



Licensing and Regulatory Committee	Thursday, 05 March 2020	Matter for Information and Decision
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Report Title: **Review of Hackney Carriage / Private Hire
Vehicle Policy (March 2020)**

Report Author(s): **Tracey Aldwinckle (Licensing Enforcement Officer)**

Purpose of Report:	To outline a draft Hackney Carriage / Private Hire Licensing Policy ("the Policy") and conditions for approval for consultation.
Report Summary:	The current Policy and conditions have been reviewed with the following three objectives in mind: <ol style="list-style-type: none">1. Vehicle conditions are further improved;2. Vehicle emissions are further reduced; and3. Driver and passenger safety is further improved.
Recommendation(s):	That the Committee considers and makes comment on the draft Hackney Carriage / Private Hire Licensing Policy (March 2020) and approves it for consultation.
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	David Gill (Head of Law & Democracy / Monitoring Officer) (0116) 257 2626 david.gill@oadby-wigston.gov.uk Tony Cawthorne (Regulatory Services Manager) (0116) 257 2670 tony.cawthorne@oadby-wigston.gov.uk Tracey Aldwinckle (Licensing Enforcement Officer) (0116) 257 2689 tracey.aldwinckle@oadby-wigston.gov.uk
Corporate Objectives:	Building, Protecting and Empowering Communities (CO1) Providing Excellent Services (CO3)
Vision and Values:	"A Stronger Borough Together" (Vision) Accountability (V1) Customer Focus (V5)
Report Implications:-	
Legal:	There are no implications directly arising from this report.
Financial:	There are no implications arising from this report. All staffing costs associated with the preparation, consultation, adoption and enforcement of the Policy and conditions can be met by the existing level of staff and budget.
Corporate Risk Management:	No corporate risk(s) identified. The Department for Transport, Taxi and Private Hire Vehicle Licensing Best Practice Guidance has been fully considered in drafting the proposed conditions which all relate to the promotion of public, driver or passenger safety.

Equalities and Equalities Assessment (EA):	There are no implications directly arising from this report. EA not applicable
Human Rights:	Any interference with property rights protected by Article I and Protocol 1 Article 1 of the Human Rights Act must be legitimate, necessary and proportionate.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	<p>If Members approve the draft Policy for consultation, the following will be consulted:</p> <ul style="list-style-type: none"> • Existing Driver Licence Holders; • Existing Vehicle Proprietors; • Existing Operator Licence Holders; • Leicestershire County Council; • Leicestershire Police; and • The General Public.
Background Papers:	<ul style="list-style-type: none"> • Hackney Carriage / Private Hire Licensing Policy (Version 3.0) • Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guide (March 2010) • Department of Transport Statutory Guidance for Licensing Authorities: Taxi and Private Hire Vehicle Licensing: Protecting Users (February 2019) • Institute of Licensing's Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades (April 2018)
Appendices:	1. Draft Hackney Carriage / Private Hire Vehicle Policy (March 2020)

1. Background

1.1 The Local Government (Miscellaneous Provisions) Act 1976 (LG(MP)A) gives the local authority the following discretionary powers in relation to hackney carriage licences:

1.1.1 Section 47(1) states, a district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 (Town Police Clauses Act 1847) such conditions as a district council may consider reasonably necessary;

1.1.2 Section 47(2) states, without prejudice to the generality of the foregoing subsection, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage;

1.1.3 Section 47(3) states that any person aggrieved by any conditions attached to such licence may appeal to a Magistrates court; and

1.1.4 Under Section 48(2) of LG(MP)A 1976 a district council may attach to the grant of a licence under this section such conditions as they may consider reasonable necessary including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.

1.2 The last review of the Policy was carried out in 2016 with a new policy and set of Conditions being approved August 2018.

1.3 In reviewing the current vehicle conditions, account has been taken of the current edition of the Department of Transport Taxi and Private Hire Vehicle Licensing Best Practice Guide issued in 2010 and the Department for Transport Statutory Guidance for Licensing Authorities, Taxi and Private Hire Vehicle Licensing, protecting Users issued in February 2019, and the Institute of Licensing's Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades issued in April 2018.

1.4 Additions and/or amendments to the Policy are highlighted in yellow in **Appendix 1**.

2. Information

2.1 Objective 1 – Vehicle Conditions Are Further Improved

- Requirement for all new vehicles (upon initial application) to be less than 5 years old from the date of registration.
- No vehicle licence will be renewed on a vehicle that is more than 10 years of age unless that vehicle is in an exceptionally well-maintained condition. The definition of the exceptionally well-maintained condition has been amended. Vehicles failing 3 consecutive inspections will fall outside of the definition.

2.2 Objective 2 – Vehicle Emissions Are Reduced

- Implementation date for policy requiring all vehicles to be fitted with at least a Euro 5 compliant engine from 1 January 2022.
- Implementation date of policy requiring all vehicles to be fitted with at least a Euro 6 compliant engine from 1 January 2026.

2.3 Objective 3 – Driver And Passenger Safety Is Further Improved.

- Minor change to minimum engine capacity.
- CCTV (in-car cameras).

3. Consultation

3.1. 12 week consultation period will take place.

The following individuals and groups will be consulted:

- Existing Driver Licence Holders;
- Existing Vehicle Proprietors;
- Existing Operator Licence Holders;
- Leicestershire County Council;
- Leicestershire Police; and
- The General Public.

4. Future Amendments to the Vehicle Policy and Conditions

- 4.1. This and future issue of the policy and conditions will require further amendment from time to time to reflect changes to legislation and central government policy and practice. In order to ensure that any such changes in legislation and central government policy are effectively reflected in the policy without unnecessary reference to the Licensing Committee it is proposed that such amendments are delegated to the Head of Law and Democracy.

5. Next Steps

1 April 2020	Devise final draft for consultation (considering comments made by the Committee).
May – June 2020	Consultation period.
10 September 2020	Report and draft policy and conditions to Committee for approval.