

## **Hackney Carriage (Taxi) and Private Hire (PH) Licensing Policy 2021-2026**

### **Purpose**

To consider the proposed draft Hackney Carriage (Taxi) and Private Hire (PH) Licensing Policy 2021-2026 in relation to exercising functions under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

**Wards Affected:** All

### **Recommendation**

The Licensing Committee is advised to note the contents of this report and to approve the attached draft Hackney Carriage (Taxi) and Private Hire Licensing Policy 2021-2026 for consultation.

It is recommended that the upper age limit for licensed vehicles is temporarily removed until the new draft Policy is adopted.

## **1. Background**

- 1.1 In July 2020 the Department for Transport (DfT) issued Statutory Taxi and Private Hire Vehicle Standards. This document was published under section 177(1) of the Policing and Crime Act 2017.
- 1.2 The document recommends that all councils make publicly available a cohesive policy document that brings together all their procedures on Taxi and Private Hire (PH) vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.
- 1.3 Surrey Heath's draft Hackney Carriage (Taxi) and Private Hire (PH) Licensing Policy aims to meet the DfT's expectations, building on our existing good practice.
- 1.4 Once adopted we will keep the Policy under review and formally review it every 5 years. The Policy will be updated as appropriate.
- 1.5 Before determining our Policy we are required to consult on proposed changes in licensing rules that may have significant impacts on passengers and/the trade.
- 1.6 As part of the consultation we will make contact with the groups and persons listed below:

- a) Taxi and PH Trade
- b) All licensed Taxi drivers and proprietors
- c) All licensed PH drivers and operators
- d) The Chief Officer of Police for our area
- e) Persons/bodies representative of disabled persons
- f) Persons/bodies representative of business and residents in the area.
- g) Surrey Heath (SH) Environmental Health
- h) SH Planning and Development Control
- i) SH Community Safety
- j) Other Local Authorities in Surrey
- k) Surrey County Council (SCC) in their capacity as the Highways Authority
- l) SCC – Children’s Services
- m) SCC- Development Control
- n) Trading Standards and Consumer Protection
- o) Age Concern
- p) Pub watch
- q) Groups representing vulnerable travellers.

- 1.7 We will be writing to all of the above inviting comments on the draft Policy.
- 1.8 Recognising that this is a significant change we will be setting up a meeting with the licensed Taxi and PH trade to discuss the implications of the Policy.
- 1.9 We are planning to commence consultation on the attached draft Policy week commencing 5 April. As part of this we will be contacting all Ward Councillors to give them an opportunity to comment.
- 1.10 The start date of consultation will be subject to the outcome of this evening’s meeting.

## **2. Hackney Carriage (Taxi) and Private Hire Licensing**

- 2.1 Under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 the Council is responsible for regulating the Hackney Carriage (Taxi) and Private Hire trades operating in the Borough.
- 2.2 Central to this function is a requirement to protect the public, including children and vulnerable adults (over 18), from harm when using these services. This has always been our principle aim when considering licence applications and attaching conditions to licences that we issue.
- 2.3 The DfT Statutory Taxi and Private Hire Vehicle Standards published in July 2020 reinforces the need to safeguard the public and the potential of failings in this area.

- 2.4 The draft Policy takes this requirement on board and recognises that in some areas we may need to go further to strengthen existing arrangements. This includes considering whether a requirement for all licensed vehicles to install CCTV cameras should be introduced.
- 2.5 As a separate consultation we will be seeking views on whether there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse effect on the safety of users, including children or vulnerable adults. This will include seeking the views of the local police.

### **3. Environmental Considerations (Section 7 of the Policy)**

- 3.1 The Council aims to ensure that licensed vehicles are of a good, safe standard. This includes an aim to minimise the impact of their emissions on both the public and the environment.
- 3.2 The draft Policy sets minimum standards for vehicles licensed in the Borough for both vehicle age and emissions.
- 3.3 By setting both vehicle age and emission standards we are aiming to address concerns raised by a Member on behalf of the trade at the Licensing Committees in July 2020.
- 3.4 The current draft Policy covers our commitment to carry out a full review of our policies with regard to both age and emissions.
- 3.5 At the Licensing Committee in July 2020 it was agreed that there would be an exemption to allow vehicles up to 7 years old to be licensed. It is recommended that the upper age limit for licensing vehicles is temporarily removed until the new draft Policy is adopted.
- 3.6 The current fleet of Taxis and PH vehicles, with the exception of a few vehicles, is Euro 6 compliant. This means that there are no immediate cost implications for the trade associated with this change. However the requirements of the Policy would need to be taken into account, by the trade, when considering the purchase of new and replacement vehicles.
- 3.7 There are additional benefits to the trade of introducing a formal age Policy. Providing vehicles are in good condition and pass all relevant tests under the proposed Policy vehicles can be licensed for up to 10 years (or 12 in the case of purpose-built wheelchair accessible vehicles).

## **4. Other Considerations**

4.1 The Policy introduces a number of additional requirements that may affect the trade. Our aim is to minimise the costs to the trade whilst improving the service provided. These requirements are outlined below:

- Driver code of conduct and dress code
- Big face badge to be placed on dashboard
- Purpose built full hybrid, or plug in hybrid must have a minimum range of 16km (10 miles) using battery power only, a full electric vehicle must have minimum range of 112km (70 miles)
- A written HPI check (status outstanding finance/ insurance write-off)
- Plate exemption criteria – proprietor must prove that 80% of jobs are for a specified customer(s) and vehicles must be a certain type
- Taxi roof light to have TAXI on one side and Surrey Heath Borough Council TAXI on the other
- Replacement auto lamps to be kept in the vehicle
- No meters in Private Hire Vehicles from 01/04/2022
- Card payment terminals in all Taxis to enable contact less payment
- Vehicles with a 3<sup>rd</sup> row of seats must have adequate legroom and headroom and a gap of 300mm at the narrowest point to allow ease of egress
- Wheelchair accessible vehicles must have M1 classification on V5C and must comply with EC Whole Vehicle Type Approval
- Covid-19 considerations- advice to drivers and operators is provided.
- The fees and charges will be comprehensively reviewed over the coming months and will be presented to a future Licensing Committee.

## **5. Training**

5.1 The DfT Statutory Taxi and PHV Guidance (2020) requires that all individuals that determine whether a licence is issued should be required to undertake sufficient training.

5.2 The Policy commits to ensuring that this requirement is met for both Members and officers.

## **6. Resource Implications**

6.1 The only resource implications arising from this consultation will be postage and stationary costs which could be in the region of £300-£400.

6.2 Consultees will have access to the draft Surrey Heath Hackney Carriage (Taxi) and Private Hire Licensing Policy through the Council's website.

6.2.1 We will then bring the results of the consultation and an updated draft Policy to the Licensing Committee in June 2021.

## 7. Covid-19

- 7.1 This has been a challenging time and it is likely that the current restrictions will continue in one form or another for some time. In response the Government has introduced new legislation and guidance to protect people and to support businesses.
- 7.2 The draft Policy provides guidance for licensed drivers and operators in relation to current restrictions relating Covid-19. This is attached to the draft Policy at appendix 11. We appreciate that they may be time limited but nevertheless should be included.

## 8. Recommendation

- 8.1 The Committee is advised to authorise the Licensing Service to go out to consultation on the draft Hackney Carriage (Taxi) and Private Hire Licensing Policy 2021-2026 as outlined in this report.
- 8.2 It is also recommended that the upper age limit for licensed vehicles is temporarily removed until the new draft Policy is adopted.

<b>Annexes</b>	Surrey Heath – Draft Hackney Carriage(Taxi) and Private Hire Licensing Policy 2021-2026
<b>Background Papers</b>	Department for Transport: <ul style="list-style-type: none"><li>• Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (March 2010)</li><li>• Statutory Taxi and Private Hire Vehicle Standards ( July 2020)</li></ul>
<b>Author/Contact Details</b>	Helen Lolley <a href="mailto:Helen.lolley@surreyheath.gov.uk">Helen.lolley@surreyheath.gov.uk</a>
<b>Head of Service</b>	Tim Pashen - Executive Head of Community