

## Taxi & Private Hire Licensing – Review of vehicle policies and conditions

Date: 6 September 2022

Report of: Taxi & Private Hire Licensing Manager

Report to: Licensing Committee

Will the decision be open for call in?  Yes  No

Does the report contain confidential or exempt information?  Yes  No

### What is this report about?

#### Including how it contributes to the city's and council's ambitions

- This report sets out an overview of the council's vehicle policies and conditions, and the terms of reference for a review of the policies and conditions.
- Licensing Committee are asked to contribute to a review of the policies and conditions for the following:
  - Hackney carriage vehicles;
  - Private hire vehicles;
  - Non-standard vehicles (such as larger vehicles, executive private hire vehicles, novelty vehicles; and
  - Equipment and adaptations to vehicles (CCTV, advertising, screens).

### Recommendations

Licensing Committee members are recommended to:

- a) Note the background to the reviews and the initial supporting information.
- b) Consider the options for prioritising the order of the different policy/conditions.
- c) Agree to play a role in one of the working groups, an open day, in engagement or consultation.

### Why is the proposal being put forward?

- 1 The council has a range of policy and conditions applying to taxi and private hire vehicles. These policies and conditions require periodic reviewing and updating, involving engagement and consultation where changes are considered or recommended.

- 2 In December 2021, the council’s Licensing committee approved a prioritised order for policies and conditions to be reviewed, in line with the chapters of the council’s Taxi and Private Hire Licensing Policy.
  1. Vehicle policy review, including CCTV in vehicles
  2. Private Hire Operator policy review
  3. Decision making review
  4. Driver policy review
  5. Compliance and enforcement review
  6. Gathering and sharing information review
  
- 3 So the council’s vehicle policies and conditions would be the first to be reviewed, including engagement and consultation, and have the policies and conditions updated. The vehicle chapter of the council’s Taxi and Private Hire Licensing Policy would also be subsequently updated. Appendix A outlines the possible scope of four vehicle conditions working groups, for each of the four policy themes:
  - Hackney carriage vehicles;
  - Private hire vehicles;
  - Non-standard vehicles (such as larger vehicles, executive private hire vehicles, novelty vehicles; and
  - Equipment and adaptations to vehicles (CCTV, advertising, screens).

**What impact will this proposal have?**

<b>Wards affected:</b>	
Have ward members been consulted?	No

- 4 This report is significantly in advance of any proposals being developed or consultation with ward members.
- 5 When the exploration, engagement, consultation have concluded, it is possible that the council will have some different policies and conditions for taxi and private hire vehicles. If that is the case, the communication and implementation will need to be carefully considered for how the policies affect newly licensed vehicles and existing licensed vehicles.

**What consultation and engagement has taken place?**

- 6 This report is significantly in advance of any proposals being explored or consulted with the public, stakeholder groups, licensing authorities, vehicle manufacturers and converters, equipment providers, taxi and private hire trade.
- 7 The council recently consulted on changes to the Suitability policy, and will have a wide range of individuals and organisations who will be able to provide input to the policy and conditions reviews, some of whom may be helpful in contributing to the working groups.

## **What are the resource implications?**

- 8 There are potential resource implications of conducting a major review of vehicle policies and conditions.
- 9 It is possible that the council, as licensing authority, would incur additional time, effort, expense in researching new or alternative vehicles, visiting exhibitions and other authorities.
- 10 It is possible that the council, as licensing authority, would incur significantly additional time, expense in engaging and consulting, holding open days, when other taxi and private hire licensing work would not be undertaken.
- 11 In the longer term, it is possible that the council, as licensing authority, would incur additional time, effort, expense in communicating revised policies and addressing the transitional arrangements, such as licensed vehicles, which would be given some time to meet new standards.

## **What are the legal implications?**

- 12 The Local Government (Miscellaneous Provisions) Act 1976 sections 46, 47, 48, 49, 55, 56, 58, 60, 63, 64, 65, 66, 67, 68, 69, 71, and 75 permit the licensing authority to establish acceptable standards and attach conditions to a taxi or private hire licence.
- 13 The Policing and Crime Act 2017 section 177 permits the secretary of State to issue guidance to public authorities as to how their licensing functions under taxi and private hire legislation should be exercised so as to protect children and vulnerable individuals who are 18 or over, from harm. The same Act requires a public authority which has licensing functions under taxi and private hire legislation to have regard to that guidance.
- 14 The Equality Act 2010 June 2022 amendment changed UK law relating to the need for mobility equipment to be accommodated in taxi and private hire vehicles.
- 15 The Department for Transport has issued Statutory Guidance (2020) and consulted upon possible revised non-binding Best Practice Guidance (2022), both of which contain recommendations for taxi and private hire vehicle standards.

### *Equalities implications:*

- 16 Section 149 of the Equality Act 2010 sets out the Public Sector Equality Duty, whereby a public authority must, in the exercise of its functions, have due regard to the need to:
    - a) Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act.
    - b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
    - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- With regard to b) above, due regard must be given to the need to:
- d) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
  - e) Take steps to meet the needs of who share a relevant protected characteristic that are different from the needs of persons who do not share it.
  - f) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

g) The relevant protected characteristics include age, disability, gender reassignment, pregnancy and maternity, religion or belief, sexual orientation.

17 The duty is not a duty to achieve a result, but a duty to have due regard to the need to achieve the goals in section 149. The courts have also made it clear that the weight and extent of the duty is highly fact sensitive and dependent on individual judgment, and that is for the decision maker to decide how much weight should be given to the various factors informing their decision.

### **What are the key risks and how are they being managed?**

18 The primary risk is that vehicles are used as taxis and PHVs which are not sufficiently safe, suitable and comfortable. By applying a rigorous set of standards and conditions the council ensure that only vehicles which are safe, suitable and comfortable are approved and licensed for use as taxi and private hire vehicles. In addition, equipment and adaptations contribute towards the safety of passengers and the wider public.

19 A secondary risk is that the manufacture, supply and cost of taxi and private hire vehicles affects the availability of such vehicles, leading to unmet demand.

20 A third risk is that the demand for different types of vehicles by different types of passengers (notably older passengers, passengers with a disability or mobility need, children) cannot be satisfied in the Leeds taxi and private hire fleet.

### **Does this proposal support the council's three Key Pillars?**

Inclusive Growth

Health and Wellbeing

Climate Emergency

21 The proposed criterion aligns with the council's priorities for Health and Wellbeing. It places a priority on public and passenger safety.

### **Options, timescales and measuring success**

#### **What other options were considered?**

22 This report is significantly in advance of any proposals being explored or consulted with the public, stakeholder groups, licensing authorities, vehicle manufacturers and converters, equipment providers, taxi and private hire trade.

#### **How will success be measured?**

23 The aim of the review is to have an open, thorough and wide-ranging review and discussion about taxi and private hire vehicle policies and conditions, and their contribution to passenger safety, wellbeing and comfort. It would be regarded as a success to develop clear policy recommendations for consultation and subsequent implementation.

#### **What is the timetable for implementation?**

24 The intention is to circulate the suggested terms of reference for the reviews and the separate working groups imminently, and to initiate the exploration phase of the reviews in September, October and November 2022.

### **Appendices**

Appendix A Vehicle Review terms of reference

## **Background papers**

Leeds City Council taxi licensing policy

[Taxi and private hire licensing policy and procedures \(leeds.gov.uk\)](https://www.leeds.gov.uk/taxi-and-private-hire-licensing-policy-and-procedures)

Department for Transport Statutory Taxi & Private Hire Vehicle Standards

[Statutory & Best Practice Guidance for taxi and PHV licensing authorities \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/428222/statutory-taxi-and-phv-licensing-authorities-guidance)

Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities in England (consultation completed, currently under review)

[Taxi and Private Hire Vehicle Licensing. Best Practice Guidance for Licensing Authorities in England. \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/428222/taxi-and-private-hire-vehicle-licensing-best-practice-guidance-for-licensing-authorities-in-england)