

Licensing Committee Meeting	
Meeting Date	4 th October 2022
Report Title	Statement of Hackney Carriage and Private Hire Licensing Policy review
EMT Lead	Emma Wiggins, Director of Regeneration
Head of Service	Charlotte Hudson, Head of Housing and Community Services
Lead Officer	Christina Hills, Licensing Team Leader
Key Decision	No
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. Members to consider each of the recommendations made in the evaluation grid attached as Appendix IV to this report, and request officers to update the draft policy document at Appendix 1 accordingly, prior to formal approval. 2. That should the policy be updated, in accordance with recommendation 1, final approval is delegated to the Chair of Licensing Committee without the need to report back to this Committee with a commencement date of 1st November 2022. 3. To give delegated authority to the Community Safety Manager in consultation with the Chair of the Licensing Committee to make necessary minor amendments to appendices of the Statement of Hackney Carriage and Private Hire Licensing policy.

1 Purpose of Report and Executive Summary

- 1.1 This report is to present members with consultation responses received in respect of the draft 'Statement of Hackney Carriage and Private Hire Licensing Policy'.
- 1.2 The report includes an evaluation of each response and gives an officer recommendation as to whether or not to amend the draft policy statement and, if so, in what way and to what extent. Member input is sought in finalising the policy statement for publication and implementation.

2 Background

- 2.1 The overarching aim of the taxi and private hire licensing regime is to protect the public by ensuring that all drivers, vehicles and operators are licensed and

regulated by authorities in accordance with statutory provisions, primarily set out in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 and, where they exist, local policy considerations.

- 2.2 The aim of the licensing function is to provide a safe environment for those using licensed vehicles and also for ensuring that drivers are knowledgeable and understand their responsibilities to the travelling public e.g. particularly around safeguarding for vulnerable children and adults. Hackney carriages (taxis) and private hire vehicles, their drivers and their operators also have an important role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available, outside “normal hours” such as the evening or at weekends, or for those with mobility difficulties
- 2.2 Although it is not a statutory requirement, the Council has published a Hackney Carriage and Private Hire Licensing Policy (approximately) every three years since 2014; taking into account the Best Practice Guidance issued by the Department of Transport, the Regulator’s Code, and any other relevant matters.
- 2.3 The current edition of the Swale BC Hackney Carriage and Private Hire Licensing Policy 2018 – 2021 is available to view at <https://swale.gov.uk/news-and-your-council/strategies-and-policies/taxi-policy>
- 2.3 The Secretary of State for Transport issued new Statutory Taxi and Private Hire Vehicle Standards to licensing authorities in July 2020. The Statutory Standards set out a range of robust measures to protect taxi and private hire passengers with a particular aim of safeguarding children and vulnerable adults as well as the travelling public in general.
- 2.4 The Statutory Taxi and Private Hire Vehicle Standards were considered by the General Licensing Committee and incorporated into the current Swale Statement of Hackney Carriage and Private Hire Licensing Policy on 11 March 2021 subject to a full review of the policy at a later date.

3 Proposals

- 3.1 This 2022 revised policy seeks to incorporate all of the standards set out where they are not already in place.
- 3.2 All proposed changes have been incorporated into the draft policy attached as **APPENDIX I** and a summary of these is set out in a table as **APPENDIX II** for ease of reference.
- 3.3 In addition to implementing proposals contained in the Statutory Standards and legislation or to make the policy clearer and more transparent the main change proposed by this policy is to strengthen this council’s Climate and Ecological Emergency Action Plan that Swale will become carbon neutral by 2030 by requiring the following:

- 3.3.1 From 1 April 2023, all vehicle licence applications for newly licensed vehicles (i.e. all applications other than those to 'renew' an existing vehicle licence for the same vehicle by the same holder) must be for low emission vehicles (LEV) - either all electric, electric/fuel hybrid or Euro 6 diesel and Euro 6 petrol compliant. Older vehicles have over 3 times and some as much as 6 times the permitted emissions limit of Euro 6 diesel and petrol.
- 3.3.2 From 1 April 2023, all Euro 6 diesel and Euro 6 petrol vehicles will be licensed for a maximum period not to exceed 1 April 2030. Any Euro 6 diesel or Euro 6 petrol driven vehicles licensed before 1 April 2023 will also cease to be licensed on 1 April 2030.
- 3.3.3 From 1 April 2025, all new vehicle licence applications must be for vehicles that are ultra-low emission (ULEV) ie: less than 75 grams of CO₂. ULEV includes battery electric vehicle (BEV), extended range electric vehicle (E-REV) plug in hybrid electric vehicle (PHEV) or fuel cell electric vehicle (FCEV-hydrogen vehicle).
- 3.4 Members are therefore asked to consider the below recommendations:
- Members to consider each of the recommendations made in the evaluation grid attached as Appendix IV to this report, and request officers to update the draft policy document at Appendix 1 accordingly, prior to formal approval.
 - That should the policy be updated, in accordance with recommendation 1, final approval is delegated to the Chair of Licensing Committee without the need to report back to this Committee with a commencement date of 1st November 2022.
 - That Members delegate any future amendments to appendices of the Statement of Hackney Carriage and Private Hire Licensing policy which are of a minor nature to the Chair of Licensing Committee after consultation with the Community Safety Manager.

4 Consultation Undertaken

- 4.1 A consultation period of 12 weeks ran from 7 March 2022 to 27 May 2022. Methods of consultation included advertising on the council's website, by way of direct emails, and where this was not possible, postal mailshots as well as advertising in local newspapers as well as on social media. Reminders to participate in the consultation were also done. Face to face meetings were also considered but due to time and resource constraints these were not able to be facilitated.
- 4.2 The following responses to the consultation were received:

- a) Ward Councillor – 1
 - b) Operators – 3
 - c) Drivers – 2
 - d) KCC Transport – 1
 - e) Member of the public – 1
- 4.3 The Council currently licences 32 private hire operators and 293 hackney carriage/private hire drivers. It was disappointing to observe how few from the licensed trade responded to the consultation. As a result, a further consultation with the trade was conducted from 24 June 2022 to 5 August 2022. Face-to-face meetings with the trade were also held during the day on 21 July 2022 and during the evening on 4 August 2022 where the policy was discussed as a whole and concerns of the trade were recorded for inclusion on the consultation grid.
- 4.4 All responses that have been received together with additional comments that were made at the face-to-face meetings have been entered onto a grid for consideration. There is also one response from an operator shown as **APPENDIX III**.
- 4.5 Licensing Officers, in consultation with the Community Safety Manager have conducted an evaluation of each response and where not mentioned in this main report have given comments and recommendations as to whether or not to amend the policy statement, and if so, in what way and to what extent.
- 4.6 The grid is attached as **APPENDIX IV**.
- 4.7 The issue that raised the most concerns related to the electric vehicle (EV) proposals, namely:
- 4.7.1 The lack of charging infrastructure in place at the current time
 - 4.7.2 The limited range (in terms of distance that can be travelled from a single charge) of electric vehicles
 - 4.7.3 The limited choice of electric vehicles available
 - 4.7.4 The cost of buying electric vehicles
 - 4.7.5 The potential effect this could have both to the licensed trade and to the travelling public of Swale.
- 4.8 It is fair to say that there is an expectation and reliance that, as time moves forwards and prior to the implementation of the proposed EV policy requirements:
- 4.8.1 EV charging points will become widely available and accessible locally and nationally.

- 4.8.2 EV charging technology will improve to allow EV's to be charged much faster, such that the time taken to re-charge an EV will be closer to that taken to re-fuel a petrol/diesel vehicle.
 - 4.8.3 EV battery technology will improve to provide greater journey ranges between charges.
 - 4.8.4 The cost of electric vehicles will reduce, and the choice of vehicles will continue to expand.
- 4.9 Whilst these are assumptions, Members are advised of the following associated points for consideration:
- 4.9.1 The Hackney Carriage and Private Hire Licensing Policy can be reviewed and updated at any point and therefore an interim review of the policy requirements could be re-evaluated and amended to take into account how the situation changes. If Members are minded to require a review, it is suggested that it could be done by no later than September 2024 which is 6 months before the requirement that all new vehicle licence applications must be for vehicles that are ultra-low emission (ULEV) due to currently be implemented on 1 April 2025.
 - 4.9.2 The proposed vehicle requirements would take place in just under 3 years and 8 years respectively, to provide those affected with as much notice as possible. Indeed, the proposals are such that existing drivers would be able to replace their vehicles with a policy-compliant hybrid, petrol or diesel vehicle prior to 1 April 2025 and, provided it did not reach the maximum permitted age or otherwise become un-licensable, they would not need to replace them with a fully electric vehicle until 1 April 2030. The alternative approach would be to introduce such requirements into the policy at a later date with little lead in period.
 - 4.9.10 There is currently a shortage of taxi drivers within Swale, which is the same situation as for the rest of the country, due in major part to drivers leaving the trade during the Coronavirus pandemic and not returning to the trade as the country has got back to normal. Should operators feel that the vehicle licensing requirements are too stringent in Swale they may decide that their business is no longer viable and cease to trade. This would have an effect on the travelling public of the borough who are already finding it difficult to freely source a taxi journey.
 - 4.9.11 Operators may choose to licence with another local authority, for the private hire work they undertake in this borough. Unless the alternative authority are happy to put in place an agreement that Swale licensing officers enforce on their behalf, Swale could find itself with a private hire trade that we cannot enforce against unless or until legislation changes which gives us the right to do so.

4.9.12 Operators may choose to no longer licence vehicles with 7 or 8 seats which have to be wheelchair accessible. This would greatly disadvantage that part of the travelling public of Swale who rely on wheelchair accessible taxis as their only mode of transport.

4.9.13 Members will be aware that at the 15th February 2022 meeting of the General Licensing Committee it was resolved that:

(3) That a lower licence fee should be offered for cleaner vehicles through a variable licence fee table.

This fee will be considered as part of a wide-ranging fee setting exercise for taxi licensing that will be undertaken later in 2022/23.

4.10 From telephone conversations that licensing officers have had with some of those within the trade it would appear that whilst they are all aware that the taxi policy is being reviewed and that they had received details of the consultation, few seemed to realise exactly what the implications of the change in vehicle specifications actually meant and how it would impact on them hence the face-to-face meetings with the taxi trade as mentioned at para 4.3. Of those that are aware of the proposed changes several drivers/operators have said that they will cease trading or renewing their licences in 2030 if the policy is implemented as it stands.

4.11 The cost-of-living crisis is set to continue as fuel, energy and food prices surge higher due to the pandemic and war in Ukraine. The recent disruptions to global supply chains have created significant economic impacts on operating costs and revenue as well as replacement vehicle cost and availability for taxi and private hire vehicle owners and operators. Members may therefore be interested in the following information:

- The availability and lead time of new vehicles has been disrupted (Source: <https://www.carbuyer.co.uk/car-buying/304001/new-car-delivery-times-how-long-will-you-have-to-wait>)
- The shortage of new vehicles has impacted the price and availability of second hand vehicles (Source: <https://www.ons.gov.uk/economy/inflationandpriceindices/bulletins/consumerpriceinflation/april2022>)
- The impacts of the covid pandemic included a reduction in the number of licensed vehicles (Source: <https://www.gov.uk/government/collections/taxi-statistics>)
- The sharp rise in fuel prices have increased operating costs requiring an increase in the regulated fares (Source: <https://www.gov.uk/government/statistics/weekly-road-fuel-prices>)
- The current cost of living crisis (Source: <https://www.statista.com/statistics/1300280/great-britain-cost-of-living-increase/>)

4.12 Canterbury City Council amended the vehicle specifications that they had previously adopted in 2021 as part of their taxi policy after feedback from the taxi trade and have now decided on later implementation dates for the taxi fleet

moving to ULEV/fully electric vehicles
<https://democracy.canterbury.gov.uk/mgAi.aspx?ID=79844>

- 4.13 Conversations with the climate change officers of Swale have now recognised that wheelchair accessible vehicles i.e. those that accommodate 7 or 8 passengers and executive vehicles should be exempted from the requirement to be ultra-low emission (ULEV) ie: less than 75 grams of CO2. ULEV includes battery electric vehicle (BEV), extended range electric vehicle (E-REV) plug in hybrid electric vehicle (PHEV) or fuel cell electric vehicle (FCEV-hydrogen vehicle) until such times as there are more vehicles of this type available to purchase.

5 Alternative Options

- 5.1 If the modified proposals are not considered suitable then Members could:
- a) revert to the original taxi policy. This option is not recommended as there are a number of national standards requirements that need to be included as a minimum.
 - b) request that licensing officers look at the draft proposals again and return to this committee with a further draft at a later date
 - c) Members could choose to adopt the modified proposals contained within the draft policy with the exception of those relating to vehicle specifications whereby they could adopt their own preferences
 - d) Members could choose to adopt the modified proposals contained within the draft policy but in regards to the vehicle specifications they could decide that a start date of 1st April 2027 for all new vehicles to be ULEV would be more appropriate, subject to an interim review of the taxi policy in 2024. This is the option preferred by officers.

6 Implications

Issue	Implications
Corporate Plan	<p>The service is an important regulatory function undertaken to ensure the safety of the travelling public of Swale as well as its licensed drivers.</p> <p>There are indirect links to:</p> <p>Priority 3: Tackling deprivation and creating equal opportunities for everyone</p> <p>3.4 Ensure that the council plays a proactive role in reducing crime and antisocial behaviour</p>

Financial, Resource and Property	The cost of consultation and publishing an updated policy will be met from within existing budgets. The Hackney Carriage and Private Hire Policy is not envisaged to place any new financial pressures on the Council.
Legal, Statutory and Procurement	<p>There is no legal requirement for a policy, however it is best practice. The Department for Transport's statutory standards make a clear recommendation that licensing authorities should publish a single licensing statement or policy for taxi and private hire vehicle licensing that brings together all their procedures in one place.</p> <p>Rights of appeal are granted to all applicants and licensees who are aggrieved by any licensing decisions.</p>
Crime and Disorder	<p>The licensing role of the Council is important in improving the safety, security and welfare of the Borough's residents, visitors and business community by ensuring an adequate supply of properly licensed taxis as a safe mode of transport for the public, particularly when other public transport is unavailable and ensuring the safety of drivers.</p> <p>A published policy setting out how the council will achieve these aims is seen as an important regulatory tool.</p>
Environment and Climate/Ecological Emergency	The draft policy has considered environmental sustainability with regards to emissions from vehicles and the council's commitment to be carbon neutral by 2030.
Health and Wellbeing	The health of the residents of the borough could be improved by addressing vehicle emissions. Also, by ensuring public safety.
Safeguarding of Children, Young People and Vulnerable Adults	<p>Licensing regimes are largely designed to protect public safety. The DfT Statutory Standards go even further to protect public safety, especially children, young people and vulnerable adults and these have been incorporated into this policy revision.</p> <p>Air quality is also an important aspect of protecting children and vulnerable adults and therefore imperative that the licensing of vehicles contributes to improving the air quality in the borough.</p>
Risk Management and Health and Safety	Whilst each individual application will be judged on its own merits, a documented policy ensures a transparent and consistent approach to licensing that reduces the opportunity for challenge through the Courts. Challenges to a particular decision are more likely to fail if the Council can demonstrate that it has adhered its published policy and there was no reason to depart from it. Any departure will be based on material evidence and will be documented giving clear and compelling reasons for doing so.

Equality and Diversity	This policy includes provisions for licence holders to meet requirements contained in the Equality Act 2010 and The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022. An Equality Impact Assessment has been conducted which is shown as APPENDIX V
Privacy and Data Protection	All applications processes will be in line with privacy and data protection regulations

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Draft Swale BC Statement of Hackney Carriage and Private Hire Licensing policy
- Appendix II: Summary of proposed changes to the policy
- Appendix III: Consultation response from a private hire operator
- Appendix IV: Consultation Grid
- Appendix V: Equality Impact Assessment

8 Background Papers

No background papers are included.