



EAST STAFFORDSHIRE BOROUGH COUNCIL

REPORT COVER SHEET

Title of Report:	Hackney Carriage and Private Hire Policy: Review of Vehicle Requirements Following Petition Received from the Hackney Carriage and Private Hire Trade	To be marked with an 'X' by Democratic Services after report has been presented
Meeting of:	Corporate Management Team 18 January 2022	X
	Licensing Committee 15 December 2021	X
	LDL 24 January 2022	X
	LAG 2 February 2022	X
	Independent and Leader of the Opposition Advisory Group 3 February 2022	X
	Full Council 28 February 2022	



<p>Is this an Executive Decision:</p>	<p>NO</p>	<p>Is this a Key Decision:</p>	<p>NO</p>
<p>Is this in the Forward Plan:</p>	<p>NO</p>	<p>Is the Report Confidential: If so, please state relevant paragraph from Schedule 12A LGA 1972:</p>	<p>NO []</p>

Essential Signatories:

ALL REPORTS MUST BE IN THE NAME OF A HEAD OF SERVICE

Interim Monitoring Officer: **Chris Ebberley**

Date Signature

Chief Finance Officer: **Sal Khan**

Date Signature

EAST STAFFORDSHIRE BOROUGH COUNCIL

Report to Full Council

Date: 28th February 2022

REPORT TITLE: Hackney Carriage and Private Hire Policy: Review of Vehicle Requirements Following Petition Received from the Hackney Carriage and Private Hire Trade

PORTFOLIO: Enforcement Services

HEAD OF SERVICE: Mark Rizk

CONTACT OFFICER: Margaret Woolley Ext. No. x1[1479]

WARD(S) AFFECTED: All

1. Purpose of the Report

- 1.1. To bring forward for consideration the Hackney Carriage and Private Hire Euro Emissions policy review following a Petition received by the Authority dated 15th November 2021 and presented to Licensing Committee on 15th December 2021.

2. Executive Summary

- 2.1. The Authority received a Petition dated 15th November 2021 titled Hackney Carriage and Private Hire Policy Review of Vehicle Requirements – Full Council 24 Feb 2020.
- 2.2. The Petition was presented to the Licensing Committee, who have the power to take a decision on the Petition.
- 2.3. The Licensing Committee considered the Petition at a Licensing Committee meeting on 15th December 2021.
- 2.4. The Licensing Committee voted for recommendation a) Age limits on vehicles take precedence over the Emissions date.

- 2.5. The decision of the Licensing Committee is now required to be put before Full Council.

3. Background

- 3.1. The Authority received a Petition which was required to be dealt with under the Councils Petition Scheme.
- 3.2. It is within the Licensing Committees Power to take a decision on the Petition.
- 3.3. The Petition is based on the introduction of the Hackney Carriage and Private Hire policy requirement, for all vehicles to be Euro 4 and Euro 6 compliant by 1st April 2022. The Policy, was first introduced in a review of the Hackney Carriage and Private Hire Policy in February 2020.

4. Contribution to Corporate Priorities

- 4.1. Environment, Health and Wellbeing.

5. Report

- 5.1. The Licensing Team received several requests over recent months asking that the Council consider a review of the Emissions Policy contained within the Hackney Carriage and Private Hire Policy.
- 5.2. The Hackney Carriage and Private Hire Policy 2019 – 2022 was approved by full Council on 3 December 2018 and states:
 - a) Paragraph 19; “Any application for the grant or renewal of a hackney carriage or private hire vehicle licence shall not be granted unless the vehicle complies with the current Euro technology. As from 1st April 2022, all licensed hackney carriage vehicles and all private hire vehicles must be fitted with at least a Euro 4 compliant engine for vehicles fitted with a petrol engine, or at least a Euro 6 complaint engine for vehicles fitted with a diesel engine”.
 - b) Paragraph 13; Grant and Renewal of Vehicle Licences “The Licensing Authority will, providing all requirements are met, issue a 12 month vehicle licence for vehicles under 7 years old for a private hire vehicle and non-wheelchair accessible hackney carriages and 10 years old for a purpose built hackney carriage and providing it has passed a Council compliance test at an appointed station”.
- 5.3. Note that the implementation of compliance with the Emissions Policy from April 2022 currently overrides the age policy.
- 5.4. Vehicle licences currently cost £164 per annum.

- 5.5. According to current figures, by 31 March 2022 the Licensing Team will have 75 vehicles that will be non-compliant with the Euro emissions aspect of the policy. There are currently 433 vehicles on the fleet.
- 5.6. On 17th November 2021 a report was presented to the Licensing Committee that brought forward a “Proposal to Suspend Implementation of Emissions Policy contained within the Hackney Carriage and Private Hire Policy 2019-2022”. Report attached as APPENDIX 1
- 5.7. In the recommendations options of the report the Committee were presented with two options:
 - a) The first option was “to recommend to Council the temporary suspension of Paragraph 19 of the Councils Hackney Carriage and Private Hire Licensing Policy 20019-2022, which deals with the implementation of the Emissions policy, until the Policy has been reviewed, consulted upon and amended in 2022.
 - b) The second option was “The committee may decide not to suspend the implementation of the Emissions policy”.
- 5.8. The Committee voted not to suspend the Emissions policy. Minutes attached as APPENDIX 2
- 5.9. During the meeting Officers of the Council advised that a Petition had been received in respect of the Emissions policy.
- 5.10. A Petition dated 15th November 2021 was received by the Authority. The Petition is attached at APPENDIX 3.
- 5.11. A meeting of the Licensing Committee was called for the 15th December 2021, in order that the Petition could be considered.
- 5.12. At the Licensing Committee meeting, 20 representatives of the Taxi Trade were in attendance at the meeting in the Town Hall. A member of the Trade represented the delegation and presented the content and reason for the Petition, on behalf of those that contributed.
- 5.13. There was also a delegation of approximately 100 members of the taxi trade outside the Town Hall with placards and they demonstrated in support of the Petition.
- 5.14. The Licensing Committees have the power to consider Petitions and any actions to be taken.
- 5.15. The Petition received had 129 signatures.
- 5.16. The Petition asked for the following: “Our concerns are we would like an immediate review of the 1st April 2022 Euro 4 and Euro 6 compliancy requirement”.

5.17. The reason and need for the policy review were set out in the petition document and are as stated below:

- a) It breaches an existing agreement and it is also discriminatory;
- b) There is no national requirement for taxis to confirm to such policy and the policy is in disharmony with the policy of neighbouring councils;
- c) The wider and negative impact of the policy such as costs on drivers, do outweigh any alleged benefits;

5.18. The Petition goes onto say “We have already provided evidence to back up our claim to reinstate our right to drive Euro 5 engine vehicles”. Document attached as APPENDIX 4

5.19. Licensing Authorities are being urged by central government to exercise discretion in dealings with the licensed taxi trade. Guidance states that:

“Licensing Authorities should consider ways in which they can use their existing powers to support the trade to continue to operate and provide essential travel”.

5.20. At the Recommendations section of the report the Licensing Committee voted for:

a) Age limits on vehicles take precedence over the Emissions date.

5.21 This decision requires the endorsement of full Council in order to amend the existing provision set out in paragraph 19 of the Council’s Hackney Carriage and Private Hire Licensing Policy 2019 – 22, which deals the implementation of the Emissions Policy (see paragraph 5.2 of this report).

6. Financial Considerations

This section has been approved by the following member of the Financial Management Unit: Anya Murray

6.1 If the deadline is not extended and some taxi drivers chose to cease operating and are not replaced by new entrants, then there will be a loss of income to taxi vehicle licensing. There are a potential 75 vehicles in this category (see paragraph 5.5). For every 10% reduction, this would equate to a loss of £1,312.

7. Risk Assessment and Management

7.1. The main risks to this Report and the Council achieving its objectives are as follows:

7.2. **Positive** (Opportunities/Benefits):

- 7.2.1. Having considered the Petition the Council achieves its obligations in respect of its power to make decisions regarding petitions
- 7.2.2. Accepting the Petition content would be a positive step for the Hackney Carriage and Private Hire Trade
- 7.2.3. Accepting to continue with the Emissions policy will be a positive for the environment
- 7.3. **Negative (Threats):**
 - 7.3.1. Should the Authority not have considered the Petition then the Council would not have been acting in accordance with the Councils Petition Scheme contained within the Constitution
 - 7.3.2. Some vehicle owners may have already replaced their vehicles to comply with the emissions policy
 - 7.3.3. To not accept the content of the Petition will be a negative step for the Hackney Carriage and Private Hire Trade
 - 7.3.4. To not continue with the introduction of the Emissions policy may have a negative impact on the environment.
 - 7.3.5. A decision either way on the Petition may result in a legal challenge.
- 7.4. The risks do not need to be entered in the Risk Register. Any financial implications to mitigate against these risks are considered above.

8. **Legal Considerations**

*This section has been approved by the following member of the Legal Team:
Glen McCusker – Interim Solicitor*

- 8.1. The Petitions Scheme contained within the Councils Constitution in Part 4 set out the procedure for responding to Petitions.
- 8.2. The Petition received from the Taxi Licence Holders was classified as an “Ordinary Petition”, and the procedure for acting on this is set out in paragraph 13.1. This states that the Petition may be reported to a Committee, who have the power to make a decision on the Petition.
- 8.3. The Hackney Carriage and Private Hire Policy was a decision of Full Council, and consequently any amendment to the Policy requires the approval of Full Council. The function of the Licensing Committee is to make recommendations on the Policy for consideration by Full Council, and it is their decision on the Petition which is being put forward as a recommendation.

9. Equalities and Health

- 9.1. **Equality and Health impacts:** The subject of this Report is not a policy, strategy, function or service that is new or being revised. An equality and health impact assessment is not required

10. Human Rights

- 10.1. There are no Human Rights issues arising from this Report.

11. Sustainability (including climate change and change adaptation measures)

- 11.1. Does the proposal result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures) Yes

- 11.2. Please detail any positive/negative aspects:

11.2.1. Positive (Opportunities/Benefits) If the Emissions Policy is implemented on 1st April 2022 it will be a positive for sustainability

11.2.2. Negative (threats) If the Emissions Policy is not implemented on 1st April 2022 it will be a negative for sustainability

12. Recommendation(s)

- 12.1. That Full Council endorse the recommendations of the Licensing Committee, to approve that age limits of Hackney Carriage and Private Hire Vehicles take precedence over the Emissions date of 1st April 2022 and amends the Hackney Carriage and Private Hire Policy 2019 -22 accordingly.

13. Background Papers

- 13.1 Hackney Carriage and Private Hire Policy 2019-2021

[http://www.eaststaffsbc.gov.uk/sites/default/files/docs/licensing/Ta xi/Taxi-Policy.pdf](http://www.eaststaffsbc.gov.uk/sites/default/files/docs/licensing/Ta%20xi/Taxi-Policy.pdf)

14. Appendices

- 14.1. Appendix1: Licensing Committee Report 17th November 2021

- 14.2. Appendix 2: Minutes of the Licensing Committee of 17th November 2021

- 14.3. Appendix 3: Petition dated 15th November 2021

- 14.4. Appendix 4: Evidence referred to in the Petition

- 14.5. Appendix 5: Report for Licensing Committee dated 15th December 2021

- 14.6. Appendix 6: Minutes of the Licensing Committee meeting from 15th December 2021.

