

Hackney Carriage and Private Hire Conditions Policy

Report number:	CAB/WS/20/056	
Report to and date(s):	Cabinet	22 September 2020
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Decisions Plan: The decision made as a result of this report will usually be published within 48 hours and cannot be actioned until five clear working days of the publication of the decision have elapsed. This item is included on the Decisions Plan.

Wards impacted: All wards

Recommendations: It is recommended that the Cabinet:

- 1. Approves the maintaining of a two-zone system for hackney carriages in West Suffolk, with a further review to be undertaken within two years.**
- 2. Approves the removal of the livery requirement for zone A (former Forest Heath) hackney carriages and not introduce a requirement for private hire vehicles.**
- 3. Approves the revised policy, as contained in Appendix A attached, which includes the proposals summarised in paragraphs 6.16 to 7.3 of Report number: CAB/WS/20/056.**
- 4. Agrees the inclusion of changes introduced by new national safety standards, as set out in section 4.**
- 5. Delegates authority to the Assistant Director (Planning and Regulatory) the making of future minor amendments to the Policy, in consultation with the Portfolio Holder for Regulatory.**

1. Context to this report

- 1.1 This is an overview paper setting out proposed changes to the West Suffolk Council hackney carriage and private hire conditions policy handbook. These proposals are based upon feedback received from public consultation and feedback from the industry and new national standards.
- 1.2 West Suffolk Council has responsibility for licensing hackney carriage and private hire vehicles, drivers and operators across the West Suffolk area. 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 to become a single West Suffolk Council. At that point, some more significant changes were deferred to a later date.
- 1.3 Following the approval of the interim hackney carriage and private hire conditions policy handbook in February 2019, the licensing team carried out a survey of supply and demand for hackney carriage transport across West Suffolk. This 'Unmet Demand Survey' sought to understand if there was any unmet demand for hackney carriages in either of the current zones A (former FHDC area) or B (former SEBC area).
- 1.4 The survey found that though, as in most places, there was some minor unmet demand at times, this was far from significant in zone A and only a little larger in zone B, but still a long way from a level at which this could be counted significant. Further, an element of the unmet demand in zone B related to the private rank at Bury station. Both overall levels of rank usage and the overall profiles of demand through the week suggest little difference between hackney carriage rank activity in the two zones.
- 1.5 However, the survey does indicate that there may be times, where one zone has higher and more lucrative demand than the other. Should the zones be merged at this stage, this could cause increased unmet demand and supply issues in smaller towns.
- 1.6 It was agreed in 2019 that the policy would be reviewed within two years to allow for more long-term decisions to be made on the more complex issues discussed when harmonising the two policies of the former councils.
- 1.7 Further changes have been proposed to join up the published policy with the existing application requirements that are currently issued directly to licensees. This involves significantly changing the structure of the policy to ensure it is easy to navigate.

2. Definitions

- 2.1 While there are many similarities between hackney carriage and private hire vehicles, there are also a number of key differences. As such, not all of the proposals set out in this paper apply to both hackney carriages and private hire vehicles.
- 2.2 A hackney carriage is more commonly called a 'taxi'. Hackney carriages are licensed to stand for hire at a taxi rank or can be hailed in the street within the zone they're licensed for (currently zone A or B). Licensed hackney carriages may also undertake pre-booked journeys through a licensed private hire operator and must be wheelchair accessible.
- 2.3 A private hire vehicle is not limited to a particular zone and can work across the whole West Suffolk district. However, they can only be used to complete jobs where the booking has been received by a licensed private hire operator. A private hire vehicle cannot be used to ply for hire, stand on any taxi rank, or be hailed in the street.

3. Proposals within this report

- 3.1 The council set out a list of eight proposals for consultation:
- 3.2 **Proposal 1 – Single hackney carriage licensing area for West Suffolk**
It was proposed to create a single licensing area for the whole district.
- 3.3 **Proposal 2 – Whether to have a hackney carriage livery**
Having a livery for hackney carriages holds several advantages. However, it could also mean a cost of £300 for a boot and bonnet wrap; a vehicle re-spray; or the earlier replacement of a licensed vehicle, depending on the livery option and implementation timetable chosen.
- 3.4 **Proposal 3 – Whether to have a private hire vehicle livery**
Having a livery for private hire vehicles (alongside door signs) could help customers identify them and distinguish them from hackney carriages. On the other hand, a livery would involve a cost to some or all drivers.
- 3.5 **Proposal 4 – Age of vehicle, including maximum age of vehicle**
The Council also proposed to add a new maximum age requirement of ten years to all vehicles, except electric-zero emission vehicles, to reduce emissions.

3.6 **Proposal 5 – Engine capacity requirements for private hire and hackney carriages**

The Council proposed to update engine capacity requirements to allow flexibility for alternatively fuelled vehicles. This is to encourage more environmentally sustainable vehicles on the road.

3.7 **Proposal 6 – Vehicle tests and inspections**

To add test and inspection requirements for hackney carriages so temporary replacement vehicle conditions are consistent with wider vehicle conditions. In addition, the council proposed to update vehicle testing requirements for hackney carriage and private hire vehicles so timing fits in with the annual licensing renewal process.

3.8 **Proposal 7 – Convictions policy**

To increase the amount of time elapsed following certain convictions before a licence application can be considered.

3.9 **Proposal 8 – Other minor changes**

A series of other small changes (please see Appendix B for details)

4. **New Government safety standards**

4.1 The statutory taxi and private hire vehicle standards were released on 21 July 2020 by Government. The documents primary focus is on protecting children and vulnerable adults. However, it also includes a number of other requirements intended to ensure that all passengers are guaranteed greater safety.

4.2 The Government has set out a requirement to produce a written report within six months evidencing the Council have addressed the recommendations, ensuring that standards are incorporated.

4.3 Most of the recommendations included in the document are already covered by West Suffolk's hackney carriage and private hire conditions policy. However, there are certain areas, such as training for decision-makers – which is intended to ensure decision-makers are fully cognisant of safeguarding implications for children and vulnerable adults – and the joint authorisation of enforcement officers, which will now be included.

4.4 The most substantive alteration required that directly affects drivers is the need for additional criminality checks, with a requirement that licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced Disclosure and Barring Service (DBS) check.

4.5 Due to the release of the document at short notice, there has been no time to consult with the industry on the changes. However, the industry

will be informed of all additional alterations via the taxi forum. As such, it is proposed that necessary minor alterations be agreed by Cabinet.

5. **Alternative options that have been considered**

5.1 The alternative options are:

- to agree to implement all proposals as set out in the public consultation, including instituting a single zone and livery requirements for hackney carriages and private hire vehicles. However, this would go against the feedback received from members of the industry; and
- to implement only the changes required by the Government's new 'Statutory Taxi and Private Hire Vehicle Standards'.

6. **Consultation and engagement undertaken**

6.1 A consultation was held between 27 January and 9 March 2020. This included an online survey, supplemented by face to face events with the trade (please see Appendix B for details)

6.2 Of a total 95 respondents who responded to the survey online or in writing, the largest group were members of the public (46.8 per cent). 44.7 per cent responded to the survey as representatives of the hackney carriage and private hire industry. Of this number, the highest proportion identified as drivers from zone A (former FHDC area) (11.7 per cent) and zone B (former SEBC area) (17 per cent).

6.3 **Survey responses to Proposal 1: Licensing Area – split between public and industry**

100 per cent of respondents representing businesses and 84.1 per cent of members of the public were in favour of a single licensing area. 73.1 per cent of all drivers (zone A and B) who responded online were opposed to the proposal. 66.7 per cent of all respondents who were representatives of the hackney carriage and private hire industry also opposed.

6.4 In this instance, it should also be noted that there were 105 responses, which were not included in the main analysis of responses as they were incomplete, with a majority providing no information and no responses to survey questions. However, 45 incomplete respondents did answer the question regarding moving to a single zone system.

6.5 While the split between members of the public and members of the industry remains, these additional answers alter the high level analysis of this survey question: of 136 responses, 68 (50 per cent) were in favour of the proposal to merge the two taxi zones; 54 (39.7 per cent) were opposed; and 14 (10.3 per cent) responded Don't Know.

- 6.6 **Survey responses to Proposal 2: hackney carriage livery – split between public and industry**
52.8 per cent supported the use of a livery. 63.8 per cent of respondents who supported the adoption of a livery were members of the public, with businesses the next largest group at 17 per cent.
- 6.7 42 respondents preferred no livery requirement. 69.1 per cent of this number were representatives of the taxi and private hire industries. 31 per cent were members of the public.
- 6.8 The most frequently cited reason for opposition to livery is the expense to the industry; 19 responders highlighted this issue, with two also stressing a potential reduced vehicle sell on value. 13 suggested that hackney carriage cars already have sufficient identification.
- 6.9 **Survey responses to Proposal 3: private hire livery – majority opposition**
Of 85 responses, 64.7 per cent of all respondents selected the option for there to be no livery requirement for private hire vehicles. 47.3 per cent were members of the public; a total of 50.9 per cent of respondents were members of the taxi and private hire industry.
- 6.10 **Survey responses to Proposal 4: age of vehicle – split between public and industry**
47.8 per cent of 92 responses were in favour of the proposed decrease in maximum age of vehicle to 10 years; 41.3 per cent were opposed. 68.2 per cent of those that selected 'Yes' in the online survey were members of the public, with 14.6 per cent representing businesses.
- 6.11 76.3 per cent of respondents that opposed the Age of Vehicle proposal were industry representatives. 21 per cent were members of the public and 2.6 per cent were business representatives.
- 6.12 Between 1-15 June 2020, further feedback was sought from members of the industry on Proposal 4. Drivers were questioned via email about potential implementation timetables. Responses indicated that there was support for a later implementation option (2025) due to the impact of Covid.19 on the industry and the need for a period of time to recover. Please see Appendix C.
- 6.13 **Rationale for decisions**
Analysis of the consultation shows that, of the responses, there is significant opposition from drivers and other members of the industry to proposals 1, 2 and 4, as well as majority opposition to proposal 3. In addition, the 'Unmet Demand Survey' indicates that there may be the unintended consequence of reducing supply in some towns due to lucrative areas being favoured (please see Appendix D for more information).

- 6.14 While changing Proposal 1 in response to the feedback received does not contradict council priorities, Proposal 4b has a direct benefit to lowering emissions. Given the uncertainty of the impact of Covid-19 on the trade and that once implemented it cannot be reversed it is suggested that the initial Proposal 1 is reviewed in two years' time.
- 6.15 It is for this reason that it is recommended that the council agree to maintain a two-zone system in West Suffolk, to be reviewed in two years; and remove the livery requirement for zone A (former Forest Heath) hackney carriages and not introduce a requirement for private hire vehicles.
- 6.16 In addition, it is proposed that the Council:
- introduces the maximum age of vehicle proposals
 - introduces all other minor proposals that were consulted on

7. Additional concerns

7.1 **Removing livery requirement for hackney carriages - implementation**

Implementation of this policy will be immediate upon agreement by Cabinet. However, there will be allowed a 'phased' transition for vehicles in zone A – with the industry able to remove livery gradually as they replace their vehicles over time.

- 7.2 The Council will review on a case by case basis as some livery is by film wrap which can be more readily removed. This will mean that the industry will not incur any additional costs and will in fact incur fewer expenses as they no longer need to pay for livery on new vehicles. In addition, these cars will have a higher resale value (as they do not have to be repainted to remove the livery), once they have reached their maximum age limit for use as taxis.

7.3 **Hybrid-electric vehicle age**

The proposed policy provides a framework of requirements and conditions through which West Suffolk wishes to regulate the licensing of vehicles and drivers. However, this does not prevent drivers from approaching the council with a scenario such as the wish to licence an electric vehicle greater than five years old accompanied by an appropriate evidence base that it could meet the aspirations of the Council. In instances such as these, the decision would be considered on a case-by-case basis. This is now reflected in the Policy.

8. Risks associated with the proposals

- 8.1 Potential risks relating to the decision to merge the Taxi zones at this time are set out in Appendix D.

9. Implications arising from the proposals

9.1 Financial:

- 9.1.1 If the proposal setting a maximum age of vehicle is implemented, there may be a financial cost to taxi and hire car companies - drivers with vehicles currently aged over 10 years, who will be required to replace their vehicle before date of implementation (The current cost of a new purpose-built hackney taxi (manual) is approximately £37,330. However, resale value for hackney carriage vehicles aged over 10 years old is around £800 to £2,000). However, this can be managed if implemented at the date of annual renewal of the vehicle licence. The Council also needs to allow the industry a lead in time to allow them to adjust.
- 9.1.2 If recommendations followed regarding hackney carriage livery, there will be no additional cost and reduction in cost for zone A hackney carriage vehicles. If **all zone livery was** adopted, there will be a cost to drivers to purchase a black vehicle (note black is a standard colour therefore there is no additional cost) and approximately £350 per vehicle to add a yellow wrap.
- 9.1.3 Cost of additional engagement programme with Taxi industry regarding the potential amalgamation of the taxi zones: £1,400 plus VAT (total £1,680). This programme is to include targeted briefing and engagement with the industry, as well as the production of a clear short report summarising views and making an independent and reasoned recommendation for the way forward with respect to zoning. It is intended that this process is concluded and brought back for a Cabinet decision by April 2022.

9.2 Legal Compliance: There is no legal requirement to implement changes.

9.3 Equalities: There are no inequalities requiring detailed assessment.

9.4 Environment or Sustainability: Proposals four and five are intended to ensure vehicles have functioning and up to date technology to reduce emissions. There will also be a reduction in paper by removal of requirement to have a printed copy of policy in all licenced vehicles.

9.5 Changes to existing policies: This will entail a change to current policy.

10. Appendices referenced in this report

- 10.1 Appendix A – Revised hackney carriage and private hire conditions policy
- 10.2 Appendix B – Consultation analysis
- 10.3 Appendix C – Additional proposal 4 survey analysis
- 10.4 Appendix D – Rationale to defer amalgamated taxi zone

Note: Due to the length and filesize of the documents, the appendices are only available electronically with the agenda papers for this Cabinet meeting, at the following link:

<https://democracy.westsuffolk.gov.uk/ieListDocuments.aspx?CID=521&Mid=4666&Ver=4>

Any members wishing to receive to obtain a paper copy, may request a pack directly from Democratic Services.

11. Background documents associated with this report

- 8.1 West Suffolk Council hackney carriage and private hire policy, 2019
- 8.2 West Suffolk Council hackney carriage demand survey, January 2020
- 8.3 Statutory taxi and private hire vehicle standards