

REPORT: Executive Board

DATE: 17 November 2022

REPORTING OFFICER: Operational Director, Legal and Democratic Services

PORTFOLIO: Leader

SUBJECT: Taxi Licensing Matter

WARDS: Borough-wide

1 PURPOSE OF REPORT

To receive a report from the Regulatory Committee recommending that the Executive Board approve amendments to the current taxi licensing policy and Private Hire Operator Conditions.

2 RECOMMENDED:

It is recommended that:-

- (1) a new private hire operator licence condition on the use of passengers carrying vehicles be adopted; and**
- (2) the temporary policy amendment relaxing the maximum age restriction on Hackney Carriage and Private Hire Vehicles which is due to expire on 25 February 2023 be extended for a further period of 2 years (i.e. until 25 February 2025) subject to the same two conditions requiring the vehicles benefiting from the extension to have 3 tests per year and on the basis that no vehicle taking advantage of the dispensation may be transferred to another proprietor.**

3 BACKGROUND INFORMATION

- 3.1 Members will recall that the Council's taxi licensing policies are currently being reviewed in light of the Department for Transport's guidance on "Statutory taxi and private hire vehicle standards" which was issued in July 2020 ("the Statutory Guidance"). This provides that public safety is to be of paramount consideration in discharging licensing functions and sets out a number of recommendations that the Department expects to be implemented unless there is a compelling local reason not to.
- 3.2 A number of the recommendations are already in place or have been recently adopted. On 12 October 2022, the Regulatory Committee considered another of the recommendations, namely the adoption of a

private hire operator condition relating to Passenger Carrying Vehicles which is discussed further at paragraph 4.1 below.

- 3.3 The Regulatory Committee also considered a request from the trade to extend the temporary vehicle policy amendment relaxing the maximum age restriction on Hackney Carriage and Private Hire Vehicles for a further period of time in light of the ongoing cost of living crisis. This is dealt with further in paragraph 4.2. below.
- 3.4 The Regulatory Committee has recommended the adoption of the new private hire operator licence condition and the extension of the temporary policy amendment on the maximum age vehicle restriction by a further 2 years, i.e. until 25 February 2025.

4 AMENDMENTS

4.1 Amendment 1: A new Private Hire Operator Condition regarding the use of Passenger Carrying Vehicles

- 4.1.1 As Members will be aware, a Private Hire Vehicle is a “motor vehicle constructed or adapted to seat fewer than 9 passengers”. Where a larger vehicle is required, such as a minibus, bus or coach, this is known as a Passenger Carrying Vehicle or PCV. PCVs are subject to a different licensing regime.
- 4.1.2 Some Private Hire Operators hold PCV licences or subcontract bookings to PCV licence holders where a PHV is unsuitable. In these circumstances, neither the driver nor the vehicle would have been licensed with the Council despite the passenger having booked through a Private Hire Operator which is licenced with the Council.
- 4.1.3 According to the Statutory Guidance,

*...driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator’s licence without the informed consent of the booker.***

Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats are required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licensed driver will be used

who is subject to different checks and not required to have an enhanced DBS check.

4.1.4 In light of the above, it is recommended that the following new condition for Private Hire Operators is adopted:

4.1.5 **A private hire operator must not provide (to include sub-contract) a vehicle that is able to carry more than 8 passengers without first obtaining written or verbal consent of the hirer. The hirer must be made aware that neither the vehicle, nor the driver (where applicable) are licensed by Halton Borough Council and as such are subject to different checks. The hirer must also be informed that the driver is not required to have an enhanced DBS check. Verification of consent must be kept for a period as stated in 2.2 of these conditions.**

4.1.6 For the sake of clarity 2.2 of the Private Hire Operator conditions requires that certain information must be kept for not less than 6 months.

4.1.7 Both the trade and the public were consulted on the additional condition but no relevant responses were received.

4.2 Amendment 2: Extending the temporary amendment to the Vehicle Policy relaxing the maximum age of Hackney Carriage and Private Hire Vehicles.

4.2.1 The Council's Vehicle Policy provides the following age restrictions for licensed vehicles:-

Non fully wheelchair accessible vehicles

Can be no more than 5 years old when first licensed and the maximum age is 10 years old.

Fully wheelchair accessible vehicles

Can be no more than 13 years old when first licensed and the maximum age limit is 16 years old.

4.2.2 Due to the economic consequences of the pandemic on the trade, the Executive Board approved a temporary amendment that came into force on 26 February 2021 extending the maximum age restriction on Hackney Carriage and Private Hire Vehicles by 2 years, for a period of 2 years, subject to the following conditions:-

- any vehicle taking advantage of the dispensation shall be subject to 3 tests per year; and
- no vehicle taking advantage of the dispensation may be transferred to another proprietor.

- 4.2.3 These conditions were imposed to mitigate any safety risks to the public bearing in mind the overriding consideration of protecting the public.
- 4.2.4 The temporary amendment is due to expire on the 25th February 2023 but the economic circumstances have not improved with the current cost of living crisis. As such, the trade have requested that the temporary amendment continue for a further period of time.
- 4.2.5 A consultation exercise was undertaken and the majority of the trade voted in favour of the extension. This is detailed further in report to the Regulatory Committee which can be found at Appendix 1. The public consultation produced no responses.
- 4.2.6 The following considerations were brought to the Committee's attention:-
- Replacing a licensed vehicle on attaining current age limit could, in the current time of austerity, be punitive to the proprietor and place unreasonable financial and/or personal pressure on the licence holders.
 - Removing the conditions in their entirety could lower the standards achieved in the Borough since age restrictions were established, to the detriment of the service to which the public are entitled.
 - Any extension that may be granted would only benefit a small percentage of the trade whose vehicles reach the current maximum age in the next year or two. Even those licence holders who may benefit from any temporary extension to the current policy may not necessarily take advantage of any potential rule change and choose to obtain a newer vehicle anyway. In fact, there are only 17 licence holders that are currently benefiting from the temporary amendment.
- 4.2.7 In light of the above, it is recommended that the temporary amendment is extended for a further period of two years.
- 4.2.8 For the sake of clarity, the further extension would only be to the period of time in which the temporary policy amendment is in force and not to the maximum age of vehicles. This means that the temporary maximum age of non-fully wheelchair accessible vehicles would remain at 12 years old and the maximum age of fully wheelchair accessible vehicles would be 18 years old. The temporary policy amendment would be in place until 25 February 2025 when the maximum ages would revert back to 10 and 16 years old respectively. The two public safety conditions at paragraph 4.2.2. would also remain in place during the extending period.

5. Options

- 6.1 The options available to the Regulatory Committee at the meeting on 12 October 2022 were to recommend-

- Agreement to some or all of the potential changes or
- Amendment to some or all of the potential changes or
- Rejection of the potential changes

The Regulatory Committee recommends that the Executive Board agree to all the potential changes / recommendations set out in the agenda report.

7. POLICY IMPLICATIONS

7.1 The subject matter of this report is to adopt policy changes.

8. IMPLICATIONS FOR THE COUNCILS PRIORITIES

8.1 Children and Young People in Halton

N/A

8.2 Employment Learning and Skills in Halton

N/A

8.3 A Healthy Halton

It might be considered that allowing older vehicles to be used as taxis may cause more pollution. However, as the estimated number of vehicles that could benefit from the extension is less than 14% of the taxi and private hire fleet and the extension is only for 2 years this is not considered a significant issue.

8.4 A Safer Halton

None

8.5 Halton's Urban Renewal

N/A

9. RISK ANALYSIS

There are no associated risks which have been identified with this item.

10. EQUALITY AND DIVERSITY ISSUES

None identified.

11. LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document

1. Regulatory
Agendas

Place of Inspection

Licensing Section

Contact Officer

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