

Report of Chief Officer Elections and Regulatory

Report to Licensing Committee

Date: 4 September 2018

Subject: Taxi & Private Hire Licensing – Review of Vehicle Conditions in relation to the Clean Air Zone (CAZ) Proposals

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

- 1 The recent public consultation on proposals to establish a Clean Air Zone (CAZ) in Leeds has led to a number of issues being raised by taxi and private hire drivers relating to some existing hackney carriage and private hire vehicle conditions.
- 2 Licensing Committee agreed a schedule of review of all taxi and private hire licensing policies and conditions at their meeting in December 2017 where the vehicle conditions were scheduled for review later in 2018.
- 3 This report seeks approval to concentrate on an early review of the vehicle conditions raised during the CAZ public consultation, so the results of that review can feed into the council's proposals.
- 4 A revised timetable for the remaining vehicle policies and conditions will be submitted to Licensing Committee for approval in due course.

Recommendations

1. That Members agree to establish a Members' Working Group to review the hackney carriage and private hire vehicle conditions listed at 3.2 of this report.

1 Purpose of this report

- 1.1 To request an amendment to the previously agreed review schedule for taxi and private hire licensing policy and conditions to allow an earlier review of some hackney carriage and private hire vehicle policies and conditions.
- 1.2 A revised timetable for the remaining vehicle policies and conditions will be submitted to Licensing Committee for approval in due course.

2 Background information

- 2.1 Leeds City Council has responsibility for licensing Hackney Carriage (taxi) vehicles, drivers and proprietors, Private Hire and Executive vehicles, drivers, and operators within the city. The council's primary focus is the safety of the travelling public.
- 2.2 The council has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1976, which governs the licensing of Private Hire Vehicles, Private Hire Operators and drivers. The adoption of this act also encompasses the adoption of the Town Police Clauses Act 1847, which governs the licensing of Hackney Carriages.
- 2.3 The council's policies and conditions are reviewed by the council's Licensing Committee. The council's policies and conditions apply to all drivers, vehicles and operators who hold the relevant licences issued by the council. The council's Taxi & Private Hire Licensing Service are responsible for making decisions relating to the application of the policies and conditions, under the council's scheme of sub-delegation.
- 2.4 Members will be aware that the UK taxi and private hire industry is rapidly changing in the UK, although much taxi and private hire law has changed little since the 1970s. In order to continue to keep the travelling public safe, the council's policies and conditions also need to keep pace with new developments. The council has a plan to review and consult on each of the specific policies and conditions after either three or five years, to make sure they remain up to date and effective.
- 2.5 In December 2017, Licensing Committee approved a schedule for the review of all taxi and private hire licensing policies and conditions which included a comprehensive review of all hackney carriage and private hire vehicle conditions later in 2018.
- 2.6 There have been two phases of public consultation regarding proposals to establish a CAZ for Leeds. Phase I of the consultation ran between 2 January and 2 March 2018 and introduced the CAZ to the Leeds region and beyond. It was intended that the consultation would present some of the outline details of the CAZ based on initial guidance from the Joint Air Quality Unit (JAQU). Phase II of the consultation ran between 28 July and 12 August 2018 and provided some of the finer details of the CAZ to the Leeds region and beyond. Further analysis took place after the first consultation, and taking into account the feedback from the public and businesses, Leeds specific details were included in

this consultation. The consultation has resulted in taxi and private hire drivers seeking clarification on a number of existing vehicle conditions.

3 Main issues

3.1 A series of focussed consultation sessions were arranged for the taxi and private hire trade during both phases of the main CAZ public consultation. As a consequence a number of issues relating to some of the council's current hackney carriage and private hire vehicle conditions were raised for clarification.

3.2 It is proposed that a Members' Working Group comprising of at least three Members of Licensing Committee be established to review the following vehicle conditions raised during the CAZ public consultation: -

- Hackney Carriage and Private Hire Vehicle Age Criteria;
- Hackney Carriage and Private Hire Vehicle Emission Standards;
- Hackney Carriage and Private Hire Minimum Engine Size Conditions;
- Hackney Carriage and Private Hire Anti-Glare Glass (Window Tint) Conditions;
- Hackney Carriage and Private Hire Spare Wheel Conditions (to look at space requirements for a LPG engine conversion, etc); and
- Any other Vehicle Policy or Condition with a direct link to the CAZ proposals to support ultra-low emission vehicles (ULEVs) as identified by the Members' Working Group.

3.3 The timetable for the review of these conditions will be as follows:-

- Consultation with Trade and other Stakeholders – September/October 2018
- Recommendations of Working Group to Licensing Committee – November 2018

3.4 A revised timetable for the remaining vehicle policies and conditions will be submitted to Licensing Committee for approval in due course.

3.5 Members are reminded that the CAZ will require taxi and private hire vehicles to reach ULEV standards in order for Leeds to achieve compliance with the National Air Quality standards. As such the CAZ will (subject to policy exemptions, such as those currently proposed for Wheelchair Accessible Vehicles (WAVs)) apply a daily charge to vehicles that are operating as private hire or hackney carriages that do not meet the ULEV standards – determined presently as electric, petrol hybrid, or plug-in. That CAZ standard will need to inform the Licensing Committee's review of licensing conditions. The requirement of the CAZ for hackney carriage and private hire vehicles to meet this ULEV standard to avoid charges can be supported by a review of licensing conditions that both encourages and supports drivers accessing these vehicles.

3.6 Any recommendations to change existing policy or conditions agreed by Licensing Committee will require approval by the Executive.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 The council will invite trade representatives and other stakeholders to attend the Working Group to submit any evidence they wish the Working Group to consider before making any recommendations back to Licensing Committee.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 Equality and Cohesion Screening Assessments are carried out on the policies agreed at Licensing Committee which are used to inform decision making.

4.3 Council policies and City Priorities

4.3.1 The Taxi & Private Hire Licensing policies contribute to the following aims:

Best Council Plan

Towards being an Enterprising Council

Our Ambition and Approach

Our Ambition is for Leeds to be the best city and Leeds City Council to be the best council in the UK – fair, open and welcoming with an economy that is both prosperous and sustainable so all our communities are successful.

Our Approach is to adopt a new leadership style of civic enterprise, where the council becomes more enterprising, business and partners become more civic, and citizens become more actively engaged in the work of the city.

Our Best Council Outcomes

Make it easier for people to do business with us.

Our Best Council Objectives

Promoting sustainable and inclusive economic growth – Improving the economic wellbeing of local people and businesses. With a focus on: -

- Helping people into jobs;
- Boosting the local economy; and
- Generating income for the council.

Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city. With a focus on: -

- Getting services right first time; and

- Improving customer satisfaction.

4.3.2 The importance of air quality as an issue is also reflected in the Council's vision under our Best Council Plan. Our vision is for Leeds to be a healthy city in which to live, work and visit and we are working with partners to reduce emissions which will bring about health and wellbeing benefits including reducing premature deaths, improving health, promoting physical activity and reducing obesity levels. We are raising general health and environmental standards across the city through the promotion of walking and cycling. The Leeds Public Transport Improvement Programme is working to make improvements to the bus and rail networks which will enable reductions in congestion and greater modal shift, supporting a reduction in emissions.

4.3.3 The Taxi & Private Hire Licensing policies contribute to the following priorities: -

- Reduce crime levels and their impact across Leeds;
- Effectively tackle and reduce anti-social behaviour in communities; and
- Safeguarding children and vulnerable adults:

4.3.4 Leeds City Council has both a moral and legal obligation to ensure the duty of care for both children and vulnerable adults across all of its services. This cannot be achieved by any single service or agency. Safeguarding is ultimately the responsibility of all of us and depends on the everyday vigilance of staff who play a part in the lives of children or vulnerable adults.

4.4 Resources and value for money

4.4.1 The Taxi and Private Hire Licensing service is cost neutral to the council and by virtue of the Local Government (Miscellaneous Provisions) Act, 1976, raises its own revenue by setting fees to meet the cost of issuing and administering licences. While the Act does not specify enforcement as part of the service, UK law is commonly interpreted to include enforcement in the setting of fees.

4.4.2 These arrangements mean that if proposals are associated with additional costs, they will be funded via licence fees and will not place additional pressure on the council's budget. Conversely, it also means that the council will not run a significant budget surplus.

4.5 Legal Implications, Access to Information and Call In

4.5.1 There are possible legal implications dependent on the outcome of the review, but it is not subject to call in or publication.

4.6 Risk Management

4.6.1 The following risks are identified: -

- Risk of legal challenge: A number of other councils have been subject to threats of legal challenge on their driver conditions.

5 Conclusions

5.1 That a Members' Working Group be established to review the hackney carriage and private hire vehicle conditions at 3.3 of this report.

6 Recommendations

6.1 That Members agree to establish a Members' Working Group to review the hackney carriage and private hire vehicle conditions listed at 3.2 of this report.