

Consultation summary – Revising North Devon Council’s Hackney Carriage and Private hire policy

Consultation from 14<sup>th</sup> March until 9<sup>th</sup> May 2022.

51 responses to electronic consultation, 1 response by email

Consultation Question	Responses	Additional Consultation Comments	Officer Comments and recommendations
<p>North Devon Council is proposing to reduce the age limit for new licenced vehicles from 5 years currently, to 3 years (or up to 4 years if the application is accompanied by a vehicle inspection report in-line with the Vehicle Inspection Checklist).</p>	<p>12 Yes 31 No 8 Maybe</p>	<p>Requiring a newer (and therefore more expensive vehicle) would increase overheads on an already slim profit margin given the high insurance and day to day running costs. All taxi drivers would love to drive more modern and environmentally friendly vehicles but simply cannot afford them.</p> <p>Using an arbitrary age is grossly unfair. It does not take in to account any other factor, such as millage</p> <p>Specifications on vehicles in the last 5 year ( excluding fully electric vehicles ) have very similar output of green house gases</p> <p>Older cars are just as clean if they're well-maintained</p> <p>Any diesel taxi will meet Euro 6, so reducing the age limit to 3 years will make no improvement to emission quality, but will increase costs at a time when taxi owners are recovering from a very lean period.</p>	<p>The consultation responses against the proposed reduction in the age limit for new licenced vehicles frequently reference the increased costs this policy measure would add to the taxi trade, and this is a valid concern given the rise in second hand car prices as the country recovers from Covid-19 (a shortage of new cars being manufactured has significantly inflated prices in the second-hand car market).</p> <p>Responses also reference the Euro Emission Standard, with the most recent standard Euro 6, coming into effect from late 2015. This means that any vehicle manufactured after that time will be compliant with the most recent emission standard and hence compliant with Low Emission Zones found in other parts of the country.</p> <p>Since the North Devon Council consultation was launched, the Department for Transport has also launched a national consultation on a new draft Taxi and Private Hire Vehicle Licensing Best Practise Guidance, which states the following: “The setting of an arbitrary age limit may be inappropriate and counterproductive and result in higher costs to the trade and ultimately passengers”, and “Licensing authorities should not impose age limits for the licensing of vehicles</p>

Consultation Question	Responses	Additional Consultation Comments	Officer Comments and recommendations
			<p>but should consider more targeted requirements to meet its policy objectives on emissions, safety rating and increasing wheelchair accessible provision”</p> <p>In Light of the consultation responses received and the comments in the draft Best Practise Guidance, it is therefore recommended that the policy with respect to new vehicles be amended to say “for all new vehicles plated for the first time by the Council (including existing proprietors on the change of vehicle), proprietors will be required to comply with the following condition(s): Vehicles must comply with the Euro 6 emission standard or above (or recognised UK equivalent) and be less than 5 years old”.</p> <p>The Euro 6 emission standard is the most recent emissions standards published to date, and their use would link to wider Council objectives around reducing emissions and protecting the environment. They would also broadly compare to the standard recently implemented at Torridge DC (locally benchmarked).</p>
<p>Should the Council introduce an upper age limit for licenced vehicle renewal?</p>	<p>14 Yes 28 No 9 maybe</p>	<p>Many owners take great care and constantly keep their vehicles in high quality condition and this should be taken into consideration.</p> <p>Again, grossly unfair when vehicles are kept in tip top condition, pass all tests etc why should they be refused. Seems like</p>	<p>The proposal to introduce an upper age limit for licenced vehicle renewal was linked to policy aspirations to ensure a reduction of emissions from the North Devon taxi and private hire fleet, and is linked to the wider corporate priority to “Cherish and protect our environment”.</p>

Consultation Question	Responses	Additional Consultation Comments	Officer Comments and recommendations
		<p>restriction of trade. Torridge, I believe have no age limits at all.</p> <p>Yes there are a lot of vehicles that are over the present (proposed) age limit. They are inspected twice a year and have to pass emissions test at the time of an mot. With all the money and staff that has been lost during the pandemic and still not have recovered from this, and now with the price of fuel and energy prices rising all the time, it is not really the time to bring this in. I feel this would put a lot of taxi companies at the point of closing. Maybe it could be put back for another year to give the taxi trade time to recover.</p> <p>Upper limit yes but 11 years isn't old for a well-maintained car.</p>	<p>Most taxis and private hire vehicles in North Devon are diesel and those approaching 10 years old or older will likely comply with the Euro 5, or in a small number of cases the Euro 4 standard. Newer vehicles manufactured from late 2015 onwards would comply with the current emission standard (Euro 6), which advocates significantly lower emissions than cars which comply with previous emission standards.</p> <p>Comments regarding older vehicles being well-maintained are relevant with respect to reliability and safety, but do not address the need to reduce emissions. It is however acknowledged that there are very significant financial and supply issues with both car manufacturing and the second-hand car market at the present time, and the ongoing impact of Covid-19 and rising CPI inflation figures continue to impact the financial viability of the taxi and private hire trade. It is therefore recommended that in Light of the consultation responses received and the comments in the draft Best Practise Guidance stated above, that the draft policy with respect to vehicle renewal be amended to say "From 1<sup>st</sup> January 2026, upon application for vehicle licence renewal, proprietors will be required to comply with the following condition(s): Vehicles must comply with the Euro 6 emission standard or above (or recognised UK equivalent).</p>

Consultation Question	Responses	Additional Consultation Comments	Officer Comments and recommendations
			<p>It would also be open to the Licensing Committee to re-evaluate this implementation date again in future should the situation dictate this.</p>
<p>3. An alternative vehicle standard is proposed in relation to Wheelchair accessible and ultra-low/ zero emission vehicles. The proposed vehicle standard aims to encourage the uptake of Wheelchair accessible and ultra-low/ zero emission vehicles</p>	<p>Yes 14 No 28 Maybe 9</p>	<p>All vehicles regardless of use should be treated the same</p> <p>Agree with reason for accessibility not sure about why it would be applied to low emission?</p> <p>I agree in principle but again I would say with the standard of these vehicles these days the twice yearly inspection should be extended to 10 years</p> <p>In North Devon there are definitely not enough wheel chair accessible vehicles however, low emission vehicles, i.e., electric vehicles, there are no means to charge electric cars in rural locations. Not only this but most taxi drivers are not rich people, they live in terrace houses or blocks of flats with no designated parking and no means to facilitate a charging point.</p>	<p>There are currently a limited number of wheelchair accessible vehicles (WAVs) in North Devon, and anecdotally the Licensing team are aware of difficulties in booking these vehicles as demand for their services appears to outstrip the number of vehicles available. The draft Best Practise Guidance also states the following “Licensing authorities should consider ways to incentivise an increase in wheelchair accessible vehicle provision”. It would therefore seem a sensible and reasonable policy aspiration to aim to incentivise the uptake of WAVs.</p> <p>With respect to ultra-low/ zero emission vehicles, the Licensing Committee acknowledged the lack of charging infrastructure in North Devon, and wrote to the Secretary of State for Transport on 7<sup>th</sup> March regarding this, and requesting that the Ultra-Low Emission Taxi Infrastructure scheme be prioritised for funding again, and that specific funding provision be earmarked for more rural local authority areas.</p> <p>Given that the draft Best Practise Guidance does not support the use of vehicle age limits, it is recommended that this proposal is amended to focus specifically on encouraging the uptake of</p>

Consultation Question	Responses	Additional Consultation Comments	Officer Comments and recommendations
			<p>WAVs (ultra-low/ zero emission vehicles would be licensable under proposal 1 above as they already exceed the Euro 6 emission standard). It is therefore proposed that for WAVs the policy be amended to say “for all new wheelchair accessible vehicles plated for the first time by the Council, proprietors will be required to comply with the following condition(s): 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)”. As almost all wheelchair accessible vehicles are diesel, this provision would allow the plating of older vehicles than for standard taxi/ PHVs, and as such help to reduce the initial purchase costs (thereby incentivising their uptake, and acknowledging that WAVs tend to be more expensive to run on account of their frequent larger size).</p>
<p>4 It is proposed that the Council become members of the National Register of Revocations and Refusals and review all applications for new licences against it</p>	<p>Yes 34 No 6 Maybe 11</p>	<p>If as a new driver you have nothing to hide then this will make no difference to a driver.</p> <p>Temporary suspensions should not be added unless a breach is proven.</p> <p>Good idea in principle.</p> <p>You already do the highest checks you will be wasting more money.</p>	<p>There appears to be broad agreement in the merits of this proposal and as such it is recommended that it is implemented as proposed.</p> <p>Furthermore, since the consultation commenced a new piece of legislation has passed royal assent (the taxi and PHVs (Road Safety and Safeguarding) Act 2022), which mandates two main changes to taxi licensing from 31<sup>st</sup> May:</p> <ul style="list-style-type: none"> <li>- Firstly, that Licensing Authorities that have information about a taxi or PHV driver licensed by another authority that is</li> </ul>

Consultation Question	Responses	Additional Consultation Comments	Officer Comments and recommendations
			<p>relevant to safeguarding or road safety concerns in its area, must share that information with that authority.</p> <ul style="list-style-type: none"> <li>- Secondly, the act will require licensing authorities in England to input, into a central database, instances where the authority has refused, suspended, chosen not to renew or revoked a taxi or PHV driver's licence.</li> </ul> <p>Guidance on the second aspect (the national database), has yet to be issued by central government, but it is expected that the existing National Register of Revocations and Refusals will be used for this purpose.</p> <p>In relation to the comment about suspensions, this is not part of the proposed changes, and the Authority would continue to follow best practise guidance and case-law in respect to these instances.</p> <p>With respect to current high-level checks, it is presumed that this relates to enhanced DBS checks. An enhanced DBS would identify prior criminal investigations and convictions, but not previous licence refusals, suspensions, or revocations (applicants currently sign a declaration covering this).</p>
5 It is proposed that the policy section on vehicle write off codes be amended and	Yes 28 No 8 Maybe 15	This seems reasonable	There appears to be broad agreement in the merits of this proposal and as such it is recommended that it is implemented as proposed.

Consultation Question	Responses	Additional Consultation Comments	Officer Comments and recommendations
expanded in-line with changes to vehicle write off codes made by the DVLA		Do you mean the same reports as are now used for cat N and D if so thats fine but there are not many qualified people in the area to do them	Whilst the category of write-off have been changed, the approach to this of using a registered vehicle engineer would remain the same.
6 It is proposed to introduce a requirement for vehicle proprietors/ drivers to undertake basic daily checks on the safety/ roadworthiness of their licenced vehicle	Yes 27 No 15 Maybe 9	<p>It's down to the Licenced driver to already perform these checks. way too much paperwork for the council and what's to say people won't fabricate the answers anyway. Terrible idea.</p> <p>The licencing officers used to carry out spot checks on vehicles. This should be reinstated not passed to the vehicle owner</p> <p>Each driver should be doing these checks each day as part of their job</p> <p>Weekly OK, daily too excessive</p>	<p>The responses to this proposal tended to fall into two categories; those that felt this proposal was unnecessary or an unreasonable burden, and those who felt the idea was positive and/ or stated they already did this. Several other responses mentioned the need for enforcement of this if it is introduced.</p> <p>It is hoped that a requirement to undertake basic daily checks and record this on a weekly record sheet would lead to improvements in vehicle maintenance/ safety.</p> <p>Furthermore, it is felt that the requirement to record this on a daily basis would introduce a minimal admin burden as the main time taken would be in undertaking the basic checks, which it is expected most drivers would be doing anyway as part of their existing maintenance/ safety regime.</p> <p>It is therefore recommended that this is implemented as proposed.</p>
7 It is proposed to introduce certain record keeping	Yes 27 No 18	You will lose drivers from too much paperwork and hoops to jump through.	The responses to this proposal have been reviewed and it is considered that this

Consultation Question	Responses	Additional Consultation Comments	Officer Comments and recommendations
<p>requirements for Hackney carriage proprietors as a condition of licence (specifically records of who drives the vehicle, records of daily vehicle checks, and maintenance records).</p>	<p>Maybe 6</p>	<p>A responsible business should already do this.</p> <p>Cost too much time and admin and we are not storing paperwork when there's no need for time consuming paperwork</p>	<p>requirement would not place an unreasonable burden on Hackney carriage proprietors. Rather it is considered that such a requirement would have a benefit of enhancing vehicle safety, and would be of significant benefit when complaints are received as Licensing/ Police Officers will be able to establish the driver of the vehicle at the time of the complaint in a timelier manner.</p> <p>It is therefore recommended that this proposal is implemented as proposed.</p>
<p>8 It is proposed that the requirement for private hire vehicles to have a sun strip saying "private Hire", be replaced with door stickers to the same effect</p>	<p>Yes 26 No 16 Maybe 9</p>	<p>front sun strips are already fit for purpose</p> <p>The strip is outdated</p> <p>Can't see any point in removing strips that are already on there. but happy with the stickers if the council are providing them.</p> <p>more added cost to council and damage to paint when removed easy to remove from glass</p>	<p>The requirement for Private Hire vehicles to have a sun strip saying "Private Hire" is outdated and not always applicable to all makes/ models of vehicle.</p> <p>Door stickers to the same effect are widely used in other authorities, and would have the advantage of being applicable to all makes/ models. The stickers would be provided by the Council at vehicle licensing/ renewal. Vehicle proprietors may wish to mount the stickers onto magnetic sheets to avoid direct application onto paintwork (the requirement would be to display these at all times whilst the vehicle is in use as a PHV). Vehicles which already have a sun strip would be permitted to either keep them in place or remove them as they wish.</p> <p>It is therefore recommended that this proposal is implemented as proposed.</p>

Consultation Question	Responses	Additional Consultation Comments	Officer Comments and recommendations
<p>9 It is proposed to introduce record keeping requirements for private hire vehicle proprietors in parallel with that set out above for Hackney carriage proprietors on the basis that these records would have equal relevance to the private hire trade.</p>	<p>Yes 30 No 16 Maybe 5</p>	<p>Why should they be exempt</p> <p>Private hire maybe parked up three/four days so who fill this in</p>	<p>There appears to be broad agreement in the merits of this proposal and as such it is recommended that it is implemented as proposed.</p> <p>The record keeping requirement would only apply on days when a vehicle is in use as a Hackney carriage or private hire vehicle.</p>
<p>10 It is proposed to introduce a requirement for licenced drivers to attend an interview with Licensing Officers where requested to do so in relation to a complaint received by the Council.</p>	<p>Yes 22 No 14 Maybe 15</p>	<p>Terrible Idea, Can be done over the phone. Shocking idea, will a police officer be present?? how do drivers complain about passengers?</p> <p>Depends on the severity and/or history. waste of time if someone's just having a whinge</p> <p>At the earliest opportunity but maybe offer the option of three possible dates?</p> <p>I think that to have a driver in and being able to record a statement should only be done by the police and a solicitor is present if you wish to ask questions then do so if you wish to take it further then the driver should be allowed his civil rights and you may be falling short of the law</p>	<p>The main point of this proposal is it would compel a licence holder to engage with the Council in relation to a complaint investigation, whereas currently, some drivers ignore emails and calls from the licensing authority thereby delaying the investigation. A key part of investigating complaints received is hearing objectively both sides of the story, so it is essential we get the licence holders version of events at an early stage.</p> <p>The recording of complaint interviews in accordance with the requirements/ principles of the Police and Criminal Evidence Act 1984 (PACE) Code B would formalise the evidence collection process, and it would be open to the driver to attend alongside a legal advisor as they would have notice of the interview date, and be able to have a copy of the interview record post interview. Drivers would not be under arrest and attendance would be voluntary, but failure to attend without a reasonable excuse may (if adopted), lead to referral to a Licensing Sub-</p>

Consultation Question	Responses	Additional Consultation Comments	Officer Comments and recommendations
			<p>Committee for consideration as a breach of licence condition.</p> <p>It is therefore recommended that it is implemented as proposed.</p>
<p>11 Vehicle proprietors are required by law to notify the Licensing Authority when they transfer a vehicle to another individual. It is proposed to emphasise this within the policy via amended wording and to extend this provision to notification of address/ contact detail changes.</p>	<p>Yes 36 No 3 Maybe 12</p>	<p>Surely this is a no brainer</p> <p>I would assume this already happens?</p>	<p>There appears to be broad agreement in the merits of this proposal and as such it is recommended that it is implemented as proposed.</p> <p>Proprietors/ licence holders would be encouraged to notify by emailing the Licensing Team inbox as this is monitored daily each weekday.</p>
<p>12 It is proposed to introduce a requirement for private hire operators to inform customers where larger vehicles such as minibus will be used and that this may mean that the driver has a PSV licence and as such is subject to different checks than private hire drivers as they are not required to have an enhanced DBS check</p>	<p>Yes 30 No 11 Maybe 10</p>	<p>All PSV drivers should have DBS anyway</p> <p>These days the PSV checks should definitely include the DBS check and why don't they?</p> <p>Why not just have a sticker on the bus?</p>	<p>There appears to be broad agreement in the merits of this proposal and as such it is recommended that it is implemented as proposed.</p> <p>As it stands PSV licence holders are not subject to an enhanced DBS check as part of their licensing process. Prior notification would enable the customer to be aware of this and potentially make alternative arrangements where they are unhappy about this.</p>
<p>13 On occasion private hire vehicle proprietors may wish to request permission for the vehicle to be used for executive/ chauffeur work</p>	<p>Yes 20 No 18 Maybe 13</p>	<p>Should apply to both hackney and private hire or none at all.</p>	<p>Executive hire exemptions are fairly common requests and are dealt with in a similar way by most Licensing Authorities. The policy wording proposed here is similar to numerous other Devon Authorities.</p>

Consultation Question	Responses	Additional Consultation Comments	Officer Comments and recommendations
<p>without having to display a licence. The proposed policy sets out the procedure and requirements for exemption requests.</p>		<p>I believe all licensed vehicle should be badged to show that they are a licensed vehicle.</p> <p>I would propose that driver is required to carry with but not display, some clients prefer a covert source of travel</p>	<p>The provision is usually only applicable to private hire vehicles on the basis that most authorities require Hackney carriage to have a roof light.</p> <p>This Policy specifically excludes vehicles being used for day-to-day private hire circuit work such as pubs, shopping and other similar journeys which must comply with the Act, and relevant private hire vehicle licence conditions at all times.</p> <p>In view of the public safety implications of vehicles working without signage each application will be considered on its individual merits and on its compliance with the Policy.</p> <p>It is therefore recommended that it is implemented as proposed.</p>
<p>14. It is proposed that with effect from 1<sup>st</sup> July 2022, any newly installed CCTV systems should comply with the technical specifications and system requirements listed in Appendix S of the Policy.</p>	<p>Yes 24 No 17 Maybe 10</p>	<p>CCTV systems are not compulsory and therefore should be up to the operator to decide which device to install , Dashcam systems also act as a good prevention of crime, restricting the requirements of these camara system could potentially cause people to stop using them.</p> <p>I think this costs a large amount but other businesses have to do it as well. It should be mandatory for all taxis and PH vehicles and all systems newly installed or not. This will help to professionalise the service in North Devon and hopefully encourage</p>	<p>As part of the recent review of the Taxi Policy in-light of changes brought about by the Statutory Taxi &amp; Private Hire Vehicle Standards, North Devon Council considered whether CCTV should be made mandatory, but concluded that there was insufficient evidence to justify local circumstances requiring mandatory CCTV.</p> <p>As a result the installation of in-car CCTV remains a voluntary measure to be considered by each proprietor.</p> <p>Should a proprietor opt for CCTV installation the proposed standard would give clear technical specifications which would ensure any system</p>

Consultation Question	Responses	Additional Consultation Comments	Officer Comments and recommendations
		<p>better behaviour from passengers eventually.</p> <p>Councils who have insisted on this are helping with payment to owners with a subsidy</p>	<p>installed is suitably secure and produces footage of good evidential value. CCTV systems which conform to the technical spec proposed are significantly more expensive than similar dash-cam type products, but typically have a number of advantages over such products, including clearer footage and better performance in different light conditions, thereby providing footage of significantly better evidential value.</p> <p>It remains the case that only a small number of local authorities have made CCTV mandatory, and only a limited number have offered any form of grant funding to encourage uptake (typically where funding has been offered this has been via the Community Safety Partnership).</p> <p>It is therefore recommended that it is implemented as proposed.</p>
<p>15. It is proposed that if adopted the CCTV technical standard should only be applicable to systems installed after 1<sup>st</sup> July 2022</p>	<p>Yes 24 No 18 Maybe 9</p>	<p>If in then why would they not be good enough most are just for external not internal. I had 2 fitted now disconnected . customers did not like them on the rank we were often walked past to other cars because we showed the CCTV signs on the cars, once removed no walk byes</p>	<p>If the proposed technical standard was to be applicable to all currently installed CCTV systems then it is anticipated that the majority of existing systems would require upgrading, at significant cost to the proprietor.</p> <p>It is also anticipated that given CCTV is non-mandatory in North Devon licenced vehicles, that in the above scenario some proprietors may opt to remove their current system instead of paying for upgrade, which Officers felt would be a retrograde step.</p>

Consultation Question	Responses	Additional Consultation Comments	Officer Comments and recommendations
			It is therefore recommended that if the CCTV technical specification is approved, that this should only be applicable to systems installed after 1 <sup>st</sup> October 2022.
16. Respondents were asked if they felt the technical specifications are sufficiently detailed and give appropriate guidance	Yes 17 No 13 Maybe 21	<p>These systems are not readily available. And I think restricting the requirements of these cameras will put people off using them at all.</p> <p>I think clear and simple guidance as to the responsibilities of the driver as a data controller and the role and responsibilities of the police service should be made clear in the specification if possible.</p>	<p>Systems which conform to the proposed specification are available, but they are expensive (£300 +), and generally require installation by an automotive engineer/ electrician. The inclusion of such technical specifications may therefore put proprietors off installing a CCTV system, but this is balanced against the systems that are fitted being secure and of good evidential value (something which is not always the case with dashcam type systems).</p> <p>A link to the Information Commissioner website which includes guidance on the responsibilities for Data Controllers can be inserted within Appendix A of the policy (point 16.2 Appendix A: Vehicle Conditions).</p>