

West Suffolk Taxi Policy Handbook – Permission to consult

Report No:	CAB/WS/20/014	
Report to and date:	Portfolio Holder Decision	14 January 2020
Cabinet Member:	Councillor Andy Drummond Portfolio Holder for Regulatory Tel: 01638 751411 Email: andy.drummond@westsuffolk.gov.uk	
Lead officer:	Fiona Quinn Service Manager (Environmental Health) Tel: 01284 757042 Email: fiona.quinn@westsuffolk.gov.uk	

Decisions Plan: The decision made as a result of this report will usually be published within 48 hours. This decision is subject to call-in and is included on the Decisions Plan.

Wards impacted: All wards

Recommendation: **It is recommended that a decision is made by the Portfolio Holder for Regulatory to consult on changes to the West Suffolk Taxi Policy Handbook, as set out in Section 3 and Appendix A to Report No: CAB/WS/20/014.**

1. Background

- 1.1 West Suffolk Council has responsibility for licensing Hackney Carriage and Private Hire Vehicle (PHV) proprietors and operators within the West Suffolk area.
- 1.2 The current policies that govern the operation of Hackney Carriages and Private Hire vehicles, operators and drivers were agreed by Cabinet in February 2019 in preparation for a single West Suffolk Council. An initial harmonised taxi policy handbook was created to ensure greater consistency of licensing and to make the Council's licensing requirements transparent to the trade and the public.
- 1.3 It was agreed in 2019 that the policy would then be reviewed within two years so that longer-term decisions could be made on the more complex issues arising from the harmonisation of the two councils. This includes hackney carriage licensing areas and taxi livery.
- 1.4 Further substantive changes are also now being proposed to join up the public policy with the existing application requirements currently issued directly to licensees. This involves significantly changing the structure of the process to ensure it is easy to navigate.
- 1.5 **Current licence figures**
Local authorities license vehicles, drivers and operators of private hire vehicle businesses. This means a council's licensing policy needs a variety of standards in order to ensure customer, driver and operator safety and comfort.
- 1.5.1 There are nearly 1400 vehicle, driver and operator licences across West Suffolk. The table below shows the breakdown of taxi licences:

Licence List	West Suffolk
Hackney carriages	203 Zone A (formerly FHDC): 129 Zone B (formerly SEBC): 74
Private Hire	401
Private Hire Operators	96
Drivers	696
Total Licences	1396

2. Principles

2.1 The rationale for the proposed changes falls under six principles that support the objectives of the taxi policy:

- Public protection – the safety and protection of the public at risk from harm.
- Vehicle condition - vehicle safety, comfort and access.
- Crime prevention - prevention of crime and disorder.
- Travel options - supporting travel and transport options.
- Environmental - promotion of environmental sustainability.
- Accessible policy - an accessible taxi policy that is concise where possible for use by both licensees and the Licensing and Regulatory Sub-Committee members.

3. Main proposals

A summary of the proposals for consultation is attached at Appendix A. When the consultation is launched, consultees will be asked to read this document and then respond to the proposals. Further background on what the changes mean is set out below.

3.1 Licensing areas (zones)

3.1.1 Following the creation of West Suffolk Council, two separate licensing areas (zones) were retained, reflecting the boundaries of the former Forest Heath and St Edmundsbury council areas. The current licensing areas are now to be reviewed to ensure regulation does not restrict the availability of taxis.

3.1.2 **Option One** – Join the two former council areas (Zone A is the old Forest Heath area and Zone B is the old St Edmundsbury area). Maintaining two zones could be seen to limit the market for Hackney Carriages compared to Private Hire Vehicles (PHV), which can trade across West Suffolk. On the other hand, merging the areas would mitigate any risk that the Council could be seen to be influencing competition amongst Hackney Carriage licensees and could lead to a fairer system as they could compete across the same wider area. It would also reduce emissions by reducing the need for return journeys into a driver's 'home' zone before picking up another customer.

3.1.3 **Option Two** – Keep separate licensing areas. This would neither improve nor worsen the current situation.

3.1.4 **The lead option that is being proposed for consultation is Option One**, on the basis of the considerations outlined above. The aim of the consultation will be to elicit further feedback on the implications of the proposal.

3.1.5 When asked for their views on combining the zones (in the recent unmet demand survey), 51% of licensees who responded to the consultation on this issue felt the licensing areas should not be merged and 47% felt they should. In the council's own earlier consultation on the issue, 60% of all respondents strongly agreed or agreed that the zones should be retained.



- 3.1.6 If a decision is taken to merge the licensing areas, they could never be created again. The Council would also need to ensure that a change would not cause disruption. The decision must therefore take account of the needs of key groups including members of the trade, wheelchair users and those who rely on taxis for transport (often due to limited public transport in rural areas, or safety when travelling at certain times of day). The views of these groups will be sought during consultation.
- 3.1.7 A supply and demand survey carried out in 2019 found that under the current arrangements, there was no evidence of any unmet demand in either zone. The busiest rank was the High Street in Newmarket followed by Cornhill in Bury St Edmunds.

3.2 **Hackney Carriage livery**

- 3.2.1 A livery can be a way to distinguish a Hackney Carriage from other types of taxi (only Hackney Carriages are permitted to ply for hire), and it can provide a recognisable feature in a council area.
- 3.2.2 Vehicles currently licensed for Zone A (formerly Forest Heath District Council) currently require a black base with a yellow bonnet and tailgate. There is no livery requirement for vehicles in Zone B. If a livery were to be introduced across West Suffolk it is suggested that it would be on a black base with a coloured wrap. Drivers purchasing new vehicles have already been advised to purchase black vehicles in the intervening period before a decision is made.
- 3.2.3 The cost to change current black vehicles (including former FHDC hackneys) would be approximately £300 per vehicle, rising to up to £2000 if the base colour of the vehicle is not black (a respray); or to the purchase of a new vehicle at an earlier stage. A phased implementation would minimise the cost impact on the trade, and a consultation question on the implementation timetable is proposed.

3.3 **Private Hire Vehicle livery**

- 3.3.1 There is currently no existing livery requirement apart from a stipulation that the vehicle must not represent a Hackney Carriage vehicle.
- 3.3.2 The introduction of a livery could lead to easy identification by customers of West Suffolk licensed PHVs but could be viewed as an unnecessary restriction on the trade.
- 3.3.3 Depending on the outcome of the consultation, the changes could mean a cost of a vehicle respray; or the earlier replacement of a licensed vehicle, depending on the livery option and implementation timetable chosen.

3.4 **Age of vehicles**

- 3.4.1 It is proposed that the age of Hackney Carriages and PHV on first licensing and replacement should be a maximum of five years from first registration.



3.5 Maximum age of vehicles on the road

- 3.5.1 It is proposed that an additional ten-year age limit of vehicles should be introduced (with exemptions for ultra-low emission vehicles) this would result in a greener fleet and would fit with the council's strategic priorities for reducing carbon emissions.
- 3.5.2 Where a vehicle is electric or zero-emission we would look to recommend no maximum age in order to encourage their uptake and reduce more polluting vehicles.

3.6 Convictions policy

- 3.6.1 Proposals will be consulted on to increase the time that must elapse following a conviction before a licence application can be considered (in line with best practice).
- 3.6.2 Increasing the minimum time elapsed following convictions would bring West Suffolk's policy in line with Institute for Licensing best practice. In particular, the Local Government Association (LGA) encourages councils to take a strong stance on indecency offences.
- 3.6.3 We would be making changes in anticipation of new government guidance. When reviewing the policies of similar local authorities there is large variation and we already fully comply with LGA example convictions policy. LGA guidance for councillors notes how 'soft intelligence' about a licensee's history should also be considered, not just a convictions policy alone.

3.7 Accessibility of policy documentation

- 3.7.1 It is proposed to consolidate relevant information into one document and increase the documents available online.

3.8 Summary of all other changes

- 3.8.1 See Appendix C for a technical summary of all changes including some additional minor points.

3.9 Byelaws

- 3.9.1 In parallel with the adoption of the new taxi policy / handbook, the Council intends to revoke the byelaws currently covering the issues included in the policy as they have been superseded by our policy from April 2019 and we would like to revoke them to avoid confusion/duplication.

4. Alternative options

- 4.1 No change to the current Taxi Policy Handbook. This poses a reputational risk as Cabinet agreed to consult again within two years of becoming a single council to make sure our policy is fit for purpose. This also misses the opportunity to make beneficial changes relating to safety considerations.



5. Consultation and engagement

- 5.1 Consultation period:
A six-week public consultation is proposed in February/March 2020.
- 5.1.1 Consultation methods:
It is proposed to consult with members of the taxi and private hire trade, members of the public, representatives of disability groups, businesses and other interested groups or organisations. Feedback will be gathered using an online survey.
- 5.1.2 Licensees will also be invited to provide feedback through the existing Taxi Licensing Forum and additional drop in sessions run during the consultation period.

6. Risks

- 6.1. There is a risk that by consulting on a new set of changes to taxi licensing in West Suffolk there will be a wide range of views contributed and it will be challenging to reach a clear way forward. This risk will be mitigated through clear communication, effective survey design and good dialogue with the Taxi Licensing Forum.

7. Implications arising from the proposal

- 7.1 Financial:
As West Suffolk Council licensing fees are based on cost recovery, it is not anticipated that the proposals being consulted on will have any financial implications for West Suffolk Council.
- 7.2 Legal Compliance:
The taxi policy implements a number of legal requirements relating to the licensing of hackney carriage and private hire vehicles as set out in section one of Appendix B.
- 7.3 Personal Data Processing:
The introduction of the proposed changes would not impact on the processing or storage of personal data held about licence holders.
- 7.4 Equalities:
An Equality Impact Screening Assessment has been carried out and can be found in Appendix D. This indicates that the impacts are not expected to fall disproportionately on any groups sharing protected characteristics
- 7.5 Crime and Disorder:
The clarification of the requirements should lead to an improvement in compliance.
- 7.6 Environmental or sustainability:
 - 7.6.1 Removing the requirement for a printed copy of the handbook to be available in all vehicles will decrease paper usage.



- 7.6.2 The introduction of an age limit for vehicles would ensure West Suffolk has a lower emission fleet and the proposed policy regarding idling requirements will benefit this further.
- 7.7 HR / Staffing:
No immediate staffing impacts.
- 7.8 Changes to existing policy:
Following consultation, changes will be made to existing policy, as described in Appendix A and as annotated in Appendix B.
- 7.9 Impact on business:
The financial burden on businesses will vary depending on the outcome of the consultation and final recommendations.
- 7.9.1 There is a perception that there is restricted competition among hackney carriages due to the current licensing areas, which some perceive as preventing the market being opened up across West Suffolk. A change in the licensing areas, as proposed, could therefore address these concerns.
- 7.9.2 If a West Suffolk-wide Hackney Carriage livery is introduced, there would be a cost to businesses as set out in 3.2.3 above
- 7.9.3 If a West Suffolk PHV livery is introduced, there would be a cost to businesses as set out in 3.3.3 above.
- 7.9.4 If the maximum age requirement is introduced there will be a small increased financial burden for certain licensees.

8. Appendices

- 8.1 Appendix A – Summary of proposals
Appendix B - Draft annotated policy
Appendix C – Technical summary of proposed changes
Appendix D – Draft EqIA

9. Background documents

Shadow Executive (Cabinet) – 5 February 2019 - Report No: [EXC/SA/19/009](#)

