



## North Devon Council

Report Date: 8<sup>th</sup> March 2022

Topic: Hackney Carriage and Private Hire Policy Amendments

Report by: Katy Nicholls, Public Protection Manager

### 1. INTRODUCTION

1.1. The purpose of this report is to seek Licensing and Community Safety Committee approval for the Licensing Service to begin a formal public consultation on proposed amendments to the North Devon Council Hackney Carriage and Private Hire Licensing Policy (the 'policy'), found at **Appendix A**.

### 2. RECOMMENDATIONS

2.1. That Licensing and Community Safety Committee considers the report and instruct the Licensing Service to begin a formal consultation on the proposed amended Policy.

2.2. Approve a six week consultation exercise with the 'taxi trades', general public, and anybody or person with an interest in 'taxis'.

2.3. Request proposed amendments to the policy resulting from the consultation and review process be presented to this Committee in a further report.

### 3. REASONS FOR RECOMMENDATIONS

3.1. To ensure the Council's policies are regularly reviewed and kept up to date.

3.2. To contribute to the Council's Corporate plan priority to "Cherish and protect our environment".

### 4. REPORT

4.1. The Licensing and Community Safety Committee (LCSC) Meeting of 18<sup>th</sup> January considered and approved amendments to the Taxi Policy specifically to align the Policy with the Department for Transport Taxi and Private Hire Standards. The proposed Policy amendments outlined in this report relate to other areas of the policy requiring update/ amendment, including in particular:

- Update to the licenced vehicle age criteria (vehicle standards), to better align the Taxi Policy with the Council's corporate priority around protecting the environment (found at **Appendix B**);
- Introduction of technical specifications and system requirements for any new CCTV systems fitted within licensed vehicles;
- The introduction of record keeping requirements for vehicle proprietors (daily vehicle check records, maintenance records, and a log of who drives the vehicle);
- The removal of the requirement for private hire vehicles to have a sun-visor, and replacement with 'advance booking only' door stickers;
- The introduction of a requirement for Licence holders to attend an interview with the Licensing Authority where requested in writing in relation to a complaint (interviews to be conducted in accordance with the principles of the Police and Criminal Evidence Act 1984 Code B);

4.2. The proposed vehicle emission standards were discussed at a meeting of LCSC on 8<sup>th</sup> Feb 2022. Members of the LCSC were presented with options for amendment of the current vehicle standard which is based on a maximum age of 5 years at first licensing as a Hackney carriage/ private hire vehicle. Members of the committee recognised the need for changes in the vehicle standard as part of the Council's commitment to protecting the environment, and as part of a contribution towards a phasing out of petrol and diesel car sales by 2030.

4.3. The DFT Standards state that 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". This matter was included within the public consultation on the DFT Standards related policy amendments, but a decision on this was deferred pending further research by the Public Protection Manager. Further to this research being undertaken, it is proposed that the installation of in-vehicle CCTV should remain voluntary for licensed vehicles in North Devon, but that a more prescriptive technical standard should be included within the policy which would be applicable to any new CCTV systems fitted after 1<sup>st</sup> April 2022. The aim of the technical standards and system requirements is broadly threefold:

- To give clarity to licensed vehicle proprietors about the CCTV system requirements applicable within the policy;
- To improve the evidential value of the images captured by introducing clear and concise image quality standards;

- To improve data security by introducing physical security requirements to the system itself (e.g. data recorders must be separate from the camera itself to reduce the possibility of the system itself being removed at the time of an incident), and also through the software requirements (e.g. mandatory encryption of data).

4.4. The proposal to introduce record keeping requirements for vehicle proprietors follows recent examples where proprietors have been reluctant to provide details of who was driving a vehicle at a time relevant to a complaint, and also a recent suspension of a licensed vehicle for having bald tyres whilst plying for hire. The new record keeping requirements would be applicable to both private hire and hackney carriage proprietors and would ensure that proprietors would be required to maintain the following information:

- Driver records for the vehicle;
- Details of daily vehicle checks via a record sheet to be provided by the licensing team (tyre tread depth, tyre pressure, oil level etc.);
- Details of vehicle maintenance undertaken;

4.5 The proposal to introduce a requirement for licence holders to attend interview in relation to a complaint has been put forward following recent complaint investigations where licence holders have been obstructive to the investigation. If implemented, failure to attend an interview following a reasonable written request by the Licensing Authority, would amount to non-compliance with a licence condition, and as such may lead to the licence holder being put before a Licensing Sub-Committee for a hearing to determine their fitness and propriety to remain a licence holder. Any interviews conducted would be undertaken in accordance with the principles of PACE Code B, and as such licence holders would be free to leave at any point of the interview (i.e. not under arrest), and also able to refuse to answer a question as set out in the caution to be administered at the commencement of the interview.

4.6 The Licensing Authority also previously received representation regarding a request to raise the age threshold for six monthly vehicle inspection checks from 6 years (current policy), to ten years specifically for wheelchair accessible vehicles. The Licensing Authority has considered this representation in drafting the proposed vehicle standards, and have proposed to raise the 6-monthly inspection requirement from 6 years old to 8 years old for wheelchair accessible and ultra-low/ zero emission vehicles. The Licensing Authority considers that this proposal strikes a balance between encouraging the take-up of these vehicle types by the taxi trade, and that of public safety (under the proposed policy wording those vehicles would continue to be subject to annual vehicle inspections in addition to an MOT).

## 5. RESOURCE IMPLICATIONS

- 5.1. Any financial costs which are reduced or incurred through the approval of a new policy will be taken into account when calculating fees for taxi and private hire related licences.
- 5.2. Other costs related to the proposed policy amendments will be borne directly by licence holders.

## 6. EQUALITIES ASSESSMENT

- 6.1. The impact of the proposals is largely neutral, albeit positive impacts are likely due to the recommended promotion of wheelchair accessible vehicles to be licensed by North Devon Council. An Equality Impact Assessment has been undertaken, and will be reviewed after consultation has been undertaken and prior to the recommendation of any policy amendments.

## 7. CONSTITUTIONAL CONTEXT

- 7.1. Article of Part 3 Annex 1 paragraph:4b
- 7.2. Referred or delegated power?: Delegated.

## 8. STATEMENT OF CONFIDENTIALITY

- 8.1. This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

## 9. BACKGROUND PAPERS

- 9.1. The following background papers were used in the preparation of this report: (The background papers are available for inspection and kept by the author of the report).

- The Energy Savings Trust/ Low Carbon Vehicle Partnership Low Emission Taxi Guide;
- North Devon Council Hackney Carriage and Private Hire Licensing Policy;
- In the picture: A data protection code of practice for surveillance cameras and personal information (ICO);
- The Information Commissioner's response to the Department for Transport's consultation on Statutory Guidance for Licensing Authorities; Taxi and Private Hire Vehicle Licensing;

## 10. STATEMENT OF INTERNAL ADVICE

- 10.1. The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: Katy Nicholls, Public Protection Manager.28.02.2022