

# TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Licensing Committee
<b>Date of Meeting:</b>	9 November 2023
<b>Subject:</b>	Review of Hackney Carriage (Taxi) and Private Hire Licensing Policy
<b>Report of:</b>	Licensing Team Leader
<b>Head of Service/Director:</b>	Director: Communities
<b>Lead Member:</b>	Lead Member for Clean and Green Environment
<b>Number of Appendices:</b>	Five

## **Executive Summary:**

To advise the Committee on the outcome of the consultation and seek adoption of the Hackney Carriage and Private Hire Licensing Policy.

## **Recommendation:**

**To endorse the revised Hackney Carriage and Private Hire Licensing Policy and RECOMMEND TO THE EXECUTIVE COMMITTEE that it be ADOPTED.**

## **Financial Implications:**

None arising directly from this report.

## **Legal Implications:**

Tewkesbury Borough Council may set its own standards for driver, vehicle and operator licensing whilst also taking statutory guidance and best practice into account.

Consultations must be carried out fairly and the recommended consultation period is 12 weeks.

The Council will need to carefully and thoroughly assess the impact of introducing the proposed policy, including the effect on the supply of taxis and private hire vehicles in the area. They should also bear in mind the need for a proportionate approach, ensuring that those licence holders that would not meet the criteria can adapt or change their vehicle within a reasonable time.

Consultation on the policy should include not only the taxi and private hire vehicle trades, but also groups likely to be the trades' customers.

### **Environmental and Sustainability Implications:**

The government's website reports that cars and vans represent 19% of all domestic emissions. In Tewkesbury Borough there are 786 licensed taxi and private hire vehicles, so they are only a small percent of the total number of vehicles within the district; however, any reduction in emissions from taxis and private hire vehicles will be a move to improving air quality and help reduce impact on the environment. An all-electric fleet with zero emission is the aim but this must be balanced against cost and impact on the trade along with the infrastructure to support this. The policy proposed in this report seeks to improve emissions by introducing a policy which will result in all taxis and private hire vehicles being Euro 6 emissions or ULEV by 2025 and will see a phasing out of older, higher polluting vehicles up to that date.

### **Resource Implications (including impact on equalities):**

No resource implications.

Restrictions on emission compliance of wheelchair accessible taxi and private hire vehicles may result in a reduction in the number of wheelchair accessible vehicles being licensed.

Equally, there could be a positive benefit for people living with a respiratory illness or disability, as the proposed emissions policy will contribute towards cleaner air.

### **Safeguarding Implications:**

None arising directly from this report.

### **Impact on the Customer:**

Vehicle licence holders will have to comply with new vehicle requirements by 1 January 2026.

All new driver applicants will have to pay for a driver assessment (currently £87).

## **1.0 INTRODUCTION**

- 1.1** Tewkesbury Borough Council is responsible for licensing Taxi and Private Hire vehicles. As part of its Hackney Carriage (Taxi) and Private Hire Licensing Policy, the Council sets out requirements for driver, vehicle and operator licences.
- 1.2** There have been several reviews over the last two years to update the document with the Gloucestershire Common Standards (aligned approach to driver standards), medical criteria (to accept medical summaries from GP's) and to include the M1 vehicle standards for converted vehicles.
- 1.3** This review is to amend:
  - Driver requirements that have not already been updated as part of the Gloucestershire Common Standards.
  - Vehicle requirements – introduction of an age and emissions policy
  - Updated operator conditions
  - Revised plate exemption policy

## **2.0 BACKGROUND**

- 2.1** The draft policy was approved by the Licensing Committee on 15 June 2023 for consultation.

**3.0 PROPOSED CHANGES TO THE HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**

**2.2** A copy of the table of proposed amendments can be found at **Appendix A**.

**3.0 CONSULTATION**

**3.1** A 12-week consultation was carried out will all licence holders and stakeholders between 3 July – 24 September 2023.

**3.2** Stakeholders included:

- Gloucestershire County Council's Integrated Transport Unit
- Gloucestershire Police
- All other Gloucestershire Licensing Authorities
- Ward Councillors
- Town/Parish Councils
- Gloucestershire Sight Loss Council
- Citizens' Advice Bureau
- Community Safety Partnership
- National Private Hire and Taxi Trade Association

The consultation was advertised on the Council's website.

**3.3** During the consultation, 52 responses were received. This included responses from:

- Gloucestershire County Council Integrated Transport Unit
- Gloucestershire Sight Loss Council
- National Private Hire and Taxi Association
- Tewkesbury Town Council
- Cabinet member at Cotswold District Council, Cllr Juliet Layton
- Licence holders

**3.4** A copy of the consultation comments, together with the Officer appraisal is attached at **Appendix B**.

**3.5** A further representation from a private hire operator, GO Accessible transport is attached at **Appendix C**.

**4.0 CONSULTATION RESPONSES AND PROPOSED AMENDMENTS TO DRAFT POLICY**

**4.1 Driver Requirements**

**4.1.1 Proposed change – Applicant must have held a DVLA driver licence for 12 months prior to application (previously 3 years)**

There was one unsupportive comment with regards to the length of time that an applicant should hold a Driver and Vehicle Licensing Agency (DVLA) driver licence prior to applying for a driver licence. It is proposed that the amendment should proceed as it is in line with the Gloucestershire local authorities and Department for Transport (DfT) Best Practice Guidance.

#### **4.1.2 Proposed change – all new applicants must complete a driver assessment**

There were a couple of unsupportive comments regarding this change. It is proposed to retain this amendment to raise standards further and to be in line with Gloucestershire local authorities.

#### **4.2 Vehicle Requirements – age and emissions policy**

##### **4.2.1** Currently, there are no age restrictions or an emissions policy for licensed vehicles in Tewkesbury Borough. This has resulted in a huge number of issues including:

- An influx of private hire vehicle applications from applicants living outside of the area. This has resulted in pressures on the Licensing service and a rise in enforcement issues.
- Majority of our licensed private hire vehicles working in Cheltenham and Gloucester.
- Frustration from the Gloucester and Cheltenham licence holders due to the higher standards set by those Councils. Tewkesbury Borough vehicles work alongside these vehicles that are newer. This has resulted in a bad reputation for Tewkesbury Borough Council.
- Illegal plying for hire taking place in Cheltenham and Gloucester.
- Higher emissions from older vehicles.
- Reduction of availability of licensed vehicles in Tewkesbury Borough as it is more attractive to work in Cheltenham/Gloucester.
- Disappearance of the hackney trade.

A change to our vehicle age and emissions requirements has been needed for some time and will be the last piece of work to getting the licensed trade to a level playing field with the rest of the county.

##### **4.2.2 Proposed changes to age and emissions policy (these changes were consulted upon)**

###### **New vehicle applications and change of vehicle applications from 1 January 2024**

- A new application for a taxi or private hire vehicle licence will be refused if a vehicle is more than five years old from date of first registration. It must also be Euro 6 compliant, ULEV or EV.
- An application to transfer a taxi or private hire vehicle licence (including a temporary change) will be refused if a vehicle is more than five years old from date of first registration. It must also be Euro 6 compliant, ULEV or EV.
- EVs (Electric Vehicles) and ULEVs (Ultra Low Emission Vehicles) are exempt from the above policy and there is no age restriction on these vehicles.
- New Wheelchair Accessible Vehicles (WAVs) are exempt from the above age policy but will be refused if the WAV is not Euro 6 compliant or ULEV or EV

###### **Vehicle Renewal Applications**

- From 1 January 2024, an application to renew a taxi or private hire vehicle will be processed until 31 December 2025. Any vehicle licence that expires after this date must comply with the above requirements.
- From 1 January 2026 , an application to renew a taxi or private hire vehicle will be refused if the vehicle is not Euro 6 compliant or ULEV or EV and over 10 years of age (WAV until 15 years of age).

**4.2.3** There were several supportive comments for this proposal. These came from licence holders that are frustrated with some of the older licensed vehicles on the road and the 'light touch' licensing that has been in place for some years. There were also several unsupportive comments. These covered:

- Cost of obtaining new vehicles
- Shortage of second-hand vehicles available to comply with proposed requirements
- Cost of living concerns
- Delay in new vehicle supply
- Future policy changes e.g. electric vehicles
- The lower and upper age limits and proposed amendments

**4.2.4** It has been recognised by both the Institute of Licensing and Local Government Association that there are shortages of good, second-hand vehicles and licensing authorities are asked to bear this in mind when they are making decisions.

**4.2.5** A Euro 6 vehicle emits the same emissions regardless of their age.

**4.2.6 Wheelchair Accessible Vehicles (WAVs)**

WAV's are larger vehicles which are more costly to source. The home to school contract sector is reliant on these vehicles to transport vulnerable passengers around the County.

The Council must be mindful that there is a need for these vehicles, and the costs involved to adhere to any age or emissions policy.

Within the county the following policies are in place:

- Cheltenham Borough – will licence from new up to eight years of age and up to 16 years.
- Gloucester City – will licence from new as long as Euro 5\* and up to 15 years of age.
- Stroud District – will licence from new as long as Euro 6 and no upper age policy (existing vehicles exempt from upper age policy)
- Cotswold and Forest of Dean District – no age or emissions policy

\*Euro 5 introduced on 1 January 2011.

GO Accessible Travel's response (Appendix D) is a useful insight and has been considered in the amended proposal. The response also proposed a dedicated plate for home to school contract work; whilst this is a reasonable idea, at present the Licensing team does not have the capacity to explore this option.

The National Private Hire and Taxi Association (NPHTA) also raised a valid point in its response in that the local authority should be mindful of the wear and tear on the vehicles and it is felt that this warrants an upper age limit due to the mileage that these vehicles undertake each year.

#### **4.2.7 Proposed changes to age and emissions policy (post-consultation)**

Based on the comments above, the Council's carbon reduction ambitions, and public safety concerns, it is intended to amend the proposal to:

##### **New vehicle applications and change of vehicle applications from 1 January 2024**

- A new application for a taxi or private hire vehicle licence (including WAV's) will be refused if it is not Euro 6 compliant, ULEV or EV.
- An application to transfer a taxi or private hire vehicle licence (including a temporary change) will be refused if it is not Euro 6 compliant, ULEV or EV.
- EVs (Electric Vehicles) and ULEVs (Ultra Low Emission Vehicles) are exempt from the above policy and there is no age restriction on these vehicles.

##### **Vehicle Renewal Applications**

- From 1 January 2024, an application to renew a taxi or private hire vehicle will be processed until 31 December 2025. Any vehicle licence that expires after this date must comply with the above requirements.
- From 1 January 2026 - An application to renew a taxi or private hire vehicle will be refused if the vehicle is not Euro 6 compliant or ULEV or EV.
- From 1 January 2024, all WAV's will be renewed until they reach 15 years of age.

#### **4.3 Vehicle testing**

**4.3.1** It is proposed to introduce a mandatory compliance requirement from 1 June 2024. Vehicles under five years of age would require an annual inspection and any vehicle over five years of age would require a test every six months.

**4.3.2** Most of the comments were supportive regarding this change.

**4.3.3** It is proposed to implement this change due to no physical inspections taking place by an Officer. This will ensure that an inspection of cosmetic appearance, display of plates, meters etc. takes place and the Council can ensure that there is a higher standard for vehicles. This also follows the same practice as many Council's in the country including Cheltenham Borough, Gloucester City and Stroud District.

**4.3.4** The supporting appendix to the policy (Appendix I) will be presented to the Licensing Committee at its meeting in February 2024.

#### **4.4 Plate exemption policy**

**4.4.1** Plate exemption applications are made by private hire operators for vehicles which are predominantly (75% of their work) used for VIP and executive clients.

**4.4.2** The current policy is very basic and does not offer much guidance to either the Licensing Officer or the licence holder for determining or making applications.

**4.4.3** The revised policy attached at Appendix H of the draft policy offers in-depth information.

**4.4.4** Following feedback from chauffeur businesses, this has been amended.

#### **4.5 Other amendments**

**4.5.1** It is proposed to adopt all other amendments as consulted upon.

- 4.5.2** The final draft policy showing tracked changes (to the current policy) is attached at **Appendix D**.
- 4.5.2** The final draft policy, with accepted changes, is attached at **Appendix E**. The Licensing Committee is asked to discuss and amend any proposed changes before making a final recommendation to the Executive Committee for adoption.

## **4.6 CCTV**

- 4.6.1** Members of the Committee were keen to support the use of CCTV and expressed a desire to advertise those who installed CCTV within their vehicle and were compliant with Information Commissioners Office (ICO) requirements.
- 4.6.2** Looking at the responses received, it is apparent that licence holders have little understanding around the data protection requirements required.

- 4.6.3** The County Licensing Officer Group will revisit CCTV use in the Autumn/Winter 2023/24.

## **5.0 ASSOCIATED RISKS**

- 5.1** None at present.

## **6.0 MONITORING**

- 6.1** The revised policy will come into effect from 1 January 2024 - all licence holders will be written to regarding any amendments and the Council's website will be updated with the revised policy document and information.

## **7.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES**

- 7.1** The Council's Corporate Plan.

Tewkesbury Borough Council's Hackney Carriage (Taxi) and Private Hire Licensing Policy – March 2023

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**Background Papers:** [Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance \(March 2010\)](#)

[Licensing Committee 9 June 2023](#)

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**Appendices:** Appendix A – Table of amendments to existing Hackney Carriage and Private Hire Licensing Policy  
Appendix B – Consultation comments  
Appendix C – GO Accessible Travel's comment  
Appendix D – final proposed draft Hackney Carriage and Private Hire Licensing Policy showing tracked changes  
Appendix E – final proposed draft Hackney Carriage and Private Hire Licensing Policy for adoption