



North Devon Council

Report Date: 13th September 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 consult the Licensing and Community Safety Committee on proposed amendments to the North Devon Council Hackney Carriage and Private Hire Licensing Policy (the 'policy'). A copy of the proposed amended policy can be found at **Appendix A**.

1.2. Approval for the Licensing Service to begin a formal public consultation on North Devon Council's Hackney Carriage and Private Hire Licensing Policy was granted at the LCSC meeting of 8th March, with the public consultation running from 16th March until 11th May 2022.

2. RECOMMENDATIONS

2.1. It is RECOMMENDED that Licensing and Community Safety Committee:

2.1.1 Consider the representations received in response to the public consultation found at **Appendix B**.

2.1.2 Consider any further amendments that it would wish to make to the revised policy found at **Appendix A**.

2.1.3 Make recommendation to the Strategy and Resources Committee for the approval of a revised policy.

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".

3.3 To increase the robustness of the Council's approach and procedures in respect of Hackney carriage and private hire regulation.

4 REPORT

4.1 The Licensing and Community Safety Committee (LCSC) Meeting of 8th March considered and approved a public consultation on proposed changes to the

North Devon Council Hackney Carriage and Private Hire Licensing Policy. The proposed Policy amendments outlined in the 8th March report included in particular:

- Update to the licenced vehicle age criteria (vehicle standards), to better align the Taxi Policy with the Councils corporate priority around protecting the environment (found at **Appendix B**);
- Introduction of technical specifications and system requirements for any new CCTV systems fitted within licenced 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 Authority received some 52 responses in relation to the consultation exercise. The responses are reproduced in full in **Appendix B**.

4.3 Officers have carefully considered all of the consultation responses received and have drafted several amendments to the proposed updated Policy in light of the consultation responses received. The consultation responses are summarised along with Officer comments and recommendations in **Appendix C**.

4.4 The amendments proposed as a result of the consultation responses include:

- Amendment to the proposal to update vehicle age criteria, with the proposal to reduce the upper age limit for first plating to 3 years amended to maintaining the current 5-year upper limit, but with the additional criteria of the vehicle being compliant with the Euro 6 emission standard;
- Changes to the proposal to introduce an upper age-limit for renewal, from an age-related-criteria (10 years maximum), to an emission related criteria "Vehicles must comply with the Euro 6 emission standard or above (or recognised UK equivalent)". It is also proposed to delay the implementation of this policy point until 1st January 2026 to take account of the financial impact of Covid-19, and the current volatility in used-car prices;
- Similarly, for wheelchair accessible vehicles the proposal has also been amended to an emission rather than age related criteria "Diesel vehicles must comply with the Euro 5 emission standard or above (or recognised

UK equivalent). Petrol vehicles must comply with the Euro 4 emission standard or above (or recognised UK equivalent)”;

4.5 The remaining proposals are recommended to be approved as set out in the draft policy put before the Committee on 8th March.

4.6 In addition to the previously proposed Policy changes and subsequent amendments, a number of other minor policy changes are proposed for approval:

- Amendment to the Policy wording on vehicle testing at sections 3.11 (Hackney carriage vehicles), and 7.12 (PHV) to give further clarity as to the time period acceptable for these tests;
- Update and amendment to the Vehicle Inspection Report Sheet found within Appendix B. The inspection form has been revised and extended slightly following a benchmarking exercise against the vehicle inspection requirements of neighbouring Licensing Authorities across Devon and Somerset;
- Amendment to the proposed wording for Private Hire Vehicles to display “Private Hire Advance Booking Only” signage, to allow for Private Hire Operators to include this wording within their own signage (subject to conformance with the criteria set out in the amended wording at Appendix M section 3.1);
- Amendment to the proposed wording on vehicle write-offs (Appendix A Section 1.5), to include further examples/ guidance on the documentary evidence which can be submitted as evidence of safety/ suitability of the vehicle post repair;
- Additional proposed wording within the Notifications section of the Private Hire Licensing Driver Conditions (Appendix O Section 3.2), to make it an additional requirement for Licenced Drivers to notify the Licensing Authority where they are notified by the Police of an allegation of an offence by them that the Police are investigating.

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 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.

7 CONSTITUTIONAL CONTEXT

- 7.1 Article of Part 3 Annexe 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 05.09.22