

West Suffolk Council Taxi and Private Hire Conditions Policy Handbook: review summary

Report number:	CAB/WS/22/035	
Report to and date:	Cabinet	19 July 2022
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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

Recommendation: It is recommended that, as detailed in Report number: CAB/WS/22/035, the following changes to the West Suffolk Council Taxi and Private Hire Conditions Policy Handbook are approved by Cabinet, to:

1. merge the two taxi zones into one single zone
2. remove all wheelchair accessible vehicle (WAV) requirements for hackney carriage vehicle (HCV) licensees
3. set maximum age limit for a vehicle at 15 years

1. Context to this report

- 1.1 Accessibility of transport services and infrastructure is an essential factor in ensuring a high quality, efficient, sustainable transport system. Access to taxis remains a particular challenge, largely due to the structure of the trade and its operations, as well as the design of the taxi vehicle itself. The importance of taxi services in providing reliable door-to-door transport services for disabled people, however, has necessitated concerted focus on this sector across the country.
- 1.2 West Suffolk Council has responsibility for licensing hackney carriage vehicles (HCV) and private hire vehicles, drivers and operators across the West Suffolk area, ensuring that the vehicles drivers use and the services they provide are of the highest quality, professional and safe.
- 1.3 During the autumn of 2021, the council carried out an in-depth study of taxi provision in West Suffolk, focusing on the following areas:
- Wheelchair accessible vehicle (WAV) provision.
 - The impact of merging taxi zones (currently there are two zones, Zone A in former Forest Heath and Zone B in former St Edmundsbury).
 - The age of the taxi fleet.
 - The possibility of introducing an electric vehicle requirement for licensees.
 - The impact of COVID-19.
- 1.4 The review brought together the perspectives of various stakeholders and the trade, alongside data and other information from a range of case studies and previous reports. In addition, a consultant was commissioned to undertake two specific surveys: one on the taxi zones and the other on wheelchair accessible vehicles, which sought the views of the trade and disabled users. As a result of the feedback from this review, a long-term vision for the trade was developed, which is to achieve a safe, accessible, green, and thriving fleet by 2030 (see section 4.2). To help work towards this vision, three major changes to the taxi policy were proposed, the first one being permanent and the other two offering a short-term approach to allow further work to be undertaken to consider how best to achieve the vision to:
1. merge the two taxi zones into one single zone.
 2. remove all wheelchair accessible vehicle (WAV) requirements for hackney carriage vehicle (HCV) licensees.
 3. set the maximum age limit for a vehicle at 15 years.
- 1.5 These proposals have been subject to public consultation, the results of which show most people are in favour of the changes.

- 1.6 This report provides an overview of the reviews and feedback that has led to the proposals, and a summary of the latest consultation findings to enable a decision to be made about whether to integrate these proposals into the West Suffolk Council Hackney Carriage and Private Hire Conditions Policy Handbook. It also outlines the next steps should these proposed changes be approved.
- 1.7 It is worth noting that Government has recently published updated statutory and non-statutory guidance on the duties and offences under the taxi and private hire vehicle sections in the Equality Act 2010 (June 2022). The intention of this guidance is to assist local licensing authorities to implement the Equality Act 2010 provisions to assist disabled passengers in their use of taxi and private hire vehicle services. This guidance provides advice on the designation of vehicles as being wheelchair accessible, communicating with drivers and operators regarding their responsibilities, handling requests from drivers for exemptions from the mobility assistance requirements, and enforcing the duties of all concerned. Most notably, amendments to the Equality Act 2010 places duties on taxi and private hire drivers to support disabled passengers, with failure to adhere to this guidance incurring a potential £1,000 fine. The content of this guidance does not affect the recommendations put forward in this paper. However, it may result in further training or awareness raising among the taxi industry regarding responsibilities for taxi operators and drivers and integration with the existing policy and application of it. The updated guidance is included under background documents (see section 14).

2. **West Suffolk Council Hackney Carriage and Private Hire Conditions Policy Handbook**

- 2.1 **Taxi zones**
Taxi zones is a term used to describe arrangements where a licensing authority licenses hackney carriage vehicles (HCVs) to operate only in a limited zone within the total licensing area. A taxi licensed for one zone cannot lawfully ply for hire outside that zone. Most local authorities allow licensed hackney carriages to ply and stand for hire throughout the entire council area. Only a relatively small number of local authority areas are divided into separate hackney carriage zones. These zones only exist because of changes to local authority boundaries in circumstances where two or more former districts are brought together. Currently, there are two taxi zones operating across West Suffolk: Zone A – former Forest Heath District Council (FHDC) - and Zone B – former St Edmundsbury Borough Council (SEBC).
- 2.2 **Wheelchair accessible vehicles**
WAVs are vehicles that are specially built, or converted, so a wheelchair user can travel as a passenger while remaining seated in

their wheelchair. Since at least 2016, the council (formerly Forest Heath and St Edmundsbury councils) has instituted policy to gradually increase the proportion and number of WAV vehicles in the area. This has been implemented through a stipulation in the taxi policy that all new applications for hackney carriage vehicles must be for WAV vehicles only (please note – this means newly plated vehicles: a newly plated vehicle is any vehicle that has not previously been licenced by the authority).

2.3 **Maximum age limit of vehicles**

In the 2020 taxi policy review, the council proposed to add a new maximum age requirement of ten years to all vehicles, except electric or zero emission vehicles, to reduce emissions. This was due to be implemented by 2025.

3. **Summary of findings from review, autumn 2021**

3.1 The full report covering the extensive research and engagement carried out during the autumn of 2021 can be viewed in Appendix A.

3.2 A summary of the key findings are shown below:

- Some people do have difficulty accessing wheelchair accessible vehicles in certain areas, but WAVs do not meet the needs of all people with disability and mobility issues. As such, a mixed fleet of vehicles is required. The right approach needs to be carefully considered alongside local need, geographic factors and requirements of the trade. The current policy does not allow for this, as it requires all newly plated hackney carriage vehicle to be a WAV only. That said, there is a need to raise awareness across the trade of the range of WAV's available to them which do offer more flexibility and greater accessibility for a wider variety of users other than the large people carrier style WAVs.
- The expected demographic changes in West Suffolk will likely place additional capacity pressures on the taxi industry over the next two decades. The age groups of over 65 years old and over 85 years old are both projected to increase. Given that these age groups are most likely to have long term health problems and/or disabilities, it is likely that the demand for an accessible fleet is going to increase.
- There is not an equitable balance of WAVs across the two taxi zones. However, the combined balance across the district, if the zones were to be merged, would likely be sufficient to meet demand at this time. As of August 2021, the values for West Suffolk WAV proportions across the district were:

- 25 per cent hackney carriage vehicles (47 out of 188)
 - 23.9 per cent private hire vehicles (81 out of 339)
 - 24.3 per cent overall (128 out of 527)
 - breaking this down into the current zones, there are 14 licensed in Zone A and 31 in Zone B.
- There was a very low response from the taxi trade about merging taxi zones. This may imply that a lot of those involved in the trade have no opinion either way. While most respondents from the trade were in favour of merging the zones, a number favoured retaining the two zones – especially in Zone B. One possible risk of the amalgamation of zones is of honey-potting (drivers being drawn to more lucrative areas, causing unmet demand in some areas and a surplus of taxis in others). However, given the regular demand on taxis and the geographical spread of West Suffolk, the risk of drivers leaving their usual custom base to travel to another town in the hope of picking up more trade is likely to be low. In addition, it may have benefits. For example, it would make it possible for drivers taking a customer from Newmarket to Bury St Edmunds, to pick up another fare rather than having to return empty. The main benefit, however, will be that the supply of WAV in West Suffolk (which is unevenly distributed across the two zones) could be shared, leading to less unmet demand.
 - The electric fleet options are currently limited, particularly with regards to WAVs options. There is also limited public infrastructure across West Suffolk to support rapid charging at this time, which would need to be developed to support an electric taxi fleet.
 - In 2025, the planned introduction of the 10-year age limit policy will create a bottleneck, where a large proportion of the hackney carriage vehicles (HCV) will need replacing, including a third of WAVs. The council wants to be able to support changes to electric vehicles as soon as possible, but this must be considered alongside the practicalities of achieving this, as well as avoiding the trade potentially having to make short term vehicle changes. The taxi trade is not one that can quickly adapt, especially when there are so many independent drivers in West Suffolk.

4. **Future vision for the taxi trade in West Suffolk**

4.1 There are a number of challenges facing the taxi trade in the coming years - notably, recovery from COVID, the future of electric vehicles in taxi fleets by 2030, and meeting the changing diverse accessibility needs of our communities. With this being the case, the intention is to support a move to a longer-term approach, improving services and contributing to a higher quality, more equitable, greener and socially sustainable transport sector. This will necessitate close working with the trade and communities, and a dynamic approach to our policy position over the coming years.

4.2 To help achieve this, a vision has been set for the future of the taxi industry, the intention of which is to work towards achieving this by 2030. This is shown in the table below:

A safe fleet	The industry must safeguard vulnerable individuals by requiring drivers to have appropriate checks and training. The safety standards set by government must be met, with appropriate equipment and training utilised to ensure that vulnerable residents can be adequately served.
An accessible fleet	The industry will retain sufficient provision of wheelchair accessible vehicles for disabled residents to access shops, services, and other activities. The level of wheelchair accessible vehicles is dictated solely on the needs of local communities.
A green fleet	The fleet will contribute to the reduction of greenhouse gas emissions and the council’s commitment to net zero by 2030, by utilising more environmentally friendly vehicles, such as electric and hybrid.
A thriving fleet	West Suffolk Council recognises the significant contribution that taxi businesses make to the local economy and the role they play in leisure, education, and tourism. As such, the council wishes to provide support to these businesses to grow and flourish, while ensuring they operate safely. The council will always seek to work in a positive partnership by maintaining an open and active forum with licence holders and applicants in a way that minimises the burden and cost of regulation.

4.3 In order to meet the future vision, there is a need to make some changes to the policy, as proposed, while further work is carried out to establish what policy levers will be needed in the future.

5. Proposed changes to the policy

5.1 The outcome of the review during the autumn of 2021 led to three proposed major changes to the taxi policy to support the move to the longer-term vision in 4.2 to:

1. merge the two taxi zones into one single zone.
2. remove all Wheelchair accessible vehicle (WAV) requirements for hackney carriage vehicle (HCV) licensees.
3. set the maximum age limit for a vehicle at 15 years.

5.2 The report highlighted that these proposals should not be considered in isolation to each other. The changes to the WAV policy for instance cannot happen without the changes to the taxi zones. As such these proposals were put forward as one complete package of changes to benefit both the taxi trade and its customers alike. A summary of the rationale for each of those proposals is now addressed in turn:

5.2.1 **To merge the two taxi zones into one single zone**

Merging zones will open markets for drivers, maximising opportunities to obtain fares and importantly ensure that WAVs (which are not evenly distributed between the zones) can be shared across the district, which should help disabled passengers receive the service they need. Once the zones are merged it cannot be reversed and there are some risks. However, given the regular demand on taxis and the geographical spread of West Suffolk, the risk of drivers leaving their usual custom-base to travel to another town in the hope of picking up more trade is considered to be low. The council will ensure that all stakeholders are engaged, and the situation is monitored to help to make sure that there are no adverse effects or unmet demand as a result.

5.2.2 **To remove all WAV requirements for HCV licensees**

West Suffolk Council currently has above the national average level of hackney carriage WAVs when considering the total number across both taxi zones combined. Also, in terms of private hire vehicles, the proportion that are WAVs are well above the national average. While this number will fluctuate, at this time, it would suggest the balance is right across the district to meet demand. This position affords time for the council to consider how the policy can be adapted to achieve the long-term vision. Moreover, research has shown that pursuing a policy of 100 per cent WAVs (as per the current policy) does not cater for the needs of all disabled passengers or people with mobility issues. Thus, a mixed fleet of vehicles is needed. The intention, therefore, is to make this proposed change in the short-term, to allow time to plan for future electric and WAV requirements and determine what policy levers would best help achieve this, with a further unmet demand survey being undertaken by 2025.

5.2.3 To set the maximum age limit for a vehicle at 15 years

In 2020, the council agreed to a 10-year age limit on all vehicles in the taxi fleet. However, at the time the long-term effects of the pandemic were not known, and the government had not announced the ban on the sale of petrol and diesel cars by 2030. Analysis of the age of the fleet suggests that a very large proportion of licensees would need to replace their vehicles (including a third of WAVs) to adhere to this policy. This may result in a reduction in the size of the fleet and, consequently may lead to unmet demand. While the council is committed to achieving a greener and more accessible fleet, it is recognised from feedback from some of the trade's own electric vehicle drivers, that the charging infrastructure needs to be improved to support this, as does the availability of electric WAVs. Increasing the maximum age of vehicles to 15 years will remove those taxis emitting the highest carbon emissions from the roads in 2025, while allowing more time for advancements in electric vehicle charging technology, infrastructure, and vehicle options to be explored with the trade. This will, also, reduce the need for the trade to make short-term decisions on their vehicle and plan for the longer-term transition to meeting the requirements set out in the 2030 vision. During this time, all HCV will still be required to undertake a twice-yearly safety check, ensuring that they continue to be roadworthy and safe.

6. Consultation on the three proposals

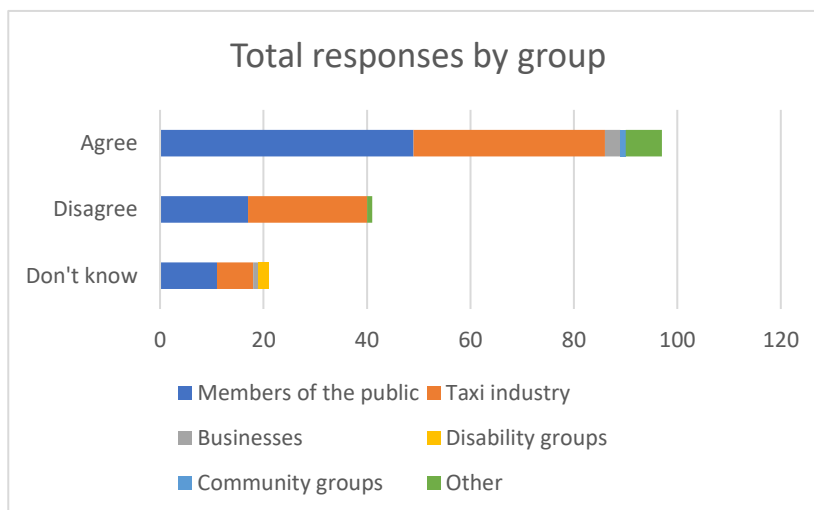
- 6.1 Public consultation took place between 23 March and 18 May 2022 to ascertain opinion and feedback about the three proposed changes to the policy. An online response form was created, and this was published through media, website, social media, councillors, staff and partner organisations. Face to face drop-in sessions were, also, held with members of the taxi industry and disability groups.
- 6.2 During the consultation period, views were sought from the public, members of the taxi trade, disability groups, local businesses, town and parish councils and other community groups or organisations within the West Suffolk area.
- 6.3 Of a total 164 respondents, the largest group, with 79 respondents, were members of the public (48.5 per cent). Sixty-eight (41.7 per cent) responded to the survey as representatives of the taxi trade. Eight respondents responded as 'other'. A further four respondents (2.5 per cent) responded as local businesses, two responded as a disability group (1.2 per cent) and one as a community group (0.6 per cent).

7. Summary of consultation feedback

7.1 The full results of the consultation feedback are shown in Appendix B, but a summary of the findings for each proposal are shown below.

7.1.1 **Proposal 1 - Merge the taxi zones**

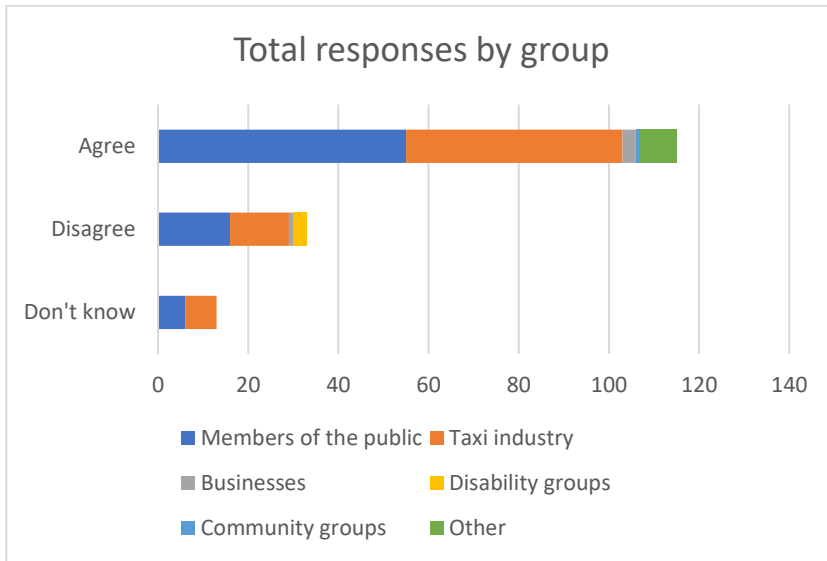
Of 160 responses, 98 (61.3 per cent) agreed to merging the zones. Forty-one (25.6 per cent) answered that they disagreed and 21 (13.1 per cent) responded that they did not know.



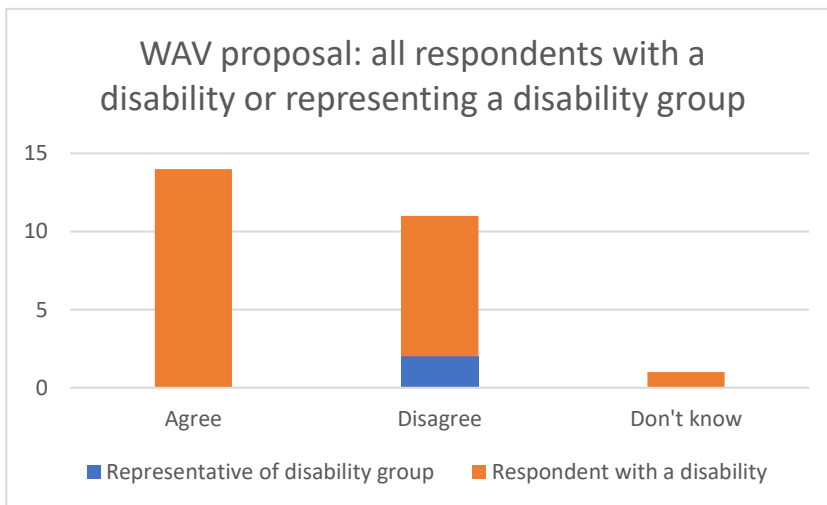
Further analysis of the responses from taxi drivers reveals that of the Zone B respondents, eight were in favour of the proposal to merge the zones, eight disagreed with the proposal and three answered that they did not know. Conversely, of Zone A respondents, 22 were in favour of the proposal, nine disagreed and one stated that they don't know.

7.1.2 **Proposal 2 - Remove WAV requirement**

Of 161 responses, 116 (72.1 per cent) were in favour of the proposal. Thirty-two (20 per cent) disagreed with the proposal and 13 (8.1 per cent) answered that they don't know.

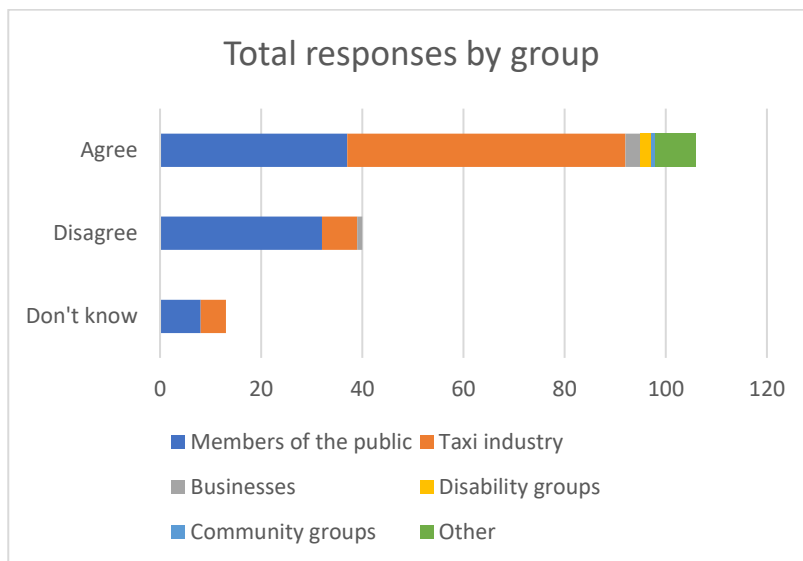


It is most noteworthy that both respondents who represented disability groups disagreed with the proposal. However, further analysis of the 24 respondents with a disability who answered this question (but predominantly answered as members of the public), show that a majority were in favour of the proposal – 14 (58.3 per cent) agreed; nine (37.5 per cent) disagreed; one (4.1 per cent) stated that they don't know.



7.1.3 Proposal 3 – To set the maximum age limit for a vehicle at 15 years

Of 160 respondents, 107 (66.9 per cent) agreed to the proposal to extend the vehicle age limit. Forty (25 per cent) answered that they disagreed and 13 (8.1 per cent) responded that they did not know.



8. Discussion of consultation findings

- 8.1 During the eight-week consultation period, the responses received to the consultation were generally in favour of all three proposals. In addition, there was no significant split in opinion between different groups.
- 8.2 A lower proportion of members of the taxi industry supported the proposal to merge the zones, and further investigation suggests that fewer drivers from current Zone B were supportive in comparison to Zone A respondents. Members of the public were, also, less supportive of the proposal to extend the maximum age of vehicle requirement – while a larger proportion agreed with the proposal, this was not a majority – most frequently citing environmental concerns.
- 8.3 In addition, both respondents representing disability groups disagreed with the proposal to remove the WAV requirement. Further investigation shows that of all respondents with a disability, a majority were in favour of the proposal. Nevertheless, this issue should be taken into consideration going forward.
- 8.4 Although the results of the survey suggest there is overall support for the proposals, the outcomes from the consultation suggest that there is a need for further engagement with:
- the taxi industry, especially Zone B drivers, on merging zones.
 - disability groups regarding the WAV policy, as well as the issues disabled passengers experience when using taxis.
 - members of the public on the wider work the council is undertaking to reduce carbon emissions across the district, as well as the vision for a green taxi fleet by 2030.

9. Alternative options that have been considered

- 9.1 An extensive options appraisal and review was conducted as part of the autumn 2021 review and detailed as part of the report. This can be viewed in Part 4 of that report (see Appendix A, Part 4 – Options appraisal – exploring the future of our taxi policy).
- 9.2 The outcomes of the consultation feedback are, as discussed, in favour of adopting the three proposals. It is recognised that while the adoption of one zone will be permanent the other two changes are short-term measures and that further policy levers will be considered and developed as more research and engagement is carried out on achieving the long-term vision by 2030.
- 9.3 An Equalities Impact Assessment (EqIA) was carried out on the three proposals before the consultation was launched. This considers the potential impact on groups with protected characteristics should the proposals be implemented – most notably disabled passengers. For disabled passengers, the EqIA follows the feedback from users that a mixed fleet is best for all users (in other words, that a WAV is not always preferable or suitable for all disabled users). In addition, the merging of the taxi zones could help to ensure that WAV HCVs are spread across the entire district, which will help to mitigate unmet demand.

10. Conclusions and next steps

- 10.1 Overall, the consultation findings support the changes to the Hackney Carriage and Private Hire Conditions Policy Handbook as proposed. The areas highlighted from the consultation that require on-going consideration or further review are already planned to be picked up by the team as progress is made towards the 2030 vision.
- 10.2 It is important in reaching this conclusion that, while the merging of the zones is a permanent change, the other changes are interim measures to allow more time for the council to further consider and develop plans to achieve an accessible, safe, green and thriving fleet. This will include re-assessing the level of WAV provision and determining how this can be achieved, as well as ensuring that the council meets the legal responsibility to ensure that the needs and safety of the travelling public is met. This will necessitate on-going engagement with all stakeholders about when and how to introduce relevant policy levers to achieve the 2030 vision.
- 10.3 The Licensing team will be monitoring the approach throughout and will take necessary action if any issues are encountered. This means

there is an option of implementing into the policy a requirement for new HCV to be WAVs at any point during this time, if there are issues or concerns over unmet demand.

10.4 As part of adopting these proposals, extensive and on-going engagement will take place with key stakeholders and the following actions will be developed by the team to help plan and prepare for moving towards the vision:

- By 2025 the council will undertake another unmet demand survey. (It is good practice to undertake this survey every three years and this would enable the council to ascertain the impact of the zones merging on meeting demand and review how well the fleet is catering for the various needs of taxi users).
- Developing a training and education programme, using demonstration days to educate the industry and 'myth bust' on WAV variations and environmentally friendly vehicles.
- The Licensing team will seek to develop links with WAV providers, to ensure that the area remains at the forefront of options and actively promotes the small WAVs that can be utilised.
- On-going work to emphasise the need for, and provide cost effective, driver training and education around supporting disabled passengers.
- Gaining feedback from the trade who have electric vehicles and sharing experiences to promote awareness and benefits.
- Introducing a working group to review vehicle emissions and age of vehicles to inform future policy decisions, as well as integrating wider work across the council on provision of electric vehicle charging points, supported by a communications plan.
- Exploring the establishment of a user group with disabled users to get regular feedback about their experiences.

10.5 As outlined in the report prepared in the autumn of 2021, in removing the requirement for all newly plated HCVs to be WAVs, there would need to be some conditions attached to the plates issued. These have been developed with the support of the Legal team and are as follows:

- a. That VRN ***** (VIN *****) is licensed on Plate xxxx.

- b. The proprietor of a licensed vehicle shall notify the council within 14 days of any transfer of interest, in whole or in part, in the vehicle to any other person not specified in the vehicle licence.
- c. The vehicle licensed cannot be changed for another vehicle at any time (excepting repair or maintenance of less than four weeks).
- d. On VRN *** becoming unfit through wear and tear, or damage or no longer being compliant with the council's taxi licensing policy, the licence plate will immediately lapse.

It is important to note that these changes can be applied by the team in accordance with legislation and thus do not require approval from Cabinet. However, it is recognised that these conditions will be a change in how licences are issued and are thus included in this report for reasons of transparency.

- 10.6 The Licensing team will work through an implementation plan and timescales for adopting the proposals if approved, which is anticipated will be in the autumn 2022.

11. Recommendations

- 11.1 It is recommended that the following changes to the policy are now agreed by Cabinet, to:

- merge the two taxi zones into one single zone.
- remove all wheelchair accessible vehicle (WAV) requirements for hackney carriage vehicle (HCV) licensees.
- set the maximum age of a vehicle at 15 years.

- 11.2 The Licensing team will be working through an implementation plan and timescale should these proposals be agreed and will work with the trade to engage with them and communicate the timescales involved. This is likely to be in the autumn 2022.

12. Implications arising from the proposals

- 12.1 **Financial** – officer time will be required to carry out engagement practices with the industry and disability groups.
- 12.2 **Equalities** – the issue of disabled access has been considered under the EqIA and the proposals should not lead to unmet demand while further consideration is given to what policy changes are required in the future. However, this situation will be continually monitored.

12.3 **Environment or sustainability** – the extension of the vehicle age limit will mean that older and less efficient vehicles remain on the road for longer. However, this is being reviewed against the commitment to allow the taxi industry time to transition to hybrid or electric vehicles by 2030.

12.4 **External organisations (such as businesses, community groups)** – the proposals should have a beneficial impact on the taxi industry by removing short-term measures and setting out a clear vision for the future of the taxi trade in West Suffolk, while affording time to develop these proposals together and plan for future changes. The merging of the zones should, also, benefit drivers. However, this will be monitored to ensure that there is no 'honey potting'.

13. **Appendices referenced in this report**

13.1 Appendix A – Taxi and private hire vehicle policy - review of taxi zones and wheelchair accessible vehicles (WAVs)

13.2 Appendix B – West Suffolk Council taxi policy review: consultation survey summary

14. **Background documents associated with this report**

14.1 [GOV.UK - access to taxis and private hire vehicles for disabled users](#)