



Doncaster Council

Report

Date: 16 June 2022

To the Chair and Members of the Licensing Committee

Hackney Carriage & Private Hire Licensing Policy

EXECUTIVE SUMMARY

1. To request that the members of the Licensing Committee consider the information contained in this report and the impact of amending the Council's Hackney Carriage & Private Hire Licensing Policy ('the Policy') with regards to mandatory CCTV in licensed vehicles, limits on vehicle emissions and limits on the maximum age of licensed vehicles.
2. To request that members of the Licensing Committee approve the undertaking of a consultation exercise on the proposed amendments to the Policy (Appendix 20 of the existing policy) to update the CCTV specifications to those shown at Appendix B of this report, to ensure that they are fit for purpose and up to date.
3. To request that members determine which, if any, further amendments to the policy should be part of a consultation with the licensed trade and members of the public. The consultation responses will then be presented to this committee to determine any changes to the policy and how the amendments will be implemented.

EXEMPT REPORT

4. There are no confidential issues.

RECOMMENDATIONS

5. It is recommended that the members of the Licensing Committee agree all of the following:
 - a. That information contained within this report evidences that

consultation should be undertaken regarding the proposed amended CCTV specifications shown at Appendix B.

- b. That the information shown at Appendix C evidences that consultation should be undertaken regarding a proposed revision to the policy to require that all Doncaster licensed Hackney Carriage & Private Hire vehicles are required to be fitted with a CCTV system which meets or exceeds the specifications set by the authority.
- c. That the information shown at Appendix D evidences that consultation should be undertaken regarding a proposed revision to the policy to require that all Doncaster licensed Hackney Carriage & Private Hire vehicles are subject to a limit on permitted emissions levels as set by the authority.
- d. That no amendment to the existing policy is required regarding the age limit of licensed vehicles and that the authority's position remains that there is no age limit.
- e. That members note the information at Appendix F showing the national statistics for Driver, Vehicle and Operator licenses in England.
- f. That members approve the undertaking of a 12 week consultation exercise with respect to the proposals contained within recommendations (a) to (c) above and in due course the outcome of the consultation and final recommendations be reported back to the Licensing Committee.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

6. The aim of local authority licensing of Hackney Carriage and Private Hire vehicle trades is to protect the public. Doncaster Council is also aware that the public should have reasonable access to Hackney Carriage and Private Hire vehicle services, because of the part 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.
7. 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.

8. In addition, in line with the Doncaster's Environment and Sustainability Strategy and the Department of Transport's 'Taxi and Private Hire Licensing – Best Practice Guidance for Local Authorities in England' the Council wants to ensure that taxi and private hire vehicle fleets play their part in work to tackle and reduce local emissions.
9. 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

10. Doncaster Council's Hackney Carriage & Private Hire Licensing Policy was first approved for adoption by Doncaster Council on the 19 January 2012.
11. The Council also resolved to delegate authority to the Licensing Committee to determine future revisions to this Policy.
12. The existing policy is attached as Appendix A.
13. **CCTV Specifications:** In December 2020 the Council introduced a mandatory specification for any CCTV systems licensed drivers voluntarily chose to install in their vehicles. As part of the process for preparing this report a request for information was sent to a number of CCTV system suppliers/installers. Part of that request asked for comments on the existing CCTV Technical Specification contained in the Council's Taxi Policy. The questions included:-
 - Are the specifications reasonable and achievable?
 - Are there any changes to the specifications which you would recommend? (if Yes, please provide details)
14. All of the responses indicated that the existing specifications were 'reasonable' and 'achievable'. A number of the responses highlighted that the existing specifications contained some contradictory wording and outdated specifications for what is considered to be the industry standard, as used by a number of other local authorities.
15. In order to ensure that the specifications are clear and future-proof, based on the comments received from the system providers, it is recommended that members agree that a consultation exercise be undertaken on the amended specification with a view to it replacing the CCTV Technical Specification contained in the Taxi Policy.
16. The existing specifications showing the proposed changes which have been made is shown at Appendix B.

17. **Mandatory CCTV:** There is no doubt of a potential vulnerability relating to Hackney Carriage and Private Hire Vehicles. Members of the public enter into a licensed vehicle putting themselves under the control of a stranger in a confined space with no physical control over where they are taken. Furthermore, drivers also entrust members of the public into their vehicles, transporting them during unsocial hours, and sometimes visiting poorly lit routes. They also carry money and as a result, may be vulnerable to being victims of a crime.
18. CCTV systems can act as an additional safeguard, providing protection, confidence and reassurance to the public when they are travelling in a licensed vehicle, as well as to drivers who can also be victims of violence, and abuse.
19. CCTV systems can act as a deterrent to those with intentions of committing an offence to both drivers and passengers, but also where an offence has been committed images/audio recordings can capture evidence used in both a criminal and enforcement investigations.
20. However, it is also recognised that mandatory CCTV systems, particularly those with audio, can raise privacy concerns amongst both drivers and the public. Therefore, in both the existing and proposed specification for CCTV systems, various safeguards have been included to mitigate against those concerns. For example, as can be seen from appendix B this includes the ability to deactivate the CCTV system when the vehicle is being used for domestic use (i.e. not transporting members of the public) and the recording of audio only takes place if triggered by either the driver or passenger. Should the Licensing Committee approve the proposed consultation, a full data protection impact assessment will be produced once all the consultation responses are received and prior to the matter being reported back to Licensing Committee.
21. In order to seek the committee's approval to go out to public consultation on the proposal to amend the Policy to introduce a mandatory requirement for CCTV in licensed vehicles, the following information has been provided in this report:
22. A request was submitted to South Yorkshire Police for statistical information to highlight the extent of crime associated with taxis and whether the introduction of a mandatory requirement for CCTV in licensed vehicles might help prevent and/or reduce some of these crimes. The analytical report which shows the parameters, limitations and summary of the data held by South Yorkshire Police for the period 01/04/2019 – 23/07/2021 is shown at Appendix C.
23. The Licensing Authority maintain records of complaints received by the Council which are related to the taxi trade. Complaints are recorded on the authorities system in different ways depending on the nature of the complaint. Complaints received by the authority during the period 1 April 2018 to 31 March 2021 were individually assessed to determine if the incident which was being complained about could have been deterred, prevented, resolved or

investigated more efficiently if an in-car CCTV system was operational in the vehicle at the time. The results are shown at Appendix C1.

24. Complaints made to the authority are able to be reported on but as they are primarily from members of the public about those in the taxi trade, they do not fairly reflect the behaviour which licensed drivers are sometimes subjected to by passengers. These incidents often go unreported in all but the most serious situations. To highlight some of the actions which licensed drivers are subjected to by members of the public; extracts from some local press reports showing incidents where the taxi driver has been the victim of a crime and where CCTV did or could have played an important part in preventing the crime occurring or assisting in capturing the offender, are shown at Appendix C2.
25. It is recognised that the costs of installing and maintaining a mandatory CCTV system will be a concern for vehicle owners and needs to be carefully considered by the Licensing Committee. To assist the committee with their considerations, the approximate costs of supplying and installing a CCTV system which meets or exceeds the requirements of the specifications, has been provided from six companies who can provide this service in Doncaster. The approximate costs for comparison are shown at Appendix C3.
26. Extracts from the Department for Transport document 'Statutory Taxi & Private Hire Vehicle Standards' (July 2020), relating to CCTV, are shown at Appendix C4.
27. Extracts from the Department for Transport document 'Taxi and Private Hire Vehicle Licensing – Best practice Guidance for Licensing Authorities in England (2022 – consultation version)', relating to CCTV, are shown at Appendix C5.
28. Weighing all these factors in the balance, the preliminary view is that the introduction of mandatory CCTV would have a positive net effect on the safety of taxi and private hire users and drivers, including children and vulnerable adults. However, in accordance with the law and guidance, it is proposed to carry out a robust consultation exercise before making a final decisions.
29. **Emissions Limits:** In September 2019, the Council declared a climate emergency and subsequently introduced Doncaster's Environment and Sustainability Strategy 2020-2030. This included the stated aim of reducing vehicular emissions by reducing the emissions from the vehicles using our roads. In accordance with the Department of Transport's 'Taxi and Private Hire Licensing – Best Practice Guidance for Local Authorities in England' the Council wants to ensure that taxi and private hire vehicle fleets play their part in work to tackle and reduce local emissions. That guidance suggests that the short term objectives of Councils should be to mitigate the harm from internal combustion engines through the setting of high EURO emission standards and gives the example of EURO 6 (for Diesel vehicles, with applicable standard for petrol vehicles being EURO 4 or above). Details of the Emissions Standards and how the existing fleet of licensed vehicles compares is shown at Appendix D. To that end it is proposed to introduce vehicle emission

standards for taxis and private hire vehicles licensed by the Council of EURO 6 for diesel vehicles and EURO 4 or above for petrol vehicles in a time frame to be determined by the Licensing Committee.

30. It is recognised that prior to making a final decision on the introduction of vehicle emission requirements, the Council will need to thoroughly assess the impact of the proposals in order that the trade can plan for the future. Therefore, as part of that process, it is proposed that a robust consultation exercise be undertaken to gather the views of the trade and the general public before making a final decision on this issue.
31. In order to further assist the committee's decision on whether to consult on this proposal to amend the Policy to introduce a limit on licenced vehicle exhaust emissions, the following information has been provided in this report:
32. In 2021 the Department for Transport published the document 'Decarbonising Transport A Better, Greener Britain'. The full document can be viewed at <https://www.gov.uk/government/publications/transport-decarbonisation-plan>. An extract from the document, showing the percentage of greenhouse gas emissions by transport, including taxis, in 2019 is shown at Appendix D1.
33. An Environment & Sustainability Strategy 2020 - 2030 has been developed in response to the climate change and biodiversity emergency declaration made by Doncaster Council in 2019. The Strategy is derived from the latest research, data, opinion and insight gathered from residents, elected representatives, and a range of partner organisations, including the findings of the Doncaster Climate & Biodiversity Commission. The full document can be viewed at <https://www.gov.uk/government/publications/transport-decarbonisation-plan> Extracts from the document, including the Mayor's foreword, section on transport and shared responsibilities are shown at Appendix D2.
34. Examples of what an emissions policy could look like and how it may be implemented are shown at Appendix D3.
35. Extracts from the Department for Transport document 'Taxi and Private Hire Vehicle Licensing - Best Practice Guidance for Licensing Authorities in England (2022 - consultation version), relating to emissions limits, are shown at Appendix D4.
36. **Age Limits:** The Department for Transport document 'Taxi and Private Hire Vehicle Licensing – Best Practice Guidance for Licensing Authorities in England (2022 – consultation version) states:

3.11 Licensing authorities should ensure that their various licensing requirements are proportionate to the risk they aim to address or the policy objective they are seeking to achieve. The cost of a requirement, in terms of its effect on the availability of transport to the public, should be at least matched by its benefit This might include increased safety or accessibility. A detailed, quantitative, cost-benefit assessment is not needed in each case, but local licensing authorities are urged to look

carefully at the costs, financial or otherwise, imposed by each of their licensing policies and of the equality impacts as required by law.

Vehicle age limits

8.28 The frequency of testing required to ensure the ongoing safety of vehicles is a separate issue to the setting of maximum age limits at first licensing, or maximum age limits beyond which an authority will not licence a vehicle. The setting of an arbitrary age limit may be inappropriate and counterproductive and result in higher costs to the trade and ultimately passengers. For example, a maximum age for first licensing may have adverse unintended consequences; a five-year-old used electric vehicle will produce less emissions than a new Euro 6 diesel or petrol fuel car – enabling the trade to make use of previously owned vehicles will assist it to transition more rapidly to zero emission vehicles and improve air quality.

8.29 Licensing authorities should not impose age limits for the licensing of vehicles but should consider more targeted requirements to meet its policy objectives on emissions, safety rating and increasing wheelchair accessible provision where this is low.

37. Historically Doncaster Council has not set a maximum age limit for licensed vehicles. Instead, a thorough vehicle inspection test is required before any vehicle can be licensed and then, at regular intervals throughout the licence period based on the age of the vehicle.
38. The benefits of imposing an age limit can include;
 - Newer vehicles are less likely to suffer reliability issues
 - Newer vehicles are more likely to emit less harmful emissions
39. The increased frequency of vehicle testing for older vehicles which is already in effect, along with the implementation of an Emissions Policy, can be seen to allow the above benefits without imposing the significant cost to drivers to routinely replace satisfactory vehicles for a newer vehicle, which would be necessary if an age policy was introduced.
40. For the reasons above, agreement of the committee is sought that a revision to the existing Policy with regards to setting vehicle age limits is not required.
41. **National Statistics:** The Department for transport (DfT) has produced a statistical release which presents information on taxis and private hire vehicles in England as at 31 March 2021. The statistics contained in the release and the full response data shows the following information which is relevant to this report:

Number of Authorities with Emissions Standards

- For Hackney Carriages = 58 (19.14%)

- For Private Hire = 52 (17.16%)

Number of Authorities with Age limits

- For Hackney Carriages = 219 (72.28%)
- For Private Hire = 217 (71.62%)

Number of Authorities where CCTV is required

- In Hackney Carriages = 14 (4.62%)
- In Private Hire = 12 (3.96%)

Number of Authorities where CCTV is required and is capable of recording audio

- In Hackney Carriages = 8 (2.64%)
- In Private Hire = 8 (2.64%)

Number of Authorities where CCTV is allowed (but not required)

- In Hackney Carriages = 279 (92.08%)
- In Private Hire = 285 (94.06%)

Number of Authorities where CCTV is not permitted

- In Hackney Carriages = 7 (2.31%)
- In Private Hire = 6 (1.98%)

42. It should be noted that the data was published on 30 June 2021 and many authorities may be in a similar position to Doncaster in that they were considering the contents of the DfT Statutory Standards and may not have updated their Taxi Policy at the time the responses were provided. The statistical release can be found at Appendix E.

OPTIONS CONSIDERED

43. Option 1 (Recommended) – Agree all of the recommendations of this report (5a – 5f) and, at a future meeting, consider the responses to the consultation on the proposed amendments to the Policy.
44. Option 2 – Agree one or more, but not all, of the recommendations of the report (5a – 5f) and instruct the licensing officer to take the appropriate action on each of the recommendations as directed by the committee.
45. Option 3 – Do not agree any of the recommendations and instead determine that consultation is not required and that the existing Policy, which was revised on 25 January 2021, does not require amendment.

REASONS FOR RECOMMENDED OPTION

46. On 25 January 2021, the Licensing Committee determined that a further report be submitted to the Licensing Committee to outline 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; and
 - (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.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

47.

	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

48. 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 [Initials NC Date 25/5/22]

49. Section 177 of The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private

hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. The Statutory Taxi & Private Hire Vehicle Standards published in July 2020 (“2020 Guidance”) does not replace the Best Practice Guidance issued in 2010, but where the 2 conflict, the 2020 Guidance should take precedence. Paragraph 1.3 of the 2020 Guidance states that the Department of Transport expects these recommendations to be implemented unless there is a compelling local reason not to.

50. In order for the Licensing Committee to lawfully consider revisions to the Council’s Hackney Carriage and Private Hire Licensing policy to introduce a mandatory requirement for all vehicles licensed by the Council to be fitted with CCTV 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 considering making significant changes to its current policy, the Council is required to undertake a consultation exercise with relevant stakeholders on the proposals. Part 7.9 of the 2020 Guidance states that all licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

Part 7:13 of the 2020 Guidance adds that imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review.

51. 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.
52. In due course when considering the final proposals that are raised by this report, Elected Members are reminded of their 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. Only the first aim of the PSED set out in paragraph (a) above applies to a further protected characteristic of marriage and civil partnership.

Having due regard to advancing equality involves: -

- Removing or minimising disadvantages suffered by people due to their protected characteristic;
- taking steps to meet the needs of people from protected groups where they are different to the needs of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

When a further report is submitted to the Licensing Committee following the proposed consultation exercise elected members must consciously consider and have due regard to the three aims of the general equality duty when dealing with the recommendations. .

FINANCIAL IMPLICATIONS [Initials ...RT... Date...10/05/22...]

53. 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 [Initials DK Date 11/05/2022]

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

TECHNOLOGY IMPLICATIONS [Initials ...PW Date ...12/05/22]

55. There are no specific technology implications relating to the recommendation in this report. The service has consulted with a number of CCTV system suppliers/installers in relation to the proposed updates to the CCTV specification and made reference to relevant Department for Transport standards and best practice

HEALTH IMPLICATIONS [Initials RL Date 10/05/2022]

56. The licensing of Hackney Carriages and Private hire vehicles provides a level of assurance to members of the public that use them that the vehicle and the person operating the vehicle are safe. Taxis provide an important part of transport infrastructure for many Doncaster residents to enable them to make regular or adhoc journeys – they play an important part in connecting individuals with services and experiences and provide a safe option for our roads when people choose to drink alcohol.

57. Finding the right balance of licensing requirements is important to maintain the provision and ensure the level of safety expected. Appropriate measures should be taken to maintain driver and customer safety, including minimising the impact taxis can have on air pollution. Where the recommendation is to consult on measures for vehicle emissions and CCTV, the consultation should ensure a wide range of views are included and that all implications are understood.

EQUALITY IMPLICATIONS [Officer Initials DDS Date 29/11/2021]

58. 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.

CONSULTATION

59. Prior to the approval of the existing Policy, a 2 week survey took place with the licensed trade in September 2020 followed by a full consultation which took place for 4 weeks during October and November 2020.
60. The information contained in the Appendices of this report came as a result of direct requests for information, and/or information which is freely available in the public domain. Sources include;
- (i) South Yorkshire Police
 - (ii) Records held by the Licensing Department
 - (iii) Local Press
 - (iv) CCTV suppliers and installers
 - (v) AutoExpress Website
 - (vi) Suppliers of electric Hackney Carriage vehicles
 - (vii) Department for Transport
 - (viii) DMBC Pollution Team

BACKGROUND PAPERS

61. Department for Transport Statutory Taxi & Private Hire Vehicle Standards.
62. Doncaster Council Hackney Carriage & Private Hire Licensing Policy.
63. Department for Transport Taxi and Private Hire Vehicle Licensing – Best Practice Guidance for Licensing Authorities in England (2022 – consultation version)

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