

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY



Date: 9 March 2022

Agenda Item:

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Key Decision? YES NO (delete as appropriate)

Local Ward Members If any Wards are particularly affected insert the name of the Ward Members and their Ward. Ensure that the Ward Members have been consulted.

REGULATORY & LICENSING COMMITTEE

Restricted By virtue of paragraph(s) of Part 1 of Schedule 12A of the Local Government Act 1972. **(Delete if Non Confidential)**

1. Executive Summary

- 1.1 The Hackney Carriage and Private Hire Licensing policy and related procedures guides the work of Lichfield District Council in the way in which it carries out its licensing functions. It provides the overall decision making framework against which licensing decisions will be made. It also sets out conditions which drivers and operators are required to meet.
- 1.2 It should be noted however that nothing in this document will bind the Licensing Authority to a particular course of action, and it will continue to consider each application on its own merits.
- 1.3 This revised draft proposes a number of changes to the policy including:
 - The removal of the requirement to make CCTV mandatory in all vehicles
 - The addition of some wording about the use of personal information
 - The clarification of some timescales and point requirements
 - Some reordering and rewording to make more readily understood.
- 1.4 It also retains the requirements relating to vehicle age and emissions.
- 1.5 It is recognised that the policy is lengthy and includes some duplication. However it needs to be comprehensive to reflect legislation, guidance and case law and allows for the reader to be able to read the section required without having to read the whole document.

2. Recommendations

- 2.1 That members agree the proposed amendments set out in the revised Hackney Carriage and Private Hire Licensing Policy with authority delegated to the Chair of Regulatory and Licensing and the Head of Regulatory Services to make any interim minor changes.

3. Background

- 3.1 A consolidated taxi licensing policy was first agreed in 2019, with further amendments subsequently made to take account of the Statutory & Hire Vehicle Standards published in July 2020.

- 3.2 In July 2021 this committee agreed:
- The carrying out of a consultation exercise on the installation of CCTV in vehicles.
 - A temporary relaxation of the vehicle age rules from five to six years on first licensing and seven to eight years on renewal up to June 2022.
 - The extension of the vehicle age rules for electric /hybrid vehicles from five to six years on first licensing and seven to eight years on renewal.
 - The carrying out of an investigation into the implications of an extension to the requirement to upgrade vehicles to less polluting ones in line with the short term exemptions created by Birmingham City Council.
- 3.3 The Taxi Licensing Policy previously consulted upon included a condition that by 1 April 2022 all licensed vehicles must be fitted with CCTV (visual and audio). However whilst the mandating of CCTV in vehicles can undoubtedly provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers, the imposition of a blanket requirement to attach CCTV as a condition to a licence can give rise to concerns about the proportionality of such an approach.
- 3.4 Government guidance suggests a strong justification needs to be in place to support this condition. It is therefore recommended that all licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults and taking into account potential privacy issues.
- 3.5 A 6 week consultation was carried out on the mandatory requirement for CCTV cameras in all vehicles in autumn 2021. No responses were received to this consultation. In view of the lack of response, further consultation took place with a Trade meeting held on 2 February. 22 drivers joined the virtual meeting and there was a unanimous view that CCTV should not be mandatory. Drivers raised concerns about:
- Cost Implication of installations of systems certified to use and then reinstallation when changing vehicles.
 - Who would have access to said data – they would want to reserve the right to control the data
 - When and why data would be requested.
 - General worry about privacy of customers (including celebrities) and family members.
- 3.6 In the absence of a strong justification for making CCTV mandatory, it is recommended that this is optional for drivers.
- 3.7 Section 10 of the policy covers Communication and Information Security. Additional wording has been added to this section to make clear the limitations on the use of personal data.
- 3.8 There were a few areas of the policy where the timescales needed clarification – E.g. calendar or working days so that there is a precise time limit spelt out.
- 3.9 In the course of reviewing the policy the opportunity had been taken to change wording to more plain English- e.g. alighting to getting out from. The revised policy is attached at Appendix A.
- 3.10 The previously agreed vehicle age extension ends in June this year. There is the option to further extend but this would put at odds with vehicle emission requirements. All cars built and despatched from June 2015 and sold after September 2015 have to be Euro 6 compliant. Euro 4 emissions were introduced on all new cars from January 2006.
- 3.11 The current policy requires that:
- From **1 April 2022** all new Hackney Carriages must be fitted with at least a Euro 6 compliant engine for vehicles fitted with diesel engines and Euro 4 compliant engines for vehicles fitted with petrol engines. Applicants will be required to prove that the engine is suitable. Any vehicle with an engine older than the required euro emissions standard will not be licensed at the time of renewal. Any charges imposed

by a Clean Air Zone, or similar will be met by the vehicle proprietor/driver and not passed to the passenger.

- 3.12 This condition was partly imposed because of the introduction of a Clean Air Zone by Birmingham City Council, which would apply to any of our vehicles taking passengers from our District into the zone. Following public consultation Birmingham City Council has approved some short term exemptions. The Taxi trade has requested that our Policy is amended to take account of those exemptions.
- 3.13 Applications are now open for temporary exemption permits in the Birmingham Clean Air Zone. However the exemption permits will be available to residents, low income workers and businesses in the Clean Air Zone for a period of one to two years. All of these exemption permits are subject to eligibility criteria, including the ownership of a vehicle that does not meet the emission standards for the Clean Air Zone, and only available on application through brumbreathes.co.uk.
- 3.14 The exemption permits available are:
- Residents living within the Clean Air Zone who own a vehicle that does not meet the emission standards for the Clean Air Zone.
 - **EXEMPTION PERIOD:** Two years from the date of launch for the Clean Air Zone
 - Low income workers (earning less than £30,000 p.a.) whose registered place of work is in the Clean Air Zone.
 - **EXEMPTION PERIOD:** One year from the date of launch for the Clean Air Zone
 - Commercial vehicles registered within the Clean Air Zone (maximum of two vehicles) can apply for a year of exemption as well as Commercial vehicles with existing finance agreement beyond commencement of the Clean Air Zone and registered within the zone.
 - Community and school transport vans and minibuses will be able to apply for an ongoing exemption if they are registered as [Section 19 or Section 22](#) for operation in Birmingham and not registered as a Hackney Carriage or Private Hire Vehicle.
- 3.15 The Clean Air Zone was launched 1 June 2021 so any exemption for commercial vehicles will expire 31 May 2022.

Alternative Options	<ol style="list-style-type: none"> 1. The policy needs to take account of the CCTV consultation. There is the option to keep CCTV mandatory but this would be difficult to justify if challenged. This is the key substantive change. 2. Members have the option to agree to a further extension of the vehicle age limit but this would mean that vehicles would be non Euro 6 compliant.
Consultation	<ol style="list-style-type: none"> 1. Mandatory CCTV was subject to a 6 week consultation back in the autumn, key stakeholders were advised of the consultation which was available on-line. Given the lack of response the Taxi trade were consulted directly with at a trade meeting held at the beginning of February.
Financial Implications	<ol style="list-style-type: none"> 1. The costs of administering the licensing function is recovered through the fees charged. The policy provides a clear decision making framework which supports the delivery of an efficient and effective service.
Approved by Section 151 Officer	Yes
Legal Implications	<ol style="list-style-type: none"> 1. The Taxi Licensing Policy sets out the overall decision making framework for the licensing of Drivers, vehicles and operators. Taxi licensing is also subject to a range of specific legislation as set out in the licensing policy, including the Local Government (Miscellaneous Provisions Act 19967, the Town Police Clauses Act 1847 and 1889 and Transport Acts 1985 and 2000.

	2. The Statutory Taxi & Private Hire Vehicle Standards 2020 state that an imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification.
Approved by Monitoring Officer	Yes

Contribution to the Delivery of the Strategic Plan	1. The licensing of drivers and vehicles supports enabling people, shaping place and developing prosperity.
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Equality, Diversity and Human Rights Implications	1. An Equality Impact Assessment has undertaken in 2021 identified a positive impact on all customers, particularly vulnerable people and those with disabilities. This is supported by the Licensing Aims and Objectives contained within the Policy.
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Crime & Safety Issues	1. The policy will assist the Local Authority is exercising its duties and responsibilities, in particular with regard to safeguarding, child sexual exploitation and human trafficking.
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Environmental Impact	1. The policy recognises that older vehicles can have a negative environmental impact and therefore wishes to encourage older hybrid and electric vehicles to be licensed as an incentive for use of these vehicles.
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GDPR / Privacy Impact Assessment	1. A Privacy Impact Assessment has been undertaken in terms of the application process.
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	Risk Description & Risk Owner	Original Score (RYG)	How We Manage It	Current Score (RYG)
A	Policy does not provide robust decision making framework	Yellow	Checking against legislation, case law, guidance and standards	Green
B	Adverse response to any changes	Yellow	Consultation prior to any key changes	Green
C				
D				
E				

	Background documents Hackney Carriage and Private Hire Licensing Policy 2021
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	Relevant web links Any links for background information which may be useful to understand the context of the report Statutory taxi and private hire vehicle standards - GOV.UK (www.gov.uk)
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