

Name of meeting: Licensing and Safety Committee

Date: 13 March 2019

Title of report: Kirklees Hackney Carriage and Private Hire Licensing Policy

Purpose of report:

The purpose of this report is, following consultation, for Members to consider adopting the overarching Kirklees Hackney Carriage and Private Hire Policy, taking into account any responses to the consultation.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	No
The Decision - Is it eligible for call in by Scrutiny?	Not applicable
Date signed off by <u>Strategic Director</u> & name	Karl Battersby
Is it also signed off by the Service Director for Finance IT and Transactional Services?	Strategic Director – Economy and Infrastructure
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	
Cabinet member portfolio	Councillor Naheed Mather

Electoral wards affected: All

Ward councillors consulted: All

Public or private: Public

1. **Summary**

- 1.1 The Kirklees Hackney Carriage and Private Hire policy has been developed to ensure the public can be confident the service is meeting its safeguarding duties, ensuring passenger safety is not compromised and delivering a much better service for our customers.
- 1.2 This policy draws together all current aspects of hackney carriage and private hire licensing setting out required standards, expectations, conditions, processes and relevant policies.
- 1.3 A copy of the draft policy can be found at **Appendix I** to this report.

2. **Information required to take a decision**

- 2.1 In May 2018, the Licensing service began the process of developing an overarching policy encompassing all the different aspects of hackney carriage and private hire licensing; having such a policy is recommended and seen as good practice by the Local Government Association and the Department for Transport.
- 2.2 On the 11th October 2018 at the meeting of the Licensing and Safety Committee, a proposed policy was presented to Members, who gave authority for officers to consult on the draft policy.
- 2.3 Whilst the policy drew together all current aspects of taxi and private hire licensing including setting out required standards, expectations, conditions, processes, some changes were also proposed and consulted on.
- 2.4 Two of the most significant changes related to a new policy regarding the fitness and suitability of drivers and a new driver training policy. Both of these policies have been developed in conjunction with other West Yorkshire (including York) authorities. Members should note, that these two policies will now be presented to a future Licensing and Safety Committee
- 2.5 At the same time consultation also took place on the following changes which are specific to Kirklees.

Driver Conditions

- 2.6 Two conditions were added to the Driver Conditions at 'Appendix (B)' to the policy which supported and followed the Department for Transport recommendations in the recent task and finish working group report. These are numbered at 21 and 22 in Appendix B.

Emissions

- 2.7 The proposed policy included adopting a revised standard for testing hackney carriage and private hire vehicles. All hackney and private hire vehicles are subject to a compliance test which is additional to the MOT Test and is carried out by the Council to locally developed standards. Tests are conducted upon first licensing of a vehicle and then annually upon renewal.
- 2.8 The proposal to revise the policy was primarily influenced by the Council's adoption of the West Yorkshire Low Emissions Strategy 2016- 2021. Kirklees signed up to the strategy in December 2016 following its development by West Yorkshire local authorities and Public Health England. The strategy sets out key measures to improve

air quality across the region that include the introduction of Clean Air Zones and tackling emissions from buses, lorries and taxis.

- 2.9 In general Air Pollution is improving nationally. However, as with most industrialised towns, cities and urban areas emissions from road transport is increasing as traffic and congestion increases. Hot spots of pollution are created where housing is in close proximity to the heavily used road network.
- 2.10 In Kirklees these hot spots or Air Quality Management Areas (the legal definition) have increased from 2 in 2016, to 9 in 2017 and will be 10 in 2018. The pollution in these areas has either increased or not improved in line with the general improvement in Air Quality as the general improvements have been led by reduction in industrial emissions. Kirklees has increased its monitoring networks, which has led to the identification of these hot spots and we keep a watching brief over other areas. The only way to resolve these hot spots of pollution is to reduce emissions from road transport.
- 2.11 Over the years the vehicle manufacture and the type of vehicles the trade would like to use has altered and it seemed timely, to review the vehicle testing policy in relation to emissions to ensure it reflects best practice and encourages vehicles of the best possible standards on to the fleet.

- 2.12 The proposed changes in relation to vehicle standards consulted on were:-

Introduction of an Emissions Policy linked to Euro Standards

- 2.13 The Council are looking to encourage the use of low emission vehicles, including electric vehicles. In order to support this the Council are working with West Yorkshire Combined Authority to install a network of electric charging points for electric vehicles to utilise. Kirklees has also signed up to the West Yorkshire Low Emissions Strategy 2016-2021 which has prioritised a reduction in harmful emissions from taxis. Additionally modern engines are more efficient and can therefore achieve the same output as older vehicles with smaller engine capacities.
- 2.14 It is proposed that this section of the policy will be implemented from 1st April 2020 and all new vehicles will need to meet Euro 5 standards for petrol engines and Euro 6 standards for diesel engines. The future date allows existing licence holders time and opportunity to purchase a new vehicle that meets the new standard.

Removal of the lower age limit

- 2.15 Vehicles must currently be under 6 years old at first licensing. The service currently has an upper age limit of 10 years or 12 years for purpose built hackney carriage vehicles and multi seater/wheelchair accessible vehicles. It is proposed the upper age limit remains and there would be no lower limit. This would mean vehicles older than a 65 plate for diesels and 60 plate for petrol would fail the proposed emissions requirement.
- 2.16 It is proposed the new emissions policy would apply to new applications only and the remaining vehicle specification would remain unchanged for existing vehicles whilst further discussions with the West Yorkshire Authorities are ongoing.
- 2.17 However, the proposed emissions policy would apply as vehicles cease to be licensed once they reach the anniversary of their 10 year registration, as such, each year a number of vehicles would have to come onto the licensed fleet that would meet the proposed emissions standards, which would allow constant increase and uptake in the revised standards ensuring a cleaner and greener fleet over the next few years.

- 2.18 The introduction of the revised vehicle standards would also support the corporate outcome of people in Kirklees experiencing a high quality, clean, sustainable and green environment.

Upper Age Limit

- 2.19 As a result of discussions with trade members and as a result of the consultation, officers have agreed to look at the Council's current policy in relation to the age upon which a licensed vehicle will cease to be licensed.

- 2.20 Currently this policy stands at –

Hackney Carriage/Private Hire vehicles over ten years of age will be refused further licences.

That the only exemption to the maximum age limit of ten years will be applied to London cab type vehicles, the maximum age for such vehicle will be fifteen years. Any other wheelchair accessible vehicles used for Hackney Carriage purposes to be licensed to a maximum of twelve years.

- 2.21 Officers are proposing to work with the trade and Fleet Services on a review of this upper age limit, with a view to a further report being presented to the Licensing and Safety Committee within the next three months.

Online Disclosure Barring Service

- 2.22 It is proposed that it be mandatory that all applicants for a private hire / hackney carriage drivers licence, whether new or on renewal, be automatically signed up to the DBS Online update service. This proposed changes will streamline the process of applying for a licence and will ensure the authority is taking the necessary steps to ensure the travelling public are safe.

3 Implication for the Council

3.1 Working with People

The purpose and vision of the changes is to ensure there is a raising of standards and skills amongst licensed drivers in order to protect the travelling public, ensure people across West Yorkshire are transported safely and protected from harm. The aim is that people in Kirklees experience a high quality, clean, sustainable and green environment, as well as improve the customer experience.

3.2 Working with Partners

In developing its policies the licensing services have worked with a number of partners, including, Kirklees Safe Guarding Children's Board, West Yorkshire Police, Public Health, Environmental Health, Overview and Scrutiny Committee, Community Safety Partnership and other West Yorkshire Authorities (including York).

3.3 Place Based Working

The proposed policy brings together into one place a number of existing policies. The changes outlined in this report, seek to address some of the issues surrounding air-quality within Kirklees.

3.4 Improving outcomes for children

The Council wants to ensure children have the best start in life and to ensure that the people of Kirklees feel safe and are protected from harm. The Council has a duty to protect the travelling public and safeguard children travelling in licensed vehicles and in particular for the purposes of school transport.

3.5 Other (e.g. Legal/Financial or Human Resources)

Legal

The principle legislation is the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

The purpose of taxi licensing is detailed in the Department for Transport “Taxi and Private Hire Licensing Best Practice Guide” paragraph 8 which states: “The aim of local authority licensing of the taxi and Private Hire Vehicle (PHV) trades is to protect the public.”

Taxi and Private hire vehicle licensing in England and Wales is undertaken by licensing authorities, which have the responsibility for ensuring that the public travel in safe, well maintained vehicles driven by competent drivers; as well as providing a fair and reasonable service for the taxi and private hire vehicle trade. Council’s following best practice will meet or communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistent and robust in decision making.

Equality Implications

The Equality Act 2010 creates the Public Sector Equality Duty (PSED) and in order to fulfil the PSED the Council is required to assess the impact of any proposed action on the equality objectives set out above. The way in which the Council approaches this task is to conduct Equality Impact Assessments (EIA).

A stage 1 Equality Impact Assessment has been completed and is available <http://www.kirklees.gov.uk/youkmc/deliveringServices/impactAssessments/impactassessments.asp>

In summary the assessment is that the level of impact is low although it is acknowledged from day to day contact and interaction with drivers it will impact mainly upon men of Asian ethnic background.

4. Consultees and their opinions

4.1 Consultation took place online on this policy between October 2018 and January 2019. A total of 10 responses were received from trade / licence holders and members of the public. Those responding were asked to consider the policy and provide comments. Copies of those responses can be found at **Appendix II**, including the Councils response.

- All Licensed Private Hire Operators
- All Licensed Drivers
- Trade Representatives
- All Councillors
- Kirklees Safeguarding Children’s Board

- Kirklees Safeguarding Adults Board
- West Yorkshire Police
- Public Health Board
- Kirklees Community Safety Board
- NHS North Kirklees
- Greater Huddersfield CCG
- Members of the Public

4.2 In addition, responses were received from partnering agencies / internal departments, these are attached to this report as **Appendix III** and include the licensing service response.

5. **Next steps and timelines**

The next steps are for Members to consider the responses to the consultation and the changes made to the policy as a result of that consultation

6. **Officer recommendations and reasons**

6.1 Members are recommended to consider the report and appendices and adopt the draft policy as presented at **Appendix I** from the 1st April 2019.

6.2 The responses to the consultation have been fully considered by officers and the only amendment to the draft policy (Appendix 1) is on Page 7 in the paragraph referring to the Kirklees Safeguarding Board. This has been updated as per the consultation response from the Board in **Appendix III**. It is clear from the responses received that there is significant support for the introduction of an overarching policy as the majority of the responses are in favour of the policy.

6.3 The Council has not made changes where the responses outlined are already being considered in draft policies as part of a wider piece of work with the West Yorkshire and York authorities or they are already in place within the Service.

6.4 Members are asked to delegate authority to the Head of Public Protection to make minor changes to the policy should these be necessary, in relation to updating of processes, legislation, service name changes or grammatical errors.

7. **Cabinet portfolio holder's recommendations**

7.1 Councillor Naheed Mather is in support of the introduction of the policy.

8. **Contact officer**

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9. **Background Papers and History of Decisions**

- Report to Licensing and Safety Committee – 11th October 2018
<https://democracy.kirklees.gov.uk/documents/s24810/Item%207%202018-10-11%20Licensing%20Report%2011%20Oct%202018%20002%20002.pdf>
- Report to Licensing and Safety Committee – 18 January 2016
<https://democracy.kirklees.gov.uk/documents/s9165/Licensing%20and%20Safety%20002%2018%20Jan%202016%20-%20Constitution%20Taxi%20and%20Private%20Hire%20Vehicles%20-%20Report%20delegat.pdf>
- Background Papers: Institute of Licensing – Guidance on determining the suitability of applications and licensees in the hackney and private hire trades

10. **Strategic Director responsible**

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