

**Classification:** Public

**Key Decision:** No

## Gravesham Borough Council

**Report to:** Operational Services Cabinet Committee

**Date:** 23 March 2021

**Reporting officer:** Mark Lees, Regulatory Services Manager

**Subject:** Hackney Carriage and Private Hire Licensing Policy Review

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

To present Members with the consultation responses received in respect of the proposed changes to the Hackney Carriage and Private Hire Licensing Policy relating to inspections and Electric Vehicle (EV) requirements. Member input is sought in finalising the policy statement for publication and implementation.

### **Recommendations:**

1. That, having considered the consultation responses and associated officer comments, Members advise on any relevant amendments and instruct officers to update the Hackney Carriage and Private Hire Licensing Policy accordingly.
2. That the Portfolio Holder for Operational Services will approve the final policy without further need to report back to this Committee.

### **Key Implications:**

Item	Implications
<b>Legal</b>	<p>The overarching aim of the taxi and private hire licensing regime is to protect the public by ensuring that all drivers, vehicles and operators are licensed and regulated by local authorities in accordance with statutory provisions, primarily set out in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 and, where they exist, local policy requirements.</p> <p>Additionally, the Department for Transport's Statutory Taxi and Private Hire Vehicle Standards published in 2020 sets out a framework of policies and standards which local authorities must have regard to.</p> <p>The publication of a local Hackney Carriage and Private Hire Licensing Policy is not a legal requirement, however it is best practice and the Statutory Standards advise:</p> <p><i>"The Department [for Transport] recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence</i></p>

	<p><i>conditions and vehicle standards,” whereby, “the primary and overriding objective must be to protect the public.”</i></p> <p>Rights of appeal are granted to applicants and licensees who are aggrieved by local authority 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 LAs 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 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 publishing an updated policy is negligible and will be met from within existing budgets.</p> <p>Sufficient electric vehicle charging infrastructure would need to be in place to support the phased proposals for electric taxis and private hire vehicles. Grant schemes from the Office of Zero Emission Vehicles and Swarco are currently being used to help fund EV charging infrastructure, however additional capital may be required should grant funding cease or be insufficient to cover costs – although ongoing Government funding support is expected. Anticipated costs of between £10k and £50k are reflected within the Climate Change Management Delivery Plan presented to the Climate Change Advisory Board on 24<sup>th</sup> January 2022 associated with the <i>‘exploration of opportunities for the provision of on and off street electric vehicle charging points for taxis/private hire vehicles and implementation of such charging points where it is feasible to do so.’</i> The council would however benefit from an ongoing revenue share return, which currently varies from 7.5% to 20%.</p> <p>Implementation of the vehicle inspection proposal set out in para.3.1.1 of this report would create a new income stream for the council through one of its Local Authority Trading Companies, Rosherville Servicing Limited, of approx. £8235 per annum based on the current number of licenced vehicles and a fee of £45, which is considered to be appropriate for the work involved and would not financially disadvantage licence holders as it approximately equivalent to current MOT cost they already incur.</p> <p>Implementation of the vehicle inspection proposal set out in para.3.1.2 of this report 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 via Rosherville Servicing Ltd by creating opportunity for an increase in the number of additional voluntary paid for services vehicle proprietors choose to have carried out, e.g. MOT tests, services or repairs.</p>
<p><b>Corporate Plan</b></p>	<p>Licensing links directly to Corporate Objective #1 People, and feeds into/supports Corporate Objective #3 Progress</p>

<b>Climate Change</b>	<p>In June 2019, the Council declared a climate emergency and that it would begin to take action to prepare for the borough to become carbon neutral by 2030. In working towards achieving this ambitious target, the council must consider the environmental impacts arising from its licensed taxis and private hire vehicles, and seek to help reduce the resultant carbon footprints.</p> <p>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.</p>
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## 1. Introduction

- 1.1 The council has published a Hackney Carriage and Private Hire Licensing Policy since January 2009.
- 1.2 The fifth (and current) edition of the policy came into effect on 1 May 2021, in which the council confirmed its intention to, "carry out an interim review of the policy and associated consultation in relation to the vehicle emission and inspection standards as soon as practicable," in light of it recognising that these important matters required more extensive consideration.
- 1.3 A report was subsequently brought before the Operational Services Cabinet Committee on 16 November 2021 setting out proposed revisions to these elements of the policy and an associated consultation methodology.
- 1.4 Members requested officers to proceed with the consultation as proposed and bring the results to a future meeting of the Operational Services Cabinet Committee for consideration.
- 1.5 The consultation text sent to consultees and published on the council's website is attached to this report at **Appendix 1**. For ease of reference, sections 2, 3 and 4 of this report (below) set out the proposals and consultation method.

## 2. Proposed Policy Revisions – Vehicle Emissions

- 2.1 Comments were invited on the following proposals relating to vehicle emissions/electric vehicles:
  - 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.

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

- 3.1 Comments were invited on the following proposals relating to vehicle inspections and MOT tests:
  - 3.1.1 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 test) 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.

- 3.1.2 All routine vehicle licensing inspections (e.g. the application inspections ordinarily carried out as part of new applications and annual renewal applications thereafter) carried out by Licensing Officers, will instead be carried out by technicians at the council's vehicle workshop located at the Brookvale Depot.

#### 4. Consultation

- 4.1 The consultation commenced on 21 December 2021. Because of it running over the Christmas and New Year period, the minimum agreed consultation duration was doubled such that the consultation ran for 8 weeks, ending on 20 February 2022.
- 4.2 The following bodies were invited to comment on the draft policy:
  - 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
- 4.3 Responses were received from 50 stakeholders. All except one response received from a Ward Councillor, were from licenced drivers and/or operators. 37 of the responses were the same, i.e. a response written by one licenced drivers was mirrored by 36 others.
- 4.4 129 licenced drivers, representing some 72.5% of the local trade, did not respond to the consultation.
- 4.5 All consultation responses are attached at **Appendix 2** for consideration.
- 4.6 The Regulatory Services Manager and Licensing Manager have conducted an evaluation of each response and provided comments for consideration alongside each response within Appendix 2, as well as in sections 5 and 6, below.

#### 5. Considerations – Vehicle Emissions

- 5.1 Many of the consultees raised concerns about the same three key themes relating to the electric vehicle proposals, namely:
  - 5.1.1 The lack of charging infrastructure in place at the current time
  - 5.1.2 The limited range (in terms of distance that can be travelled from a single charge) of electric vehicles
  - 5.1.3 The limited choice of electric vehicles available

- 5.1.4 The cost of buying electric vehicles
- 5.2 It is considered that these are all valid concerns and matters for Members to consider.
- 5.3 It is fair to say there is an expectation and reliance that, as time move forwards and prior to the implementation of the proposed EV policy requirements:
  - 5.3.1 EV charging facilities will become widely available and accessible locally and nationally.
  - 5.3.2 EV charging technology will improve to allow EVs to be charged much faster, such that the time taken to re-charge an EV will be closer to that taken to refuel a petrol/diesel vehicle.
  - 5.3.3 EV battery technology will improve to provide greater journey ranges between charges.
  - 5.3.4 The cost of electric vehicles will reduce and the choice of vehicles will continue to expand.
- 5.4 Whilst these are assumptions, Members are advised of the following associated points for consideration:
  - 5.4.1 The Council declared that it would begin to take action to prepare for the borough to become carbon neutral by 2030 and, in support of this, must consider the environmental impacts arising from its licensed taxis and private hire vehicles, and seek to reduce the resultant carbon footprints.
  - 5.4.2 Efforts are already underway to install EV charging facilities in the borough, including dedicated taxi and private hire chargers, and to build upon this work for the foreseeable future to support the council's carbon neutral commitment and associated goals.
  - 5.4.3 The Hackney Carriage and Private Hire Licensing Policy can be updated at any point and therefore, should the need arise, policy requirements could be re-evaluated and amended at that time.
  - 5.4.4 The proposed vehicle requirements would take effect in just over 3 years and 8 years respectively, to provide those affected with as much notice as possible. Indeed, the proposals are such that existing drivers would be able to replace their vehicles with a policy-compliant hybrid, petrol or diesel vehicle prior to the 1 April 2025 and, provided it did not reach the maximum permitted age or otherwise become un-licensable, they would not need to replace them with a fully electric vehicle until 1 April 2030. The alternative approach would be to introduce such requirements in to the policy at a much later date with little to no lead in period.

## **6. Considerations – Vehicle Inspections and MOT tests**

- 6.1 Queries/concerns raised by consultees primarily related to the associated cost, safety, convenience, reliability and licensing enforcement implications. These are reasonable matters to have raised and are considered below:
  - 6.1.1 In terms of cost implications:
    - 6.1.1.1 The cost of the safety and standards inspection would not exceed the maximum cost (set nationally) for an MOT test so as to keep it

comparable with the costs of MOT tests already incurred by licence holders;

6.1.1.2 The annual licence application inspection would continue to be included within the licence fee;

6.1.1.3 Drivers would be able to have any repairs or additional work carried out at a garage of their choosing; however they would also be able to have it carried out by Rosherville Servicing Ltd at a competitive price.

6.1.2 In terms of safety:

6.1.2.1 The proposed safety and standards inspection will include all key safety elements of an MOT to ensure there is no reduction in safety, but also include additional compliance checks to further improve standards;

6.1.2.2 The direct, secure and reliable notification to the Licensing Team of any safety failings found would facilitate higher vehicular and public safety than the current arrangements by allowing for prompt intervention when needed, and;

6.1.2.3 Any subsequent amendments to inspection criteria (e.g. arising from future changes to policy, guidance or national standards) would be straight forward to implement.

6.1.3 In terms of convenience:

6.1.3.1 Rosherville Servicing operates from the Brookvale Depot, which is centrally located and easy to reach from anywhere in the borough;

6.1.3.2 Those licence holders who currently choose to have their vehicle serviced at the same time as their additional MOT test would be able to continue to have this done alongside their inspections by Rosherville Servicing Ltd if they so wished;

6.1.3.3 Licence holders would be able to book their inspection appointments, as well as any other work, e.g. service, repairs or MOT test, in advance on the phone or via an online booking system, as with most other garages;

6.1.3.4 Rosherville Servicing Ltd. utilising the workshop at the Brookvale Depot provides an opportunity for licensing information and materials to be shared directly with drivers at their inspections, for example, without the need to make an additional trip to the Civic Centre or wait to receive something in the post, and;

6.1.3.5 Similarly, the intention is for inspection reports to be sent directly to the Licensing Team from the workshop through internal IT arrangements, thereby removing the responsibility for licence holders to provide this information themselves.

6.1.4 In terms of reliability:

6.1.4.1 Rosherville Servicing Ltd.'s mechanics at the Brookvale workshop are highly qualified; all are both DVLA and Institute of Road

Transport Engineers (IRTEC) approved, with the garage also having IRTEC approval and being a DVSA approved MOT test centre.

6.1.4.2 The inspections would be consistent, i.e. with no variation or uncertainty arising from using different garages.

6.1.4.3 It is 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 proposed safety and standards inspections (at officers' discretion and with their written consent) in the event that the council's workshop becomes unavailable due to unforeseen circumstances.

6.1.5 Finally, in terms of licensing enforcement implications:

6.1.5.1 There would not be any changes in the approach already taken by the Licensing Team in so far as each case would be dealt with on its merits but, in general, minor defects would not ordinarily result in suspension and time would be given for the fault to be rectified, whereas more significant defects (usually those which could affect the safety of the vehicle or passengers, or represent a breach of policy requirements) would likely result in immediate suspension but be lifted once the defect had been rectified;

6.1.5.2 Utilising the Rosherville Servicing Ltd vehicle workshop at the Brookvale Depot would better ensure that defects or failings identified are reliably notified to the Licensing Team to be considered and, where necessary, acted upon promptly in support of ensuring public safety.

## **7. Review of Policy**

7.1 It is proposed that the revised policy will be brought into effect at the earliest opportunity and remain valid for the extended period of five years from that date, in accordance with the national standards, unless it becomes necessary to make further revisions beforehand following changes to legislation or local circumstances, for example.

7.2 Whilst the policy would be brought into effect as soon as practicable:

7.2.1 The EV requirements would not take effect until the specified dates in 2025 and 2030.

7.2.2 The vehicle inspection requirements would be set to commence at a future date (likely to be summer 2022) once all systems and processes required to facilitate them are in place.

## **8. Appendices**

8.1 The following documents are to be published with the report:

8.1.1 Appendix 1: Consultation text document

8.1.2 Appendix 2: Consultation responses and officer comments

## **9. Background Documents**

9.1 The following background documents were used:

9.1.1 Report to Operational Services Cabinet Committee on 16 November 2021

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<b>Secondary Implications</b>	
<b>Risk Assessment</b>	<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/limiting the location of vehicle inspections, however these risk 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 licence holders and, because they would be carried out by Rosherville Servicing Ltd at the council's Brookvale Depot: the location 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; subsequent amendments to inspection criteria would be straight forward to implement; information could be securely and reliably shared between the workshop and Licensing Team, and; operational efficiencies could be realised. Importantly, this approach of utilising one of the council's Local Authority Trading Companies, i.e. Rosherville Servicing Ltd, to carry out the inspections at the councils own facilities promotes the overarching aim of the taxi and private hire licensing regime to ensure public safety.</p> <p>The workshop capacity has been reviewed to ensure that the proposed number of 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>?</p> <p>A definition of each type of data can be found on the Information Commissioner's Office website via the above links.</p> <p>Yes</p> <p>b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice?</p> <p>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.</p> <p>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 as their prices 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.</p> <p>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>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>	<p>Input will be required from the Digital and IT Teams to ensure provision of suitable booking systems and digital links between Brookvale and the Licensing Team in order to realise operational efficiencies.</p> <p>Minor website updates will be required for publication of an updated policy.</p>
<b>Safeguarding children and vulnerable adults</b>	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.