

TITLE OF REPORT: Review of Hackney Carriage and Private Hire Vehicle Policy and Conditions

REPORT OF: Peter Udall, Acting Strategic Director, Economy, Innovation and Growth

Purpose of the Report

1. To seek Cabinet's approval to undertake a public consultation on proposed policy and conditions, relating to the licensing of hackney carriage and private hire vehicles.

Background

2. The Council has previously adopted a policy and attached conditions to hackney carriage and private hire vehicle licences under section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976 with the purpose of promoting public safety.
3. The policy and conditions were last reviewed in 2007. While they remain effective in promoting public safety there have been changes in national, regional and local priorities and technological advances in vehicles that necessitate a review.
4. A schedule of changes including questions for consultation is attached in Appendix 2. The proposed policy and conditions and schedule of changes are available at <http://www.gateshead.gov.uk/>, in the agenda folder for this meeting and in the Members' Room.

Proposal

5. It is proposed to conduct a widespread public consultation on the proposed policy and conditions, and to ask that the results of that consultation be considered by a Policy Advisory Group before returning to Cabinet with a final statement for approval by Council on 25 February 2020.

Recommendations

6. It is recommended that the proposed policy and conditions be consulted upon during November, December and January and that a Policy Advisory Group be asked to consider the results of that consultation and give their comments to Cabinet so that a final version of the Policy and Conditions can be recommended to Council on 25 February 2020 for approval.

For the following reason:

- So that the policy and conditions relating to Hackney Carriage and Private Hire Vehicle licences can be updated to take into account national, regional and local priorities and technological changes in vehicles.

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Policy context

1. The main purpose of licensing vehicles for hackney carriage and private hire use in Gateshead is to protect public safety. This review of policy and conditions ensures that public safety continues to be promoted.
2. The adoption of the proposed policy and conditions for hackney carriage and private hire vehicles will contribute to the Council's strategic approach, 'Thrive – making Gateshead a place where everyone thrives'.
3. The proposed policy and conditions for hackney carriage and private hire vehicles introduces measures which will contribute to the actions the Council committed to when declaring a Climate Change Emergency on 23 May 2019.
4. The proposed policy and conditions incorporate a framework on vehicle emissions that was developed by the North East Strategic Licensing Group in spring 2019 and endorsed by the North East Public Protection Partnership on 19 June 2019.
5. The government has placed a legal requirement on several councils across the country, including Newcastle, Gateshead and North Tyneside, to address air quality in certain locations. This means that measures must be implemented which bring levels of pollution in affected areas to within legal limits in the shortest possible time. The adoption of the proposed policy and conditions for hackney carriage and private hire vehicles will mean that licensed vehicles will be less polluting and therefore supports the measures that are planned.
6. The proposed policy and conditions for hackney carriage and private hire vehicles contributes to the Vision for Sustainable Transport set out in the North East Combined Authority's Transport Manifesto (2016).

Background

7. The Council is the licensing authority responsible for the licensing of hackney carriage and private hire vehicles in Gateshead. Currently 175 hackney carriages and 478 private hire vehicles are licensed. The conditions and policy have been in place since 2007.
8. Of the 652 vehicles currently licensed, the vast majority, more than 80%, have diesel engines. Only a relatively small number have petrol engines and even fewer are electric hybrids.
9. The current policy and conditions can be accessed on the Council's website at <https://www.gateshead.gov.uk/article/3117/Taxi-licenses>. They remain effective in ensuring public safety but have become out of step in some respects with developments in vehicle design and technology. In particular, engine size has become less relevant as engine technology has advanced, while the current conditions specify a minimum engine capacity. The current conditions specify a minimum light transmittance for windows in vehicles which are incompatible with the

factory fitted windows in many popular new vehicles. While many new vehicles do not carry a spare wheel now, the current conditions make this mandatory.

10. The proposed policy and conditions set out a number of changes to take these developments into account.
11. In addition to this, the impact of vehicle emissions has become increasingly relevant globally, nationally and locally.
12. In May 2019 the Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019 were introduced requiring each licensing authority in England and Wales to provide to the Secretary of State, at least once a week, details of the hackney carriages and private hire vehicles it has licensed. The introduction of the Regulations forms part of the strategy adopted by the government to ensure that it meets legally binding air quality targets.
13. Poor air quality is a national public health crisis. There are many different causes of pollution but nitrogen dioxide and tiny invisible particles from exhaust fumes, tyres and brakes from traffic is one of the main contributing factors. The Government has issued a legal order to Newcastle, Gateshead and North Tyneside requiring those councils to develop plans to tackle high levels of nitrogen dioxide on certain roads and to bring the levels to within legal limits in the shortest possible time.
14. The findings of a public consultation on proposals put forward by Newcastle, Gateshead and North Tyneside Councils carried out earlier this year have shaped a number of final proposals which are currently being consulted on.
15. These proposals include a charging Clean Air Zone (CAZ) covering Newcastle city centre affecting non-compliant buses, coaches, hackney carriages, private hire vehicles, heavy goods vehicles and vans to be enforced from 2021, and grants for individuals and businesses affected by a charge to help them upgrade vehicles.
16. For hackney carriage and private hire vehicles the proposed CAZ means that those that do not meet the required minimum emissions standards will be charged £12.50 a day. The minimum emission standards are:
 - Diesel Vehicles - Euro 6 standard - vehicle registration date after September 2015
 - Petrol Vehicles - Euro 4 standard - generally vehicle registration date after 2005
17. The proposed policy and conditions are designed to create a progressive reduction in the age of diesel vehicles and/or a shift to greater numbers of petrol vehicles in the licensed fleet in Gateshead. This will mean that the licensed fleet in Gateshead is less polluting and will contribute to improved air quality in the region.
18. Improved air quality and regional licensed vehicle minimum emission standards has been the subject of work carried out by the North East Strategic Licensing Group (NESLG) this year. This group, representing the 12 licensing authorities in the

region, developed a framework for emission standards which was endorsed by the North East Public Protection Partnership (NEPPP) on 19 June 2019.

19. The framework recommends:

- **New licences** - an age restriction policy to be adopted with a maximum 4 year vehicle age policy with effect from April 2020 for all newly licensed vehicles. This means that Euro 6 emissions standard applies from April 2020 to all new vehicles
- **Existing licences** - adopt a maximum 8 year vehicle life with a start date of April 2023. This means that from April 2023 all diesel and petrol engines vehicles will be Euro 6 standard.
- **Wheelchair accessible vehicles** - existing vehicles will have an extra 2 years added to the age restriction meaning that April 2025 is the compliance date
- **'Full electric' and 'zero emission at source'** vehicles will be exempt.

20. The Council along with the majority of the other 11 other authorities in the region committed to achieving the recommendations in the framework as a minimum standard by April 2020. The Council's current policy and conditions on the whole go beyond this minimum standard as there is already a maximum age specified for new vehicles of 3 years and a maximum age limit for all vehicles of 8 years. Many licensing authorities in the region currently have no age restrictions. However, the recommendations in the framework need to be considered even if they represent a relaxation of the current policy, in order to achieve the consistency of standards recommended in the NESLG framework.

21. The proposed policy and conditions incorporate the NESLG framework for consultation.

22. The current policy and conditions have been in place since 2007. The borough of Gateshead and Gateshead town centre in particular have undergone some significant changes in that time. While regrettably there have been no major reviews of hackney carriage and private hire legislation since then, the Deregulation Act 2015 brought about some notable changes to the way that the licensed trade operates, for example subcontracting between operators. There have been many developments in the way that people engage with hackney carriages and private hire vehicles. It is therefore proposed that the consultation invites comment and discussion on all relevant policy and conditions relating to hackney carriage and private hire licensed vehicles.

Proposal

23. It is proposed to conduct a widespread public consultation on the revised policy and conditions, and to ask that the results of that consultation be considered by a Policy Advisory Group before returning to Cabinet with a final policy and conditions for approval by Council on 25 February 2020.

24. Consultation will be widespread including all Council Members, the hackney carriage and private hire trade in Gateshead, neighbouring licensing authorities, the Council's Fleet Management team, the Travel Care team, Legal and Democratic Services and Transport Planning. The consultation will make it clear that while the document contains proposed amendments and new proposals, comments on any aspect of the policy and conditions will be welcomed.

Consultation

25. The Cabinet members for Environment and Transport and Communities and Volunteering and the Chair and Vice Chair of the Regulatory Committee have been consulted in the preparation of this report.

Alternative Options

26. This report sets out a number of reasons why the current policy and conditions need to be reviewed. The alternative would be to continue with the current policy and conditions.

Implications of Recommended Options

27. Resources

- a. **Financial Implications** – The Strategic Director, Resources and Digital, confirms that there are no additional financial implications arising from this report.
- b. **Human Resources Implications** - There are no human resource implications arising directly from this report.
- c. **Property Implications** - There are no property implications arising directly from this report

28. **Risk Management Implications** – There are no risk management implications arising directly from this report

29. **Equality and Diversity Implications** – An Integrated Impact Assessment of these proposals has indicated a neutral impact.

30. **Crime and Disorder Implications** – There are no crime and disorder implications arising directly from this report.

31. **Health Implications** - There are no health implications arising directly from this report

32. **Sustainability Implications** – The proposals will contribute to the Council's Climate Change Strategy (2010) and to the actions the Council committed to when declaring a Climate Change Emergency on 23 May 2019.

33. **Human Rights Implications** - There are no human rights implications arising from this report
34. **Area and Ward Implications** - This report affects all wards equally.
35. **Background Material**

The following documents that have been considered in preparation of the report:

Council Meeting Minutes - 23 May 2019

North East Public Protection Partnership Meeting Minutes - 19 June 2019

DfT consultation document - taxi and private hire vehicle licensing - protecting users

Written Statement to Parliament 12 February 2019 - Government response and consultation on taxi and private hire licensing

North East Combined Authority Transport Manifesto 2016



**Review of Hackney Carriage and Private Hire Vehicle Policy and Conditions
SCHEDULE OF CHANGES FOR CONSULTATION AND SPECIFIC QUESTIONS
(Refers to both hackney carriage and private hire policy and conditions unless
otherwise indicated)**

Legislation and Policy		
Section	Change proposed	Comment
New	Add CCTV policy to main policy document; Change to: 'Where a CCTV system is in place in a licensed vehicle the proprietor of the vehicle must register their use of a CCTV system with the Office of the Information Commissioner in accordance with the requirements of the Data Protection Act 2018 (DPA). Any vehicle fitted with CCTV must display a sign approved by the Licensing Authority advising passengers that a CCTV is in operation in the vehicle. Footage from the CCTV must be available for viewing by a police officer or an authorised officer of the Council when a request is made in accordance with the DPA.'	Gateshead Council already has a guide about CCTV in licensed vehicles which sits alongside the policy under review. It is proposed that this is incorporated into the policy document and amended as indicated. Question 1. Should CCTV become a mandatory requirement in licensed vehicles?
New (Private Hire Only)	Add in executive exemption as follows: 'Private hire vehicles used solely and exclusively for executive hire can be exempted under S75(3) of the Local Government (Miscellaneous Provisions) Act 1976 from the requirement to display a licence plate. The proprietor of a licensed private hire vehicle wishing to apply for this exemption must satisfy the licensing authority that the specification of the vehicles and the level of service provision	Gateshead Council currently allows executive exemptions for private hire vehicles but there is no adopted policy. It is proposed that this is incorporated.

	constitutes an executive hire service. If granted, an Exemption Notice will be issued to the proprietor for a period of one year and will expire upon the expiry of the private hire vehicle licence.'	
New (Hackney Carriage Only)	<p>Add in: 'The Authority will require applicants for a hackney carriage vehicle licence to provide information under S(57) Local Government (Miscellaneous Provisions) Act 1976 as to whether it is their intention to use the vehicle to stand or ply for hire in the borough of Gateshead and if it is their intention to use the vehicle entirely or predominantly remotely from the borough of Gateshead on a pre-booked basis. The Authority will have regard in this respect to the location of the applicant's home and business address. Where it is believed that the hackney carriage is to be used entirely or predominantly remotely from the borough of Gateshead on a pre-booked basis then an application will normally be refused. If it is believed that a licensed hackney carriage is being used on these terms then the matter will be referred to the Regulatory Committee.'</p>	It is proposed to include a policy expectation that hackney carriages licensed by Gateshead Council should exclusively or predominately stand or ply for hire in the borough of Gateshead. In this regard it is considered appropriate to ask appropriate information on application and to take into regard an applicant's home and business address.
Age of Vehicles	<p>Amend the section to:</p> <p>'When first licensed with Gateshead Council no vehicle shall be more than 4 years old.</p> <p>No vehicle more than 8 years old will be permitted to continue as a licensed vehicle from April 2023. For wheelchair accessible vehicles (those meeting the Council's specification for wheelchair accessible vehicles) this will take effect in April 2025.</p> <p>'Full electric' and 'zero emission</p>	<p>The Authority has committed through the North East Strategic Licensing Group and the North East Public Protection Partnership to consulting on a regional framework for emissions with the purpose of contributing to an improvement in air quality.</p> <p>Question 2. The current age policy for new licensed vehicles is maximum 3 years. Should this be amended to maximum 4 years and why would this be</p>

	<p>at source' vehicles will be exempt from any age policy.'</p>	<p>beneficial?</p> <p>Question 3. The current maximum age policy for licensed vehicles is 8 years. The proposed framework recommends that the 8 year maximum should take effect from April 2023. Should the current policy be relaxed and take effect again in April 2023 or should it remain in place?</p> <p>Question 4. The current maximum age policy for all licensed vehicles is 8 years. The proposed framework recommends that the 8 year maximum should take effect from April 2025 for wheelchair accessible vehicles. Should the current policy be relaxed and take effect again in April 2025 for wheelchair accessible vehicles or should it remain in place?</p>
<p>Colour Policy (New)</p>	<p>Consideration to be given to introduction of a colour policy ie specify that hackney carriages must be a specific colour and prohibit private hire vehicles from being that colour.</p>	<p>Gateshead Council currently has no colour policy for licensed vehicles while several neighbouring licensing authorities require hackney carriages to be a specific colour and prohibit private hire vehicles from being that colour. It is proposed that consideration is given to the introduction of a colour policy.</p> <p>Question 5. Should Gateshead Council introduce a colour policy for licensed vehicles and why?</p>
<p>Door crests (Hackney Carriage only)</p>	<p>Add in:</p> <p>'Only door crests issued by Gateshead Council should be displayed on a licensed hackney carriage vehicle'</p>	<p>'Counterfeit' door crests have begun to appear on licensed vehicles. It is proposed that the policy should be tightened to emphasise that only door crests supplied by the Council</p>

	Remove condition 22r (Hackney carriage) and 21r (Private Hire)	The current conditions specify that the vehicle's engine capacity must not be less than the industry standard 1.3 litre engine. It is proposed that this is removed as developments in engine technology means this is no longer a relevant indicator of the performance of the vehicle.
General		
Throughout	<p>Replace 'Head of Regulatory Services' with 'Service Director'</p> <p>Replace 'Licensing and Enforcement Manager with Trading Standards, Licensing and Enforcement Manager'</p> <p>Replace 'Local Environmental Services' with 'Housing, Environment and Healthy Communities'</p>	Officer/ service title changes
		Question 7. Are there any other parts of the policy or conditions that you think should be amended?