



LICENSING COMMITTEE
7 November 2019

**LATE
ITEM**

Report sponsor: Chair of the Licensing
Committee
Report author: Acting Head of Democracy

**Update on proposed final taxi and private hire vehicles strategy
2020**

Purpose

- 1.1 This report seeks to allow the Monitoring Officer to address the committee to provide a summary of legal advice received in relation to the decision to approve the Taxi and Private Hire Vehicle Strategy (see minute 10/19 at Appendix 1) at the meeting of 22 August 2019.

Recommendation

- 2.1 To determine appropriate next steps following advice provided by the Monitoring Officer.

Reasons

- 3.1 The Monitoring Officer became aware of correspondence which gave rise to concerns regarding the integrity of the decision made on 22 August 2019. It is appropriate for the Monitoring Officer to advise Committee in respect of those concerns.

Supporting information

- 4.1 The Licensing Committee approved the Taxi and Private Hire Vehicles Strategy 2020 at its meeting of the 22 August 2019, subject to a number of amendments to the policy as detailed in minute 10/19.
- 4.2 Subsequent published correspondence between relevant officers and members of the committee has resulted in legal advice being sought from Counsel, which indicates that the decision is liable to challenge.
- 4.4 On the basis of the advice received, the Committee should determine an appropriate course of action.

Public/stakeholder engagement

- 5.1 Members of the Licensing Committee have received a briefing in advance of the meeting in relation to the advice provided by Counsel.

Other options

6.1 To do nothing. This would leave the decision vulnerable to challenge.

Financial and value for money issues

7.1 None directly applicable.

Legal implications

8.1 As per 4.1 to 4.4

Other significant implications

9.1 None directly applicable.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Olu Idowu, Head of Legal Services	7 November 2019
Finance		
Service Director(s)	Emily Feenan, Director of Legal, Procurement and Democratic Services	7 November 2019
Report sponsor	Councillor Alison Holmes, Chair of the Licensing Committee	7 November 2019
Other(s)		

Background papers:	None
List of appendices:	Appendix 1 – Minute extract 10/19, Licensing Committee, 22 August 2019

MINUTE EXTRACT

LICENSING COMMITTEE

22 August 2019

10/19 Proposed Taxi & Private Hire Vehicles Strategy 2020

The Committee considered a report from the Director of Public Protection and Streetpride. The report had been produced following a consultation exercise on the draft proposals for the Taxi and Private Hire Vehicles Strategy 2020 and also detailed information on the final proposed Taxi and Private Hire Vehicle Strategy 2020. The Head of Environmental Protection, Housing Standards, Licensing, Emergency Planning and Business Continuity presented the report detailing how Derby City council was committed to improving the city's transport, whilst supporting the trade, in order to meet the demands of cleaner air and a smarter, safer and cleaner taxi and private hire fleet. It was also stipulated that Derby was under a legal obligation to improve it's air quality and that Derby City Council were working with Derbyshire Constabulary to undertake safety checks of the vehicles.

The presenting officer confirmed there was one amendment to the draft Strategy at Appendix 2 on page 8, table 2: Clean Fleet should read: Target of 25% of TPH fleet to be ULEV by the end of January 2021 and 50% by 2025. Not January 2020 as stated and confirmed this would be the earliest date the age emission rule would apply.

The Equality and Diversity Lead attended the meeting and presented the Equality impact assessment form outlining the need for distinctive colour branding to enable partially sighted people to be able to easily distinguish Hackney Carriages.

The Chair confirmed that the members of the Licensing Committee would consider and debate the report in three sections, the emissions and age of vehicles, the frequency of inspections and the colour branding.

The Committee heard that the strategy contained a Hackney Carriage and Private Hire Vehicle Age and Specification Policy in relation to all vehicles used as taxis. The draft Policy stated that by 1 January 2021 all hackney carriage and private hire vehicles will be required to be a minimum of Euro 6 Diesel or ZEC ULEV and that all Hackney Carriages and Private Hire vehicles over the age of ten years from the date of first DVLA registration will ordinarily be refused a licence unless the vehicle is in exceptional condition and has been approved for use following an Exceptional Condition Vehicle Check.

The Committee discussed this matter and some members felt that, given the cost of new vehicles this timeframe was not feasible. These members proposed an extension of the date, compliance with the new minimum of Euro 6 Diesel or ZEC ULEV, from 1 January 2021 to 1 January 2025 and felt the age restriction on vehicles being used as taxis should be 15 years old. It was highlighted that the 10 year old restriction on vehicles would bring Derby City Council's strategy in line with that of other authorities and that licensing older vehicles would invite out of area drivers, with

older vehicles, to operate in Derby.

The Head of Environmental Health and Licensing reiterated that the key drivers behind the dates on the draft policy were the legal obligation, imposed by Central Government to improve the air quality and the issue of public safety. He added that the guidance received back from the workshops looking at these issues was that a date beyond 1 January 2021 was not a feasible option.

As the Committee was divided on this issue they moved to a vote on the age restriction of licensing vehicles and the motion was carried to extent this to 15 years old.

The Committee then debated the issue of vehicle emissions. A proposal was put forward questioning if there was any merit in requiring all Hackney Carriages and Private Hire vehicles to be Euro 5 compliant by 1 September 2020 and then have a gradual phrasing in system to be Euro 6 compliant, with all new vehicles having to be Euro 6 compliant or ZEC ULEV within the next 5 years. Some members of the Committee also stated they felt the trade would need sufficient time to update their vehicles and suggested a revised date of 1 January 2025.

The Committee was again divided and put these two options to the vote and felt that the new extended date of 1 January 2025 the best option for enabling the trade to be compliant with only licensing Euro 6 Diesel or ZEC ULEV vehicles.

The Committee then moved on to debate the frequency of MOT testing of hackney carriage and private hire vehicles.

The draft policy proposed that, from the date of agreement of the strategy, all licensed vehicles from the date of first DVLA registration would be subject to six monthly inspections carried out by an approved Derby City Council testing station. The Committee debated the need for such rigorous testing of new vehicles and were reminded of the statutory requirement that all hackney carriage and private hire vehicles must be tested annually. The Committee agreed all vehicles all licensed vehicles five years old or under from the date of first DVLA registration should be subject to 12 monthly inspections and all vehicles over five years old should have this testing increased to 6 monthly testing.

The Committee then considered Appendix 3 of the report which detailed suggested colour branding for Derby City hackney carriages. The Committee discussed the need to pay regard to the problems encountered by visually impaired people and how the current yellow coloured cabs were easily identifiable and debated and if there would be any merit in hackney cabs having a yellow bonnet as well as the diagonal strip down the side of the vehicle. The Committee also discussed the timeframes for introducing the new branding confirming this should be brought in with immediate effect for any new (minimum Euro6/ULEV compliant) vehicle licensed and a clause that all existing yellow cabs can remain completely yellow until 2025.

Concerns were raised on the negative impact this would have for visually impaired people, as set out in the Equality Impact Assessment form, and the Committee

agreed to receive further assessments and continue to monitor the situation with a view to assessing the continuing impact of the decision during the transition period.

Discussion was also held on the merits of no longer having adverts displayed on the lower panels of front and rear doors and restricting this to the rear windscreen only. The Members raised no objection to this matter.

Resolved to:

- 1. Agree the proposed final Taxi & Private Hire Vehicles Strategy 2020 as set out at Appendix 2 subject to the policy being amended to state from 1 January 2025 all vehicles over the age of 15 years from the date of first DVLA registration will ordinarily be refused a licence unless the vehicle is in exceptional condition and has been approved for use following an Exceptional Condition Vehicle Check.**
- 2. Agree the proposed final Taxi & Private Hire Vehicles Strategy 2020 as set out at Appendix 2 subject to the policy being amended to state from 1 January 2025 all newly licensed vehicles will be required to be a minimum of Euro 6 Diesel or ZEC ULEV.**
- 3. Agree the proposed final Taxi & Private Hire Vehicles Strategy 2020 as set out at Appendix 2 subject to the policy being amended to state all licensed vehicles five years old or under from the date of first DVLA registration will be subject to 12 monthly inspections carried out by an approved Derby City Council testing station and all licensed vehicles over five years old from the date of first DVLA registration will be subject to 6 monthly inspections carried out by an approved Derby City Council testing station.**
- 4. Approve the proposed colour and branding set out at Appendix 3.**
- 5. Agree to delegate authority to the Director of Public Protection and Streetpride, in consultation with the Chair of the Licensing Committee to make the amendments required to the current Hackney Carriage and Private Hire vehicle specifications and licence conditions including to reflect changes to the colour policy and branding of hackney carriages, and to include tailored reviews from the Equality Groups**
- 6. Agree to delegate authority to the Director of Public Protection and Streetpride, in consultation with the Chair of the Licensing Committee to make the amendments required to the current Hackney Carriage vehicle specifications and licence conditions to reflect changes to the advertising requirements as set out at Paragraph 4.21.**