

**Classification:** Public

**Key Decision:** No

## Gravesham Borough Council

**Report to:** Operational Services Cabinet Committee  
**Date:** 16 November 2021  
**Reporting officer:** Mark Lees, Regulatory Services Manager  
**Subject:** Hackney Carriage and Private Hire Licensing Policy Interim Review

### **Purpose and summary of report:**

1. To present Members with proposed amendments to the Hackney Carriage and Private Hire Licensing Policy and the associated consultation methodology.

### **Recommendations:**

1. Members to consider the proposed policy amendments in respect of vehicle emissions and vehicle inspections.
2. Members to consider the policy consultation process as outlined and provide any comments and relevant amendments in respect of the same.

## **1. Background**

- 1.1 Although it is not a statutory requirement, the council has published a Hackney Carriage and Private Hire Licensing Policy since January 2009.
- 1.2 Following formal consultation, and subsequent consideration of the consultation responses and officer recommendations by the Operational Services Cabinet Committee at their meeting of 24 March 2021, the fifth (and current) edition came into effect on 1 May 2021 after having received formal approval by the Portfolio Holder.
- 1.3 The aforementioned consultation responses and officer recommendations were set out in Appendix 4 of the report presented to the Operational Services Cabinet Committee.
- 1.4 In that report, the following officer comment/recommendation was made in response to concerns raised by the Taxi Driver Working Group on behalf of the wider trade about the cost implications associated with proposals to strengthen the vehicle emissions criteria from the start date of the revised policy:

*"...the subject of vehicle emissions and alternatively fuelled (e.g. electric) vehicles requires more extensive consideration. It is therefore proposed that the council's policy on this remains as is currently set out in the 2018-21 Policy whilst*

*this takes place, with a view to carrying out an interim policy review and associated consultation of this element of the Policy as soon as practicable.”*

- 1.5 The draft revised policy also included a new paragraph setting out the council's intention to increase the frequency of vehicle inspections as follows:

*In order to better ensure that the high standards expected by the council are maintained, in support of its corporate and policy objectives, and ensure their fitness, the frequency of routine inspections is intended to increase from annually to six-monthly (or other such intervals as may be specified) after the implementation date of this policy. Any such inspections will be at the licence holders' cost and carried out within the borough at such place as the council requires. Changes will be notified to licence holders in advance and full details will be maintained on the council's website.*

- 1.6 The Taxi Driver Working Group stated that, whilst they understood the reason for additional vehicle inspections at 6 monthly intervals, they were concerned about the possible extra cost implications associated with it. The following officer comment/recommendation was made in response:

*“The policy does not yet introduce this requirement, but does identify it as likely to be introduced in order to be proactively transparent. The taxi and PH licensing regime's purpose is to protect public safety. An increase in inspections, or improvement to the way in which they are carried out, can only serve to support this and so this should remain in the final policy to allow implementation if/when appropriate. The council considers the impacts on licence holders carefully in all associated decisions it makes, and therefore any cost/time implications will be given due consideration if/when this policy requirement is introduced.”*

- 1.7 In recognition of the matters outlined above, the current Hackney Carriage and Private Hire Licensing Policy confirmed that:

*“The Council therefore proposes to carry out an interim review of this policy and associated consultation in relation to the vehicle emission and inspection standards as soon as practicable.”*

- 1.8 The purpose of this report is therefore to progress the proposed interim policy review.

## **2. Proposed Policy Revisions – Vehicle Emissions**

- 2.1 Having given careful consideration to the Taxi Driver Working Group's concerns about the cost implications associated with initial proposals to strengthen vehicle emissions criteria within a short time-frame, but also to the council's commitment to take action to prepare for the borough to become carbon neutral by 2030 following its declaration of a climate emergency in June 2019 and the steps it must take to support this, the following additions to the Hackney Carriage and Private Hire Licensing Policy are proposed:

- 2.1.1 From 1 April 2025, all vehicle licence applications for newly licenced vehicles (i.e. all applications other than those to 'renew' an existing vehicle licence for the same vehicle by the same holder) must be for vehicles that are powered wholly by electricity.

- 2.1.2 From 1 April 2030, all vehicle licence applications must be for vehicles that are powered wholly by electricity.
- 2.2 It is considered that these proposals will strike the best available balance between the two matters outlined in 2.1.
- 2.3 It is recognised that electric vehicles require charging, and that not all licence holders will have the ability to charge their vehicles from their homes. Efforts are therefore underway to ensure that suitable and sufficient charging points will be made available to locally licenced taxi and private hire drivers before 1 April 2025.

### **3. Proposed Policy Revisions – Vehicle Inspections and MOT tests**

#### **Current Requirements:**

- 3.1 Road Traffic legislation requires that all vehicles must undergo MOT tests annually from their 3<sup>rd</sup> anniversary to ensure that road safety and environmental standards are met.
- 3.2 Because the safe transport of passengers in taxis and PHVs is of paramount importance, and given the above-average mileage often carried out by taxis and Private Hire Vehicles compared to ordinary private vehicles, the council's Hackney Carriage and Private Hire Licensing Policy requires that:
  - 3.2.1 All licenced vehicles over one year old are required to pass an MOT test every six months to help ensure their general fitness and roadworthiness.
- 3.3 In effect, this means that a brand new taxi or PHV currently has to undergo 4 additional MOT tests before their first legally required one at 3 years old, and then an interim MOT test at the 6 month point between each annual MOT test thereafter.
- 3.4 In addition to the MOT requirements, all licenced vehicles will ordinarily require inspection by officers before a new, renewed, transferred or amended vehicle licence will be granted in order to ensure that the vehicle is fit and meets our [policy] criteria as well as that set out in hackney carriage and private hire legislation. This generally equates to an annual inspection owing to the fact that vehicle licences are granted for a standard period of one year.

#### **Vehicle Inspection Proposal 1:**

- 3.5 In order to support the intended outcomes summarised in paragraph 1.5 of this report, whilst also taking into account the concerns expressed by the trade in relation to the possible extra cost implications associated with increasing the frequency of vehicle inspections from yearly to six-monthly, and the resources available to the council, both in terms of its Licensing Service and vehicle workshop facilities, it is proposed that:
  - 3.5.1 All additional MOT tests currently required by the council beyond those required by Road Traffic legislation (i.e. when vehicles are 1, 1 ½, 2 and 2 ½ years old, and then at the 6 month point between each annual MOT), will be replaced with a safety and standards inspection, to be carried out by appropriately qualified technicians at the council's vehicle workshop located at the Brookvale Depot, or such other place as the council may reasonably require.

- 3.6 This approach would ensure that key checks currently carried out as part of MOT tests can continue to take place to ensure no reduction in road safety and environmental standards, but also enable the council to carry out additional compliance checks that would not be included as part of a standard MOT test at an alternative garage, for example, those set out in our policy relating to vehicle aesthetics (i.e. exterior and interior condition), signage, licence plates, documentation, etc. without drivers incurring any additional costs.
- 3.7 Other anticipated benefits include:
  - 3.7.1 The efficient reporting of inspection data back to the Licensing Service in a consistent and secure way, thereby reducing the administrative burden on Licensing Officers and enabling them to process licence applications, and follow up on any failings, faster to the benefit of service users.
  - 3.7.2 Ability to adapt inspection criteria when required, for example, following changes to policy, tariff amendments, best practice or legislation.
- 3.8 These inspections would be chargeable and the charge will be in line with the Government's set standard for MOT fees.
- 3.9 It will be important to have a safety net in place to ensure that vehicles can still have appropriate safety, emissions and standards checks carried out to enable them to continue to be licenced as taxis or private hire vehicles in the event that the council's workshop becomes unavailable. It is therefore proposed that a caveat will be built in to the policy which will allow MOT tests (at any authorised testing centre) and officer inspections to be used in place of the new safety and standards inspections in such eventualities at officers' discretion and with their written consent.

#### **Vehicle Inspection Proposal 2:**

- 3.10 In addition to the proposal outlined in 3.5.1, it is also proposed that:
  - 3.10.1 All routine vehicle licensing inspections (e.g. the application inspections carried out as part of new applications and annual renewal applications thereafter) currently carried out by Licensing Officers, will instead be carried out by technicians at the council's vehicle workshop located at the Brookvale Depot.
- 3.11 The aims of this proposal are to:
  - 3.11.1 Enable enhanced checks to be carried out by trained technicians, which may not be obvious to non-mechanically trained Licensing Officers, thereby potentially increasing passenger safety.
  - 3.11.2 Provide licence holders with more flexibility in terms of appointment times.
  - 3.11.3 Reduce the burden on Licensing Officers and, in doing so, enable their resources to be put to better use and increase resilience.
- 3.12 Commercially, it is also hoped that increasing the frequency and number of visits licence holders make to the vehicle workshop will correspond to an increase in the number of additional, paid for, services they choose to have carried out there, e.g.

annual MOTs and vehicle servicing/repairs, as a result of positive experiences and convenience.

- 3.13 The costs of routine inspections of vehicles are currently included within the licence fee. If a new/additional fee were to be introduced for these inspections, the licence fees would therefore need to be reduced accordingly. Instead of this approach, which would create unnecessary additional work for licence holders and council staff, it is instead proposed that an internal recharge would be arranged in the region of £20 per vehicle, i.e. £3660 per annum based on the 183 vehicles currently licenced.
- 3.14 As outlined in 3.9, it is important that a safety net is in place for contingency planning purposes to ensure the continued smooth running of operations. Licensing Officers will remain authorised under the legislation to carry out vehicle inspections and/or require vehicle proprietors to present their vehicles for inspection and testing elsewhere within the district, and they will therefore continue to have the ability to ensure vehicles are suitably inspected as part of their licence applications in the event of the workshop becoming unavailable.
- 3.15 Any such changes to the vehicle inspection provisions within the council's Policy would take effect at the earliest practicable opportunity.

#### **4. Consultation**

- 4.1 It is proposed to consult with the following parties:
- All current hackney carriage vehicle or driver licence holders licensed by Gravesham Borough Council
  - All current private hire vehicle, driver or operator licence holders licensed by Gravesham Borough Council
  - Gravesend Town Centre Management
  - Borough Councillors
  - Parish Councils
  - Members of the Kent and Medway Regulatory Licensing Steering Group
  - Members of the public through the council's website
- 4.2 A consultation of at least four weeks is proposed. Methods of consultation will be via the council's website and by direct email and mail shots to the agreed consultees.
- 4.3 All incoming responses will be collated and entered onto a grid for consideration.
- 4.4 The Regulatory Services Manager and/or Licensing Manager will conduct an evaluation of each response and give a recommendation, in consultation with other internal stakeholders, as to whether or not to amend the policy and, if so, to what extent.

#### **5. Post-consultation**

- 5.1 The grid and recommendations will be put back before the Operational Services Cabinet Committee for further, post-consultation, consideration.

- 5.2 Any proposed variations by Members of the Operational Services Cabinet Committee will then be incorporated into the revised Hackney Carriage and Private Hire Licensing Policy to create a final updated version.
- 5.3 Following consideration of the outcome of the consultation process and subsequent recommendations, the amended Policy will then be approved for adoption by the Portfolio Holder for Operational Services before publication.

## **6. BACKGROUND PAPERS**

- 6.1 Anyone wishing to inspect background papers should, in the first place, be directed to Committee & Electoral Services who will make the necessary arrangements.

IMPLICATIONS	APPENDIX 1
<p><b>Legal</b></p>	<p>There is no legal requirement for a policy, however it is best practice. This is different from the Licensing Act 2003 and the Gambling Act 2005 where a written policy is a legal requirement.</p> <p>Rights of appeal are granted to all applicants and licensees who are aggrieved by any licensing decisions.</p> <p>LAs cannot specify where licenced vehicles (or vehicles to be licenced) must have MOT tests carried out; however s.50 of the Local Government (Miscellaneous Provisions) Act 1976 allows LA to specify where and when proprietors must take their vehicles for inspection and testing, provided that location is within the council's area and vehicles are not required to attend more than 3 times in a 12 month period.</p> <p>Under the Human Rights Act 1998 Members must consider the hackney carriage and private hire drivers' right to "enjoyment of possession" under Article 1 of the First Protocol – Protection of Property and in determining a policy regarding the licensing of these individuals must balance this right with need to protect the public.</p>
<p><b>Finance and Value for Money</b></p>	<p>The cost of consultation and publishing an updated policy will be negligible and will be met from within existing budgets.</p> <p>The proposed amendments to the Hackney Carriage and Private Hire Licensing Policy are not envisaged to place any new financial pressures on the Council.</p> <p>Implementation of Vehicle Inspection Proposal 1 as outlined above would create a new income stream for the council of approx. £7320 per annum based on the current number of licences vehicles and a fee of £40, which is considered to be appropriate for the work involved and would not financially disadvantage licence holders as it is approximately equivalent to current MOT they already incur.</p> <p>Implementation of Vehicle Inspection Proposal 2 as outlined above would not create any direct additional income for the council as the costs are already included within the vehicle licence application fee. Instead, an internal recharge would be arranged in the region of £20 per vehicle, i.e. £3660 per annum from the G017 cost centre. It may however create an additional indirect income stream by creating opportunity for an increase in the number of additional voluntary paid for services vehicle proprietors choose to have carried out.</p>
<p><b>Risk Assessment</b></p>	<p>Affected licence holders may take issue with the proposals outlined in this report due to such reasons as having to purchase or lease electric vehicles, or changing the location of vehicle inspections, however these risks are proactively mitigated by the consultation process which provides them with an opportunity to raise any concerns and for them to be duly considered prior to the implementation of any policy changes.</p> <p>Other mitigation:</p> <p>The proposed vehicle specification changes provide an appropriately lengthy lead in period.</p> <p>The proposed inspection changes would not financially disadvantage any licence holders; the location of the workshop remains central and easy to reach; the nature of the inspections would ensure no reduction in standards but in fact allow for these to be enhanced.</p> <p>The workshop capacity has been reviewed to ensure that the proposed number of</p>

IMPLICATIONS	APPENDIX 1
	<p>inspections, with allowance for contingencies, is viable</p> <p>The policy is routinely reviewed every five years, but can be reviewed at any stage and as often as required in the interim period meaning that any unforeseen issues arising can be revised as required.</p>
<b>Data Protection Impact Assessment</b>	<p><i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i></p> <p>a. Does the project/change being recommended through this paper involve the processing of <a href="#">personal data</a> or <a href="#">special category data</a> or <a href="#">criminal offence data</a>? Yes</p> <p>b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice? No</p> <p>c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at <a href="mailto:gdpr@medway.gov.uk">gdpr@medway.gov.uk</a>.</p>
<b>Equality Impact Assessment</b>	<p>a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. Yes. Lower income licence holders may struggle more to find affordable electric vehicles. The duration of the lead in period is intended to help mitigate this and it is expected that as time moves on, the used electric vehicle market will grow and EVs will become more affordable, i.e. their prices will drop.</p> <p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. No</p> <p><i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i></p>
<b>Corporate Plan</b>	Licensing links directly to Corporate Objective #1 People, and feeds into/supports Corporate Objective #3 Progress
<b>Climate Change</b>	The proposed vehicle specification changes to move towards all licenced vehicles becoming electrically powered makes a positive contribution towards reducing carbon emissions and improving air quality in support of the council's Carbon Neutral Commitment, made following its declaration of a Climate Emergency.
<b>Crime and Disorder</b>	There are links to community safety in ensuring an adequate supply of properly licensed taxis and PHVs as a safe mode of transport for the public
<b>Digital and website implications</b>	Continued assistance is required from the IT and Digital Teams to support the Licensing Services' existing digital successes and ongoing, future digital



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	<p>aspirations.</p> <p>Minor website updates will be required for the consultation and publication of an updated policy.</p>
<p><b>Safeguarding children and vulnerable adults</b></p>	<p>Licensing regimes are largely designed to protect public safety. The proposed changes to the vehicle inspection provisions of the policy present an opportunity to enhance the standard of checks.</p>