensed	8 years old	17 years old
Maximum age limit beyond which the vehicle will not be licensed	15 years old	18 years old
Age at which the vehicle will be subject to six monthly inspections	8 years old	8 years old
Age at which the vehicle will be Subject to Critical testing criteria	12 years old	12 years old

For the purposes of the above, a vehicle is considered to be ULEV or ZEV if:

	ULEV	ZEV
Vehicle Type:	It is a plug in Hybrid (PHEV), or Extended Range Electric Vehicle (E-REV)	It is Battery Electric, or Hydrogen Fuel Cell, or Electric
V5C document details:	Taxation class = ALTERNATIVE FUEL CO2 (g/km) = 75g/km (or less)	Taxation Class = Alternative Fuel or Electric CO2 (g/km) = 0g/km

It is the Council’s ambition that at the next policy review in December 2024, all newly licensed vehicles will need to be either Zero or Ultra-low emission.

(For a full list of the amendments to the policy and paragraphs affected please see Section 3 of Appendix A to this report)

10.1 As detailed in paragraph 6.1 above, the responses from the trade related to 8 main points. Officers have considered these points and respond below with recommendations.

10.2 **Point 1 - changes to vehicle age limits as detailed in Paragraph 2.27 of the draft policy**

There is no intention to extend entry into the trade for diesel/petrol private hire vehicles which are 5 instead of 4 years as proposed. The trade has made this request is on the basis that 5-year-old vehicles are likely to be more affordable to purchase than 4-year-old vehicles. The mileage restrictions for vehicles that was imposed in the 2017 policy has been removed in the proposed policy meaning that more affordable (higher mileage) 4-year-old vehicles will fall into scope for being licensed. In addition, the cross-party Climate Change Working Group and Cambridgeshire & Peterborough Combined Authority Climate action plan support the target of 30% of taxis to be zero emission by 2025. It is therefore imperative that the licensing authority seeks to de-incentivise the use of petrol/diesel vehicles immediately and limiting the age at which petrol/diesel vehicles will be accepted into the trade is one way to achieve this.

However, the licensing authority has met with members of both the Hackney and Private Hire Trade Federations during the consultation process. Officers have listened to the concerns of both trades in relation to vehicle age limits and understands the impact any changes to vehicle age limits will have on existing vehicles; particularly those licensed vehicles that would be considered 'too old' upon implementation of the policy.

Officers' recommendation is that a revised proposal for vehicle restrictions is adopted, with changes in vehicle age limits applying to newly licensed (on or after 26 July 2022) vehicles only. The revised proposal will ensure acquired (or "grandfather") rights are protected for vehicles already licensed while still allowing the Council to achieve its target of 100 percent clean energy across its buildings and services by 2030.

Under the revised proposal, the maximum age limit beyond which an already licensed Hackney carriage will not be licensed will be 15 years old or until 31.12.2029 (whichever is soonest) and for Private Hire vehicles already licensed, the maximum age limit beyond which the vehicle will not be licensed will be 10 years old or until 31.12.2029 (whichever is soonest).

(Acquired rights will only apply to vehicles already licensed before 26 July 2022, vehicles licensed on or after this date will be required to comply with any new age restrictions)

It is officers' recommendation that the revised proposal for vehicle restrictions as detailed above with 'acquired' rights is adopted.

10.3 **Point 2 - support of the vehicle age and CO2 reduction however LEVC TX should be licensed for 20 years**

While it is recognised that the fact that the motor which propels the LEVC TX has very few serviceable parts, and the fact that the range-extender only operates as necessary results in far less mechanical wear, the manufacturer states the lifespan of the LEVC TX is "15 years+". The licensing authority believes that with appropriate regular maintenance such vehicles can reasonably be expected to have a serviceable lifespan in the region of 18 years.

It is officers' recommendation that the maximum age limit for all ZEV's remains at 18 years old

10.4 **Point 3 - proposed emissions level of 75g/km are too stringent. Request that this is increased to between 100 – 120g/km to allow for a greater pool of vehicles to choose from.**

A revised proposal for the emissions level for hybrid/alternative fuel vehicles where the level is increased to 105g/km will allow for a greater pool of vehicles to be considered for licensing. Popular hybrid models such as the Toyota Prius, Toyota Corolla and Hyundai Ioniq will be considered for licensing.

It is officer's recommendation that for a vehicle to be considered ULEV in relation to this policy, the maximum CO2 level of 105kg/km is set with the V5C Taxation class shown as ALTERNATIVE FUEL

10.5 **Point 4 - Request that the council approves other vehicle testing stations other than Aragon owing to concerns relating to capacity.**

Hackney Carriage and Private Hire vehicle testing is conducted in accordance with the Motor Vehicle (Tests) Regulations 1981. The Council is authorised by the Secretary of State to perform vehicle tests and issue a Certificate of Compliance (CoC) for suitable vehicles. The Regulations stipulate that in order to issue a CoC, the Licensing Authority must be, as a result of a test, satisfied that the vehicle meets the prescribed statutory requirements.

The Council has determined that both the test and CoC will be completed by the issuing authority as part of arrangements to deliver the service through the Council's company trading as 'Aragon'. This ensures that there is consistency in testing and that the Council has oversight/control of quality. It is only when the test and CoC are completed by Aragon that the Licensing Authority can be satisfied that the vehicle meets the necessary standards in accordance with the Regulations.

This is consistent with other neighbouring authorities that issue CoCs such as Huntingdonshire District Council and Cambridge City Council; both of whom have one appointed garage for this purpose.

In response to concerns regarding testing capacity, the Council has undertaken a review into the matter. Throughout March, April and May 2022, the availability of upcoming testing appointments at the Aragon garage has been periodically checked with the average waiting time for an appointment found to be 2 to 3 working days. The longest wait for an available appointment within this time period was found to be 5 working days, however this was following a bank holiday. A need for additional capacity is not currently supported by evidence.

It is officer's recommendation that Aragon remains the only approved testing station.

10.6 **Point 5 - Concerns about the vehicle charging infrastructure in Peterborough.**

It is important to emphasise that policy measures to support the move towards ULEV and ZEV vehicles are incremental so as to allow the trade time to transition to low emission vehicles and also to allow charging infrastructure and electric vehicle technology to continue to improve.

Currently there are 4 rapid chargers for use exclusively by taxis/private hire vehicles located in Riverside, Midgate, Vierson Platz and Northminster. In addition, a number of public chargers have been installed with plans for a continued roll out including future deployment in residential areas.

The government has committed £1.5 billion to support the early market and remove barriers to zero emission vehicles ownership. The government has pledged a further £2.8 billion package of measures to support industry and consumers to make the switch to cleaner vehicles –
Jo Churchill, Parliamentary Under-Secretary (DEFRA) - Jan 2022.

10.7 **Point 6 - Signage requirements leave licensed vehicles vulnerable to criminal damage**

The signage requirements exist for safeguarding reasons and are consistent with the Statutory Taxi & Private Hire Vehicle Standards issued by the Department for Transport in July 2020 determine that clear signage should be present outside and inside a vehicle. The Standards place a heavy emphasis on the safeguarding of the travelling public and dictate that taxis are a "high risk environment" and that the standards "should be implemented unless there is a compelling local reason not to".

Regarding comments that the Part 1 and Part 2 notices are redundant because passengers can ask to see a driver's badge, the emphasis here again has to be on the safeguarding of potentially vulnerable individuals. The requirement to display Part 1 and Part 2 notices in the vehicle means that specific details about the driver are readily available to all passengers should they feel it necessary to discreetly obtain this information.

Magnetic door signage is not being considered as they may fall from vehicles while driving, may be removed from vehicles (with the potential for them to be used on unlicensed vehicles) and there is a low level of compliance with respect to the fixed stickers presently required – the licensing authority has low confidence that removeable magnetic door signage will be placed on vehicles when so many vehicles are failing to display their permanent door stickers.

It is officer's recommendation that the internal and external signage requirements remain as proposed in the draft policy.

10.8 Point 7 – safeguarding training should be paid for by the Council and should only apply to drivers that provide school transport services.

The Statutory Taxi & Private Hire Vehicle Standards issued by the Department for Transport in July 2020 dictate that licensing authorities should require all taxi and private hire vehicle drivers to undertake safeguarding training.

Safeguarding training will be mandatory for all licensed drivers and will be relevant, and appropriate to the role of taxi/private hire driver. Driver's will be required to meet the cost of their place on safeguarding training courses as they will ultimately benefit from the training. Courses will be offered at a cost that is commercially competitive.

10.9 Point 8 – How will the four monthly testing requirements be applied?

The requirement to submit a vehicle for testing every four months will not be routinely applied but will be reserved for instances where it is apparent that there is a persistent lack of suitable vehicle maintenance in relation to major faults. The licensing authority already can impose such a requirement as an additional condition to a licence and has applied this once in the last 12 months.

10.10 A revised draft policy which includes all officer recommendations detailed in this report (including the revised vehicle age and emission standards in 2.27) has been drafted and can be found at APPENDIX H

It is officers' recommendation that the revised policy (Appendix H) is accepted for adoption

11. ANTICIPATED OUTCOMES OR IMPACT

11.1 Members will properly consider the responses received during the consultation and officer recommendations and determine the final policy.

Approve the final policy for adoption, subject to any amendments they determine, and set the implementation date, which allows for a period of transition over to new conditions and processes.

12. REASON FOR THE RECOMMENDATION

12.1 The policy is required to be reviewed and revised as appropriate and at least every 5 years. The amended policy is consistent with changes in primary legislation, Statutory Guidance and best practice. It is aimed to improve safety standards without being burdensome to licence holders or applicants.

An up-to-date policy strengthens the council's position in the event of challenge.

13. ALTERNATIVE OPTIONS CONSIDERED

13.1 Retain the current policy as adopted in 2017.

This presents a risk to the council as primary legislation and statutory guidance has been introduced and updated. Any decisions based on an outdated policy are more likely to be challenged (and overturned) with the Council facing criticism for failing to follow guidance/best practice.

If the issue of vehicle emissions in the licensed trade is not addressed through incremental changes to vehicle age limits, there is a risk that either the Council will not achieve its net-zero carbon ambitions by 2030, or the taxi and private hire trade will face a 'precipice' in relation to diesel and petrol vehicles rather than a gradual phasing out of these vehicles.

14. IMPLICATIONS

Financial Implications

14.1 Any costs in relation to the adoption of the policy will be met by income fees.

Legal Implications

14.2 Having an up-to-date policy gives rise to a robust decision-making process and strengthens the council's position in the event of challenge.

The Legal Division support the Licensing Team regarding the provision of advice and guidance on taxi licensing matters and will provide representation in the event of any appeals to the Court against decisions of the council, prosecutions being instigated, or enforcement action being undertaken by the authority.

Legal Guidance has been sought from the Legal Section on the compilation of this report.

Equalities Implications

14.3 None foreseen

14.4 **Carbon Impact Assessment**

14.5 A carbon impact assessment has been completed for this policy and forwarded to the climate team for their comments and attached as an appendix. This policy is expected to significantly reduce carbon emissions from hackney and private hire vehicles over its lifetime as they move to less polluting, alternative fuel models.

15. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

15.1 Town and Police Clauses Act 1847 Local Government (Miscellaneous Provisions) Act 1976 DfT Taxi and Private Hire Vehicle Licensing Best Practice Guidance - March 2010 DfT Statutory Taxi & Private Hire Vehicle Standards – July 2020 IoL Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades – April 2018

16. APPENDICES

- 16.1 Appendix A – Index of amendments
- Appendix B – Draft policy which was subject to consultation
- Appendix C – Consultation letter
- Appendix D – Public Notice
- Appendix E – List of consultees
- Appendix F – Consultation response table
- Appendix G – DfT Statutory Taxi & Private Hire Vehicle Standards
- Appendix H – Revised proposed policy
- Appendix I – Carbon Impact Assessment