

SUBJECT:	Hackney carriage & private hire licensing policy
REPORT OF:	Interim Director of Services – Anita Cacchioli
RESPONSIBLE OFFICER	Head of Healthy Communities – Martin Holt
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WARD/S AFFECTED	All

1. Purpose of Report

- 1.1 This report is to provide the Committee with details of the responses to the 12 week consultation that took place on the draft Hackney carriage and private hire licensing policy, so that these can be considered so that the draft policy can be finalised and recommended for adoption by Council.
- 1.2 Some changes have been proposed to the draft policy as a result of the responses received, and these are detailed in the report and attached draft policy for Members approval.
- 1.3 **RECOMMENDATION**
- 1.4 It is recommended that
- i) The Committee reviews the consultation responses and the proposed amendments to the draft policy as indicated in Appendix 1.
 - ii) The Committee advises whether further changes should be made to the draft policy in line with the consultation responses, with any further minor changes to be agreed by the Head of Healthy Communities in consultation with the Chairman of the Licensing Committee prior to recommendation to Council.
 - iii) Members give particular attention to the window tint levels and door stickers as significant concern was raised regarding these aspects of the draft policy.
 - iv) A recommendation be made to Council to adopt the revised draft policy once changes have been agreed in line with the above recommendations.

2. Reasons for Recommendations

- 2.1 Once recommendations i) and ii) have been followed, the responses to the consultation will have been given full consideration, any appropriate changes considered will have been made to the draft policy and it will be fit to be recommended for adoption by Council.

3. Background

- 3.1 A review of the Council's adopted Hackney carriage and private hire policy has been discussed previously by the Licensing Committee on 23rd March 2016 and the draft policy approved for consultation by the Committee.
- 3.2 A 12 week consultation period for the draft policy concluded on the 24th August 2016.
- 3.3 Consultation with the trade included direct text messaging and a letter to all licensed drivers and operators. The wider consultation involved a dedicated web page on the Council's website, use of social media, and emails to the police, Highways Authority, neighbouring authorities and interested stakeholders e.g. residents groups.
- 3.4 An informal drop in session for members of the trade was held during the consultation to allow any clarifications or items to be considered. A full day was set aside for this so that members of the trade could attend as and when able to do so; members of the Licensing team were available to answer questions the trade had in relation to the draft policy and consultation process.
- 3.5 There were 29 responses to the consultation. 25 from members of the trade, 2 from other licensing authorities and 2 internal responses from the Environmental Health Manager and the Principal Environmental Protection Officer (Strategic Environment).
- 3.6 The overall summary of the comments made in relation to the draft policy and more general comments have been collated and provided as Appendix 2.
- 3.7 A response which was received from another licensing authority is not included with the report as it made suggested amendments (listed in Appendix 2) throughout the full draft policy, a copy with these draft amendments is available on request. These were generally minor amendments, which have been considered and addressed and suggested minor amendments made to the draft policy. All of the other original responses (as submitted to the Council) from the trade and other stakeholders are attached as Appendix 3.

4. Draft policy amendments following consultation

- 4.1 Following consideration of the responses to the consultation, a number of changes (including typographical errors and words of clarification) are proposed to the draft policy, many of these are explained in Appendix 2, with reference to pages that have been amended in the draft policy.

- 4.2 Significant concerns were raised by the trade with regards to 2 issues which the Council has direct control over through its policy – door stickers and window tints. Given the complex nature in relation to decisions on these 2 issues, further information is provided on each below so that Members can consider whether they are in agreement with the revised draft policy as it is presented in Appendix 1, or would prefer further changes to be made.
- 4.3 Window tints
- 4.3.1 Trade respondents generally felt that the current policy on tints is unfair, and cited that many modern vehicles are produced with higher tint levels than the Council permits. The argument is made that if the tints are legally acceptable, why should licensed vehicles have to have these replaced. However a key point is that vehicles are manufactured for general use and not specifically for use as licensed private hire or hackney carriage vehicles. Purposely built hackney carriage vehicles do not have tinted windows.
- 4.3.2 However, respondents' views were that more and more vehicles are being produced with darker tints, particularly multi-purpose vehicles (MPVs) such as Ford Galaxy (8 currently in the fleet) and Mercedes Vitos (2 currently on the fleet), which are popular vehicles considered by licensees due to their seating capacities. According to respondents, the cost of replacing these windows is potentially around £1000, which is an additional financial burden when replacing their vehicle, if replacement vehicles have unacceptable tints at time of purchase, and may mean that they choose older or lower quality vehicles as a result.
- 4.3.3 The current wording was the subject of a separate review/consultation in 2013 and the views of the trade at that time were taken on board in agreeing the current policy and when reviewing the current policy, the current restrictions for tinted windows were maintained in the draft policy prior to the consultation and reads as follows:
- Glazing*** *All vehicles will be tested with a light meter. Any vehicle with a reading lower than the following will not be licensed. Front Windscreen 75%, Front Side Windows 70%, All other Windows 30%. The lower the number the darker the tint*
- 4.3.4 Appendix 4 shows the tint levels for a variety of vehicles that are popular within the trade. It shows that the majority of vehicles are suitable under the current tint requirements.
- 4.3.5 There is no case specific evidence available to show that tinted windows have been a factor in any recorded offences being committed in taxis. Although it can be reasonably accepted that windows which allow better vision into a vehicle do

provide protection to both the driver and the passengers as it is more likely that such an incident may be witnessed by someone outside of the vehicle.

4.3.6 Amending tint levels could have an indirect impact on other conditions. Specifically, when vehicle plates are not correctly fixed to a vehicle, these are often placed in the rear windscreen which is not acceptable as they are not fully visible; this will be further exacerbated if a change to the tint policy were to be made, therefore a stronger stance is suggested in terms of failure of a licensee to display the vehicle plate correctly.

4.3.7 The tinting of vehicles is linked to minimising solar gain and the use of air-conditioning and fuel economy, which is connected to the Councils aims of promoting sustainability and could be considered to increase the comfort of the passenger.

4.3.8 Given the considerations above, together with the information provided in Appendix 4, currently no change has been made to the draft policy.

4.4 Door Stickers

4.4.1 There are various pros and cons associated with the requirement to have door stickers, the points raised in the consultation are highlighted below, together with other relevant information.

4.4.2 Respondents generally accepted the need for door stickers on private hire vehicles, but felt that they are unnecessary on hackney carriages. Respondents also pointed to the fact that many other authorities do not have door stickers. The table below shows the current situation for other nearby council areas:

Council area	Door stickers for HCV	Door Stickers for PHV
Aylesbury Vale	No	Yes
Wycombe	No	Yes
Chiltern	Yes	Yes
Watford	Yes	Yes
Reading	Yes	Yes
West Berkshire	Yes	No
Wokingham	No	No
Slough	Voluntary (none taken up)	Voluntary (none taken up)
Bracknell Forest	Voluntary	Voluntary

Table 1

4.4.3 Table 1 shows that there is no standard approach across authorities in their policies with regards to door stickers.

- 4.4.4 Some of the responses have suggested that door stickers have led to their car being broken into with the perception being that as they are a licensed vehicle it is more likely that money may have been left in them.
- 4.4.5 Door stickers clearly identify to the passenger that the vehicle is a licensed Hackney Carriage and able to ply for hire in the district.
- 4.4.6 Door stickers include the plate number, this makes it easier for members of the public and for the Council to identify vehicles when necessary.
- 4.4.7 The door stickers currently include a partnership 'together we can' logo and the Thames Valley Police logo. It is felt that these logos are reassuring to members of the public as an indication that the council works with partner agencies, including the police and that all licensed vehicles and drivers are required to undergo regular checks.
- 4.4.8 South Bucks District Council and Chiltern District Council are currently undergoing a rebranding exercise as part of the shared service programme, it would be possible to review the design of door stickers as part of this exercise if considered valuable to do so.
- 4.4.9 Following consideration of the consultation responses and the other information above it is recommended that door stickers continue to be required to be displayed on hackney carriages and private hire vehicles.

5. Issues raised during consultation that are not relevant to the review of the current Policy

- 5.1 A number of issues were raised by the trade as part of their responses to the consultation which are not related to the draft policy, but it is accepted that there are shared concerns within the trade in relation to the issues which frequently featured in responses, so these are highlighted to the committee below.

5.2 Consultation period

This is connected to the policy revision, but is not about the contents of the draft policy. The consultation period was 12 weeks, in line with the guidance from the Department for Business Enterprise and Regulatory Reform when there are to be significant changes to such policies. These responses relate mainly to when the drop in session was run which was purposely close to the end of the consultation as the aim of this session was to address any questions that members of the trade had about the proposed changes to the current policy. Unfortunately it appears that many of the drivers and operators contacted did not take the opportunity to read the draft policy for themselves, and used the drop in session to attempt to be

informed of and then gain an understanding of all of the changes to the adopted policy.

5.3 Concerns about national legislation

Section 11 of The Deregulation Act 2015, amended the Local Government (Miscellaneous Provisions) Act 1976, removing restrictions placed on private hire operators which only allowed them to sub-contract to other operators within the same district. The amendment now means that operators are legally permitted to pass jobs to other licensed operators outside of the district, as long as this is done in the right way.

Prior to The Deregulation Act it was not permitted for an operator to pass a booking to another operator licensed in another area, although they could pass bookings to other operators within the same district. The Deregulation Act removed this restriction, and allows jobs to be passed to any other licensed operator (irrelevant of which licensing authority the operator is within) so that one of their vehicles can complete the booking. However, operators cannot pass jobs directly to private hire vehicles licensed by different licensing authorities to their own.

A number of concerns were raised about the lack of control that the Council has over drivers and vehicles working in the district that are licensed by other authorities, but the changes to legislation mean that the Council is not lawfully able to prevent this. The Licensing team will investigate any reports of this being done illegally, but can only take action if contrary to legislation.

5.4 Taxi Rank provision

Lack of taxi rank provision is a concern for the trade, given that these have been raised by a majority of respondents the Council may wish to revisit these issues to consider further support to the trade in terms of discussions around rank provision with the highways authority.

5.5 Fare levels for MPVs

The trade has also requested that the fares be reviewed so that Multi-Purpose Vehicles that carry more passengers can charge higher rates. However, the adopted fares table does already include an additional charge of £1 per customer over 4 passengers (including dogs where these are not assistance dogs). This charge allows MPV drivers to charge more when they transport larger groups of customers and is considered a fairer way of charging as it ensures that passengers do not pay more purely because the vehicle is an MPV. This is not a policy issue, but can be considered when the fares are next reviewed, and the trade will be able to respond to the associated consultation.

6. Corporate Implications

6.1 Legal

The policy affects the approach that the Council will be taking for hackney carriage and private hire licensing. This will impact on the level of compliance and enforcement actions taken.

6.2 Equalities Act 2010

The impact of the policy on equalities has been considered whilst conducting the review, and no adverse equality issues have been identified as a result so no further action or mitigation is considered necessary.

7. Links to Council Policy Objectives

7.1 The publication of an effective Hackney carriage and private hire policy links to all 3 of the Councils headline objectives:

1. Delivering cost- effective, customer- focused services
2. Working towards safe and healthier local communities
3. Striving to conserve the environment and promote sustainability.

8. Next Steps

The next steps will be as stated in the recommendations.

Background Papers:	Draft South Bucks District Council Hackney Carriage and Private Hire Policy as agreed for consultation by the Licensing Committee on 23rd March 2016 Hackney carriage & private hire licensing policy & associated documentation adopted 11th December 2007 and reviewed on 12th April 2011. Taxi and private hire vehicle licensing: best practice guidance 2 March 2010.
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