



Doncaster Council

Report

Date: 25 January 2021

To the Chair and Members of the Licensing Committee

Hackney Carriage & Private Hire Licensing Policy (Version 10.1)

EXECUTIVE SUMMARY

1. To request that the members of the Licensing Committee agree the revisions to the Council's Hackney Carriage & Private Hire Licensing Policy ('the Policy') with regards to setting out a timescale for the collection and consideration of information on the impact of mandatory CCTV, an emissions policy and an age policy for Doncaster licensed Hackney Carriage and Private Hire vehicles.

EXEMPT REPORT

2. There are no confidential issues.

RECOMMENDATIONS

3. It is recommended that the members of the Licensing Committee agree all of the following:
 - a. To receive a further report before the 1 April 2022 which details the likely cost and the impact on both the licensed trade and members of the public and draft proposals on each of the following considerations:
 - i. A mandatory requirement for CCTV to be installed and operational in all Doncaster licensed Hackney Carriage and Private Hire licensed vehicles.
 - ii. A policy which limits the maximum emissions levels permitted for Doncaster licensed Hackney Carriage and Private Hire vehicles.

- iii. A policy which limits the maximum age at which a vehicle may be considered suitable to be granted a Doncaster Hackney Carriage or Private Hire vehicle licence.
- b. That the existing policy of Doncaster Council which was approved by this Committee on 10 December 2020, which takes effect on 1 April 2021, shall continue to recommend that Doncaster licensed vehicles:
 - i. Have CCTV installed to the specification included in the policy,
 - ii. Comply with Euro 6 emissions standards, and
 - iii. Are less than 5 years old when first licensed and not more than 10 years old when an existing licence is applied to be renewed.

Compliance with these recommendations shall remain optional for licence holders unless and until this Committee receives a further report and, after consideration, then determines to change this policy and gives notice of the change and the date when it will take effect.

- c. That Licensing Officers write to all existing licence holders to confirm , that this Committee shall, before 1 April 2022, consider a report on the cost and the impact of implementing the recommendations (referred to at 3b above) as mandatory requirements of the policy.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

- 4. The aim of local authority licensing of Hackney Carriage and Private Hire vehicle trades is to protect the public and promote and maintain good practice and high standards in the trade. Doncaster Council is also aware that the public should have reasonable access to Hackney Carriage and Private Hire vehicle services, because of the crucial role they play in local transport provision. Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of Hackney Carriage and Private Hire vehicle services, by putting up the cost of operation or otherwise restricting entry to the trade. Doncaster Council recognises that too restrictive an approach can work against the public interest – and can, indeed, have safety implications.
- 5. For example, it is clearly important that somebody using a Hackney Carriage or Private Hire vehicle to go home alone late at night should be confident that the driver is ‘fit and proper’ and that the vehicle is safe. But on the other hand, if the supply of Hackney Carriage or Private Hire vehicles has been unduly constrained by onerous licensing conditions, then that person’s safety might be put at risk by having to wait on late-night streets for a Hackney Carriage or Private Hire vehicle to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.
- 6. Doncaster Council, therefore, wants to be sure that every licensing

requirement is in proportion to the risk it aims to address; or to put it another way, whether the cost of a requirement in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public, for example through increased safety.

BACKGROUND

7. Doncaster Council's Hackney Carriage & Private Hire Licensing Policy was first approved for adoption by Doncaster Council on the 19 January 2012.
8. The Council also resolved to delegate authority to the Licensing Committee to determine future revisions to this Policy.
9. At its meeting on 10 December 2020 the Licensing Committee agreed to adopt a revised Hackney Carriage and Private Hire Licensing Policy with effect from 1 April 2021. However, during its consideration, the following issues were identified as potential areas for future inclusion within the policy, but were not formally agreed:-
 - the mandatory requirement for all Doncaster licensed vehicles to be fitted with CCTV,
 - the introduction of an age limit of Doncaster licensed vehicles for both new and renewals, and
 - Doncaster licensed vehicles be subject to an emissions limitation.

A plan to consider the impact and effect of these proposals is required to be agreed by the Committee before they can be considered for future inclusion within the policy.

10. The amended policy is attached as Appendix A.
11. The amendments to the policy which was adopted on 10 December 2020 are detailed at Appendix B.
12. **In order for the Licensing Committee to lawfully consider any further revision of its Hackney Carriage & Private Hire Licensing Policy to include mandatory requirements for CCTV, age and emission limits for vehicles, it must be provided with relevant evidence to consider the likely costs and impact on both the trade and the general public, together with reasoned proposals. At that stage, should the Committee be minded to introduce any or all of those proposals, a period of consultation would then have to be undertaken with relevant stakeholders, before a final decision is taken by the Committee. Therefore, it is proposed that Licensing Officers undertake the necessary research and present the information and draft proposals to the Committee prior to the 1st April 2022. The Committee will then be in a position to confirm whether it wishes to consult on any of the proposals, before taking a final decision.**

OPTIONS CONSIDERED

13. Option 1 – Agree the recommendations of this report and determine that the amended policy shall take effect on 1 April 2021 and shall include notice of the Committees intention to consider making the recommendations at Appendix B as mandatory requirements and, if so, to set out the timescales for compliance. This is the recommended option.
14. Option 2 – Continue with the policy which was adopted on 10 December 2020.

REASONS FOR RECOMMENDED OPTION

15. On 10 December 2020, the Licensing Committee determined that members would like the opportunity to consider information to make an informed decision on the inclusion of mandatory requirements in the policy at a future date.

IMPACT ON THE COUNCIL’S KEY OUTCOMES

16.

	Outcomes	Implications
	<p>Doncaster Working: Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future;</p> <ul style="list-style-type: none"> • Better access to good fulfilling work • Doncaster businesses are supported to flourish • Inward Investment 	<p>It is recognised that licensed vehicles, drivers and operators are a source of employment, businesses and assets to the community.</p> <p>The overriding consideration is the protection of the public.</p>
	<p>Doncaster Living: Our vision is for Doncaster’s people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> • The town centres are the beating heart of Doncaster • More people can live in a good quality, affordable home • Healthy and Vibrant Communities through Physical Activity and Sport • Everyone takes responsibility for keeping Doncaster Clean • Building on our cultural, artistic and sporting heritage 	<p>It is recognised that licensed vehicles are used by people to travel within the borough and beyond, transporting people to and from school, work and places of leisure.</p> <p>The overriding consideration is the protection of the public.</p>

	<p>Doncaster Learning: Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> • Every child has life-changing learning experiences within and beyond school • Many more great teachers work in Doncaster Schools that are good or better • Learning in Doncaster prepares young people for the world of work 	None
	<p>Doncaster Caring: Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> • Children have the best start in life • Vulnerable families and individuals have support from someone they trust • Older people can live well and independently in their own homes 	<p>It is recognised that licensed vehicles can often be the only source of transport accessible to persons who are considered to be vulnerable.</p> <p>The overriding consideration is the protection of the public.</p>
	<p>Connected Council:</p> <ul style="list-style-type: none"> • A modern, efficient and flexible workforce • Modern, accessible customer interactions • Operating within our resources and delivering value for money • A co-ordinated, whole person, whole life focus on the needs and aspirations of residents • Building community resilience and self-reliance by connecting community assets and strengths • Working with our partners and residents to provide effective leadership and governance 	None

RISKS AND ASSUMPTIONS

17. The Statutory Taxi & Private Hire Vehicle Standards require all local authorities to consider the positive and/or negative impact of a mandatory CCTV requirement in licensed vehicles and publish their determination.

LEGAL IMPLICATIONS [MCC 11 01 21]

18. In order for the Licensing Committee to lawfully consider further revisions to the policy to introduce a mandatory requirement for all vehicles licensed by

the Council to be fitted with CCTV and age and emission limits for vehicles licensed by the Council, the Committee need to be provided with and consider all relevant information on the proposals. This would include the likely impact of such requirements on the trade and the public, and the likely costs involved for the trade. In addition, to comply with the duty on the Council to act fairly when making significant changes to its current policy, the Council is required to undertake a consultation exercise with relevant stakeholders on the proposals.

19. A lawful consultation requires: (i) that it takes place when the proposals are still at a formative stage; (ii) sufficient reasons are put forward for the proposal to allow for intelligent consideration and response; (iii) adequate time to be given for consideration and response; and (iv) the product of the consultation would have to conscientiously take into account by the Committee before a final decision could be taken on the proposals.

20. Finally, in considering the proposals the Committee would have to comply with the obligations under section 149 Equality Act 2010. This section contains the Public Sector Equality Duty (PSED) which obliges public authorities, when exercising their functions, to have 'due regard' to the need to:
 - a) Eliminate discrimination, harassment and victimisation and other conduct which the Act prohibits;
 - b) advance equality of opportunity between people who share relevant protected characteristics and those who do not; and
 - c) foster good relations between people who share relevant protected characteristics and those who do not.

Protected characteristics are age, gender, disability, race, sex, sexual orientation, gender reassignment, religion or belief and pregnancy and maternity.

FINANCIAL IMPLICATIONS [RT ... 26/11/20...]

21. Any additional costs that arise as a result of this decision will be met from the additional income generated through the application fee.

HUMAN RESOURCES IMPLICATIONS [Officer Initials DK Date 20/11/2020]

22. There are no direct HR Implications in relation to the Taxi Policy Report and the proposal to adopt the new version.

TECHNOLOGY IMPLICATIONS [Officer Initials ...PW Date ...20/11/20]

23. There are no anticipated technology implications in relation to this report

HEALTH IMPLICATIONS [Officer Initials CT ... Date 24.11.20...]

24. The key role of licensing authorities is to ensure a safe and effective local taxi and PHV service. However, it is important for councils to consider the potential impact of mandating CCTV on privacy and demonstrate through a Data Protection Impact Assessment that the approach to how / when CCTV systems are required to be used strikes a proportionate balance between privacy and safeguarding. The response from the survey showed a higher proportion of the public surveyed were in favour compared to the response from the Licensed Trade but the response numbers on both sides are quite low compared to some of the other questions asked. Decision makers will want to ensure wider consultation has taken place and that there is a detailed implementation plan
25. Public Health is supportive of a vehicle emissions policy to protect drivers, passengers, other road users and pedestrians. It also makes for a cleaner environment where people might be more keen to travel actively. The inclusion of a policy which governs the phasing out of high emissions vehicles to allow for a more environmentally friendly fleet will benefit the drivers, residents and positively impact on the climate.
26. With regard to the age of the vehicle, Public Health would want the cleanest form of transport available in line with an emissions policy. If the vehicle can meet the policy and is safe then Public Health would not want to discriminate against the hire of older vehicles which are quite often hired for specific events.

EQUALITY IMPLICATIONS [Officer Initials DDS Date 18/11/2020]

27. Decision makers must consider the Council's duties under the Public Sector Equality Duty at s149 of the Equality Act 2010. The duty requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic.
28. The publishing of a list of wheelchair accessible vehicles is a positive equality measure as its aim is to protect the rights of passengers who are also wheelchair users.
29. The existing policy requires any new applicant who has not lived in the UK for the previous 5 years to evidence their good conduct while living abroad. It is acknowledged that the proposed change to the policy to require all new applicants and existing licence holders to evidence their good conduct if they have spent 3 months or more outside of the UK at any time from the age of 18, will impact those persons who were born outside of the UK and/or have family living outside of the UK. However, this change is a recommendation of the Statutory Standards and it is recognised that the purpose is to satisfy the authority that all reasonable steps have been taken to ensure that the safety

of the public is maintained.

30. There are no other specific equality implications arising from this report.

CONSULTATION

31. A 2 week survey took place with the licensed trade in September 2020 a full consultation took place for 4 weeks during October and November 2020.

BACKGROUND PAPERS

32. Department for Transport Statutory Taxi & Private Hire Vehicle Standards.
33. Doncaster Council Hackney Carriage & Private Hire Licensing Policy.

REPORT AUTHOR & CONTRIBUTORS

David Smith: Licensing Officer
Telephone: 01302 862546
Email: david.smith@doncaster.gov.uk

Dan Swaine
Director of Economy and Environment