

REPORT TO LICENSING COMMITTEE



DATE	8th November 2023
PORTFOLIO	Community & Environment
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Hackney Carriage & Private Hire Licensing Policy

PURPOSE

1. To refresh the Hackney Carriage & Private Hire Licensing Policy.

RECOMMENDATION

2. That the Licensing Committee consider the revisions to the Hackney Carriage and Private Hire Licensing Policy document, as outlined at Appendix A, and approves the amended policy for immediate implementation (other than as indicated below)
In particular Committee specifically approve the following new local requirements:
 - A new requirement to refuse licences where vehicles are subject to manufacturer recall or have no MOT in place (to be implemented from 1st December 2023).
 - A new requirement preventing surrender of driver licences (immediate implementation).
 - A new requirement to have CCTV at public booking offices (to be applicable at next application/renewal).
 - Age limits for vehicles meeting vehicle safety and clean emission standards (to be implemented from 1st December 2023).

REASONS FOR RECOMMENDATION

3. The DfT - Statutory Taxi & Private Hire Vehicle Standards recommends all local authorities to make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards. The primary and overriding objective must be to protect the public.

SUMMARY OF KEY POINTS

4. The consolidated Policy document was first introduced in November 2022 to reflect The DfT - Statutory Taxi & Private Hire Vehicle Standards. The current version is provided at Appendix B. It is intended to be a document that is kept up to date and relevant.
5. The proposed amendments reflect issues that have arisen since it was introduced. Reasons for change vary from making the document more relevant to drivers by explaining legal requirements, to introducing new local requirements that apply to the licence or process. Changes are summarised as follows:
 - Insertion of email address at various points to facilitate contact or reporting by licence-holders
 - Insertion of website links to assist with sharing information
 - Where driver licences are suspended new legislation requires that they must now be added onto NR3S (p6)
 - Explanation of Fitness and Propriety Test for Vehicle Owners (p8)
 - Information regarding MOT requirements and vehicle recall checks (p11)
 - Reminder re moving on to rank (p12)
 - Inclusion of advice for carrying children (p13)
 - Additional information regarding fitness and propriety of drivers (p14)
 - Additional information regarding safeguarding (p17)
 - Inclusion of driver requirements for carriage of assistance dogs (p19)
 - Inclusion of driver requirements for carriage of disabled persons (p19)
 - Explanation regarding use of driver conditions (p20)
 - New requirement preventing surrender of driver licences (p21)
 - Explanation of Operator fitness and propriety test (p21)
 - Inclusion of operator requirements for carriage of disabled persons (p22)
 - Inclusion of operator requirements for carriage of assistance dogs (p22)
 - Inclusion of advice regarding training of operator staff (p23)
 - Advice re DBS requirements for operators and their employees (p24)
 - CCTV requirement at booking offices (p24)
 - Appendix 5 vehicle age limits (increase in line with exceptional conditions) (p53/54)
 - Appendix 9 Hackney Carriage Stands to be updated following an ongoing review of ranks with Lancashire County Council. This must reflect the location of legally designated hackney stands and will be updated by officers from time to time.(p58)
 - Use of Body Worn Cameras by enforcement officers (p116)

6. In relation to new local requirements:

Recall & MOT: There is currently no check on a vehicle's MOT or manufacturer recall status on application, instead there is a reliance on the compliance test. As an additional safeguard for the driver and passengers, it is proposed to ensure both are in order before a licence is issued. To be implemented from 1st December 2023.

7. Surrender: Drivers whose licences are refused, revoked or suspended are now registered on a national database (NR3S) which all licensing authorities have access to. This prevents a driver moving on to another authority and failing to declare the revocation etc. Drivers are able to avoid this by surrendering a licence before the licensing authority becomes aware of a complaint or police investigation etc, thereby preventing a licence review. The new requirement seeks to prevent surrender so that appropriate action and safeguards are always available to the licensing authority
8. Operator CCTV: The investigation of complaints relating to incidents at booking/satellite offices is often hampered by a lack of evidence. Costs for CCTV systems have come down and smaller operators have been merged into larger business operations which makes provision of CCTV a proportionate safeguarding measure for staff and customers.

9. Vehicle Age limits: In the current economic climate, the trade have requested that vehicle age limits are increased. The reason for this is two-fold; to extend the life of a licensed vehicle on the Burnley fleet and to bring Burnley's age-limits closer to those of neighbouring authorities. Whilst large MPVs, minibuses and wheelchair accessible vehicles have higher age limits, the fleet comprises predominantly saloon cars. For comparison saloon private hire vehicle upper age limits in neighbouring authorities are as follows –
- Burnley: 8 years
 - Pendle: Up to 12 years, or up to 15 years for Euro 6, electric or wheelchair accessible vehicles
 - Hyndburn: under review in relation to frequency of compliance tests for vehicles, but no upper age limit now, or proposed.
 - Rossendale: 10 years

This disparity means that at 8 years old (our current upper age limit, (and also the Euro 6 standard) small private hire vehicles and their drivers move from the Burnley fleet to be licensed by another authority, but continue to work via the same operator, who has operator licenses with multiple authorities. Then, as is allowed, the vehicles & their drivers are sub-contracted so that they continue to predominantly work in Burnley. This is compounded by many more, often much older, vehicles licensed by neighbouring Boroughs also being sub-contracted to work in Burnley. So, residents and visitors to the town are subject to emissions that exceed those permitted on our own fleet, are carried in vehicles that are not subject to our own safety standards, by drivers not regulated by ourselves. As Burnley Licensing Officers have no powers in respect of out of town licences, there is a clear justification for considering the changes to policy proposals that would help to retain vehicles on the fleet and within Burnley's control.

Engagement with licence-holders confirms that age-limits are a significant factor in applicants seeking licences with neighbouring authorities, alongside other factors including Burnley's sanctions being perceived as stricter than those of our neighbours.

In taking on board those comments, officers are mindful that existing fleet vehicles are predominantly diesel, and so an increase in age limits may conflict with the Council's climate change/local air quality ambitions to transition to zero emission vehicles and reduce emissions. The age limit proposals have therefore been drafted to try to bridge these opposing issues across all vehicle types, ie supporting licence-holders by extending the period a vehicle can remain on the fleet.

Two Exceptional Conditions are proposed (EC1 & EC2). EC1 predominantly deals with vehicle safety, but also requires Euro 6 compliance for all saloon, estate and small MPV private hire vehicles. EC2 with emissions. The new proposals require any new vehicle coming onto the fleet to be less than 8 years old, and therefore meet the Euro 6 standard. Taken together the exceptional conditions provide owners with an opportunity to retain vehicles on the fleet for longer. In order to generate some momentum in a shift to cleaner vehicles over the next 5 years, the exceptional condition relating to emissions changes in 2029 to remove non-plug-in hybrid vehicles.

If approved, the proposal will be implemented from 1st December 2023 to give time for internal procedures to be revised and training to be completed. Any small private hire vehicles reaching 8 years old in the period between the decision and 30th November will be renewed by exception provided EC1 is met.

9. As Licensing Committee agree future changes or amendments, the Policy document will be updated accordingly.

A copy of the proposed Policy is available at Appendix A. All changes are highlighted yellow.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

6. None

POLICY IMPLICATIONS

7. The recommendation refreshes the stand-alone Hackney Carriage & Private Hire Licensing Policy document.

DETAILS OF CONSULTATION

8. Taxi Task Gp will discuss proposals on 2nd Nov 2023.
Scrutiny Climate Change Group Members
Councillors Ishtiaq, Lewis and Khan

BACKGROUND PAPERS

9. [Statutory & Best Practice Guidance for taxi and PHV licensing authorities \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

FURTHER INFORMATION

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