

Report of:	Erik Scollay, Director of Adult Social Care and Healthcare Integration Mayor Andy Preston, Executive Member for Adult Social Care and Public Health
-------------------	--

Submitted to:	Single Executive Member Meeting – 9 th February 2022
----------------------	---

Subject:	Hackney Carriage and Private Hire Licensing Policy
-----------------	--

Summary

Proposed decision(s)
To seek Executive Member approval for two amendments to Middlesbrough’s Taxi Licensing Policies & Conditions.

Report for:	Key decision:	Confidential:	Is the report urgent? ¹
Decision	Yes	This is not a confidential report	No

Contribution to delivery of the 2018-22 Strategic Plan		
Business Imperatives	Physical Regeneration	Social Regeneration
These amendments will support the taxi trade in the delivery of their business.		The amendments as proposed will encourage employment in the delivery of local taxi services

Ward(s) affected
This will affect all wards.

¹ Remove for non-Executive reports

What is the purpose of this report?

1. The purpose of the report is to seek approval for two proposed changes to the Council's Taxi Policy following numerous requests from the Taxi Trade. The changes relate to the permitted vehicle age limit and window tints permitted for Hackney Carriage and Private Hire vehicles licensed by the Council.

Why does this report require a Member decision?

2. The decision needs to be approved by the Executive Member in line with statutory requirements and the Council's constitution.

Report Background

3. Taxi legislation allows each local authority to set the standards it requires of its drivers, vehicles and operators by imposing local policies and conditions. Therefore, standards can and do vary considerably across England depending on the needs of each district.
4. There are currently 9 Private Hire Operator licences, 525 private hire vehicles, 240 hackney carriage vehicles, 98 hackney carriage drivers, 586 private hire drivers and 409 combined driver licences issued by Middlesbrough Council.
5. For many years Middlesbrough Council have imposed an age policy for licensed Hackney Carriage and Private Hire vehicles which is amongst the highest standards of all of the North East local authorities.
6. In addition, the Council's current policy also requires window tints for the rear passenger windows in licensed vehicles to conform to specified minimum light transmission levels which is something that is not a requirement for regular motor vehicles under road traffic legislation - Road Vehicles (Construction and Use Regulations).
7. Traditionally it has been usual practice for Private Hire Companies to obtain licences for vehicles, drivers and operators from the Local Authority where they are based and where they intend to carry out the majority of their work.
8. However, in recent years, there have been changes in Taxi legislation which have permitted Private Hire Operators, Vehicle Proprietors and Drivers to obtain licences from other local authorities without ever intending to work in that local authority's area. In many cases the standards, conditions and policies set by other local authorities are considerably less than their own local authorities. This has resulted in private hire licence holders, who would have ordinarily obtained licences from Middlesbrough Council, obtaining private hire vehicle and driver's licences from Local authorities such as Wolverhampton City Council whilst operating exclusively in Middlesbrough and surrounding areas.
9. This is not just an issue of concern to Middlesbrough but is an issue concerning many local authorities across the country with Wolverhampton City Council licensed private hire vehicles and drivers operating in many of the major towns and cities in England.

10. The licensing of private hire vehicles by Wolverhampton City Council has also led to a decline in the number of private hire vehicles and drivers being licensed by Middlesbrough Council with many operators seeking private hire licences from Wolverhampton City Council over the last 4 years.

Review of Vehicle Age Policy for Private Hire and Hackney Carriage Vehicles.

11. There has been a vehicle age policy in Middlesbrough for over 25 years. The aim of the age policy is to maintain the quality and visual appearance of Middlesbrough's Taxi Fleet. In relation to the safety of vehicles, a stringent taxi vehicle test is carried out annually for vehicles less than 3 years old and every 6 months for vehicles over 3 years of age by the Council's MOT Testing Station.
12. Middlesbrough's current age policy only allows vehicles to be licensed if they are less than 3 years old when first licensed and for them to remain licensed up to 8 years of age (10 years for wheelchair accessible vehicles).
13. By way of comparison, Wolverhampton City Council's Policy allows vehicles to be licensed up to 12 years of age when first licensed and for them to remain licensed up to 17 years of age. As a result Wolverhampton City Council's licensed vehicle proprietors are able to purchase and licence older, less expensive vehicles for licensing and are able to run their vehicles for longer before having to find a replacement vehicle. Consequently, they have a significant advantage over Middlesbrough licensed vehicle proprietors and we now an increasing number of older private hire vehicles licensed by Wolverhampton City Council operating in Middlesbrough.
14. Stockton Council have also suffered a loss of vehicles and drivers to Wolverhampton City Council and have recently amended their vehicle age policy to allow vehicles to be first licensed up to 5 years of age and allow them to remain licensed up to 12 years of age, 15 years for wheelchair accessible vehicles.
15. Some members of the Middlesbrough licensed taxi trade have suggested an amendment to the Middlesbrough age policy to allow vehicles to be first licensed up to 5 years of age and for them to remain licensed up to 10 years of age (12 years for wheelchair accessible vehicles).
16. The taxi trade have stated that by allowing vehicles to be first licensed up to 5 years of age this will open up the possibility for proprietors purchasing ex lease vehicles, many of which do not come onto the market until the vehicles are over 3 years, by which time they are too old be licensed as taxis in Middlesbrough under the current policy. It is understood that significant savings can be made when purchasing ex lease vehicles.
17. Officers have considered the proposal put forward by the taxi trade. Vehicles will continue to be rigorously MOT safety tested by the Council's Taxi Testing Station every 6 months (for vehicles over 3 years old). Officers do not believe that the proposed amendment will impact on public safety in any way and they are supportive. Officers believe that amending the age policy to that detailed above will bring parity with other local authorities Taxi Licensing Service and will result in significant cost savings for the trade, many of whom have suffered significant financial hardship during the Coronavirus pandemic.

18. During the Coronavirus pandemic, a temporary extension to the age limit Policy, for those vehicles which were due to reach 8 years of age, was introduced as part of a range of measures to assist the trade with financial and business difficulties they were experiencing at this time. The other measures to assist the trade included:
- Shorter term licences for both drivers and vehicles giving the option for drivers to pay for 3 month licence and vehicles for 6 months.
 - Licence breaks for drivers who are unable to work during the crisis
 - 1 year Licence extensions for vehicles reaching the end of the Council's age policy
 - Access to Government funding to purchase protective screens in vehicles

Review of Window Tint Policy for Hackney Carriage and Private Hire Vehicles

19. Current legislation, The Road Vehicles (Construction & Use) Regulations 1986, for all vehicles driven in the UK requires that the windows on the vehicle allow at least:
- 75 per cent of light through the front windscreen and
 - 70 percent of light through the front side windows

The legislation on window tints does not apply to the rear windscreen or rear passenger windows.

20. For many years the Council's Taxi Policy has included a restriction on the **rear** window tints in vehicles used for Hackney Carriages and Private Hire vehicles. This policy was introduced primarily for public safety considerations. The Policy imposes a requirement on the rear passenger windows that:

"All rear windows of the vehicle shall have a minimum of 30% light transmission."

21. In recent years most vehicle manufacturers have started to introduce privacy glass in the rear passenger windows as standard. Many of these vehicles no longer meet the Council's Window Tint Policy and this has led to a number of vehicles failing the Council's Taxi Test. As a result vehicle proprietors have had to invest several hundreds, and in some cases thousands of pounds, to replace glass in vehicles in order for the vehicle to be able to meet the Council's Policy standard.
22. In some instances vehicle proprietors have chosen not to replace glass and have instead chosen to licence these vehicles with Wolverhampton City Council who do not have a Window Tint Policy. These vehicles, once licensed with Wolverhampton City Council can continue to operate as taxis in Middlesbrough.
23. There is no national standard for window tints in Hackney Carriages and Private Hire vehicles in the UK, each local authority can have a different standard.
24. However, the Department of Transport's Best Practice Guidance for Taxi and Private Vehicles (para 30), published in 2010 encourages licensing authorities to be mindful of the large costs and inconvenience associated with changing glass. Its states:

'Tinted windows 30 - The minimum light transmission for glass in front of, and to the side of, the driver is 70%. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in estate and people carrier style vehicles. When licensing vehicles, authorities should be mindful of this as well as the large costs and inconvenience associated with changing glass that conforms to both Type Approval and Construction and Use Regulations.'

25. In addition, Middlesbrough Taxi Trade have informed Officers that in some instances where proprietors have attempted to change the glass in vehicles in order to meet the Council's Policy they have invalidated the warranty on their vehicle.
26. Considering the above, officers are proposing the Window Tint Policy should be removed for vehicles that are manufactured with privacy glass as standard, however the policy prohibiting after-market film tinting of windows should remain in place. Officers believe that there are other adequate measures in place to protect the public, such as rigorous vetting and safeguarding training for drivers, which mean that the Window Tint Policy is no longer necessary.
27. The two proposed amendments have been considered by the Chair and Members of the Licensing Committee and approval was granted for Officers to consult on the amendments.

Consultation

28. A consultation letter was sent out on 18 October 2021 (Appendix 1) explaining the proposed policy changes and inviting comments to all members of the taxi trade, elected Members and the external consultees as listed in the Council's Private Hire and Hackney Carriage Licensing Policy.
29. Twenty eight replies were received, of which 26 were from the taxi trade and 2 from elected Members. A summary of the responses and relevant comments is given in Appendix 2.
30. One of the trade responses was on behalf of the Middlesbrough Hackney Carriage Association, which has 181 Members, which supported both proposals.
31. Another response, submitted by a vehicle proprietor and driver, was accompanied by a petition with 91 signatories rejecting the proposals for the amendment to the age limit on the grounds of environmental concerns relating to vehicle emissions.
32. Responses were also received from Boro Cars and Royal Cars whom are Private Hire Operators who operate approximately 475 and 46 Private Hire vehicles respectively. Both operators were in favour of the both amendments.
33. The remaining 24 responses are summarised as follows:

	For	Against	No comment
Proposal to change vehicle age limits	19	4	1
Proposal to change window tint requirement	14	0	10

34. Two of the responses opposing the amendment to the age policy have expressed concerns about the impact on the environment caused by older vehicles in terms of vehicle emissions and state that they would be willing to move towards licensing electric vehicles.
35. In 2020 and 2021 officers attended a number of meetings hosted by the TVCA with a view to introducing electric vehicles into Taxi Fleets within the Tees Valley Authorities. Discussions were held with the Taxi Trade who expressed a number of concerns such as:
- The high costs associated with purchasing electric vehicles
 - Concerns about mileage range of electric vehicles
 - The lack of electric charging infrastructure around the Town Centre Taxi Ranks and in close proximity to Private Hire Operating bases.
36. It was felt that in order for electric taxis to operate effectively in Middlesbrough there needed to be significant investment in electric charging points (particularly rapid chargers) to alleviate the need for taxis to spend large periods off the road whilst batteries were being recharged.
37. This led to the Tees Valley Combined Authority (TVCA) submitting a bid to the European Regional Development Fund for funding for the installation of Electric Vehicle Charging Points across the Tees Valley which was ultimately unsuccessful.
38. Whilst the move towards a fully electric taxi fleet in Middlesbrough would be welcomed the above challenges in relation to infrastructure and purchasing costs need to be addressed before any such Policy can be introduced. A more phased approach to reviewing the taxi fleet is planned to be carried out over the next 3-5 years, and the long term transition to electric vehicle will be included, subject to national guidance and to meet legislative requirements.

What decision(s) are being asked for?

39. That the Executive Member approves the following changes to the Taxi Policies and Conditions in relation to Hackney Carriage and Private Hire Vehicle Age Policy and Window Tints:
- **That the vehicle age limits be extended to allow vehicles to be licensed up to 5 years old when first licensed and to remain licensed until they reach the upper age limit of 10 years (12 years for certain types of wheelchair accessible vehicles).**
 - **That the vehicle must be fitted with glass which is in accordance with current Vehicle (Construction and Use) Regulations prescribed in respect of the normal zone of vision i.e. the front windscreen 75% light transmittance and the front door windows 70% light transmittance. All remaining windows to the rear of the B pillar may have tint complying to original manufacture specification. No retrospective fitting of tinted windows shall be fitted. No unapproved self-adhesive material (tinted or clear) shall be affixed to any part of the glass’.**

Why is this being recommended?

40. The amendments will provide parity other Local Authority standards, particularly Wolverhampton City Council.
41. To assist the Taxi Trade who have suffered financial hardship caused by the Coronavirus pandemic as the proposed amendments will lead to significant financial savings by the trade and will allow licensed vehicles be operated for longer before needing to be replaced.

Other potential decisions and why these have not been recommended

42. The Council could decide to retain both of the existing Policies, however, it is likely that this will lead to more vehicle proprietors choosing to licence their vehicles with local authorities which will lead to a further loss of local control over licensed vehicles operating in Middlesbrough. It would also maintain a significant financial advantage for proprietors licensing their vehicles with Wolverhampton City Council.

Impact(s) of recommended decision(s)

43. Officers believe that by amending both policies it will lead to more licensed vehicles being retained in Middlesbrough giving the Council greater control over the vehicles allowing the Council to maintain a fleet of high quality licensed vehicles. It may also lead to an expansion of licensed vehicle numbers as vehicles become more affordable, particularly for self employed owner drivers.

Legal

44. As stated above taxi legislation allows each Local Authority to set the standards it requires of its drivers, vehicles and operators by imposing local policies and conditions. These policies and conditions are reviewed periodically to ensure they are kept up to date and reflect national guidance and any local needs.

Financial

45. The Taxi Licensing function is self financing and is sustained by the licence fees from Private Hire Operators, Vehicles and Drivers. The current movement of drivers and vehicles to Wolverhampton City Council has resulted in a loss of income from licence fees. The proposed amendments are unlikely to have any negative financial impact on the Council and may lead to increased income from licence fees should vehicle licence numbers increase. There will also be a significant financial saving for the Taxi Trade.

Policy Framework

46. Taxi legislation allows each Local Authority to set the standards it requires of its drivers, vehicles and operators by imposing local policies and conditions. The amendments to the Taxi Policy will assist the Taxi Trade in Middlesbrough and allow more local control of

vehicles operating in Middlesbrough. There would be no significant impact on the policy framework.

Equality and Diversity

47. An Equality Impact Assessment has been completed and is attached to this report (Appendix 3). Whilst there is evidence that a large percentage of the Taxi Trade in Middlesbrough are from ethnic minority groups there will be no negative, differential impact on any of the diverse groups and communities associated with this report.

Risk

48. These minor policy changes for Hackney Carriage and Private Hire vehicles have been widely consulted upon and responses received. The taxi trade could legally challenge any amendments to the policies and conditions but officers believe that this is unlikely. There were 28 responses to the consultation with the vast majority of trade responses being in favour of the proposed amendments.

Actions to be taken to implement the decision(s)

49. The amended Policy will be applied to all new vehicle licence applications and existing licence renewals from the date of approval.

Appendices

Appendix 1 – Consultation letter

Appendix 2 – Summary of Consultation responses

Appendix 3 - Equality Impact Assessment

Background papers

The following background papers were used in the preparation of this report;

- Current Middlesbrough Council Taxi Policy
- Department of Transport Taxi Best Practice Guidance 2010

Contact: Tim Hodgkinson/ Judith Hedgley

Email: tim_hodgkinson@middlesbrough.gov.uk, judith_hedgley@middlesbrough.gov.uk

Appendix 3

Equality Impact Assessment Level 1: Initial screening assessment

Subject of assessment:	Approval for 2 amendments to Middlesbrough's Taxi Licensing Policies & Conditions			
Coverage:	All Hackney Carriage and Private Hire vehicles licensed by Middlesbrough Council			
This is a decision relating to:	<input type="checkbox"/> Strategy	<input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Service	<input type="checkbox"/> Function
	<input type="checkbox"/> Process/procedure	<input type="checkbox"/> Programme	<input type="checkbox"/> Project	<input type="checkbox"/> Review
	<input type="checkbox"/> Organisational change	<input type="checkbox"/> Other (please state)		
It is a:	New approach:	<input type="checkbox"/>	Revision of an existing approach:	<input checked="" type="checkbox"/>
It is driven by:	Legislation:		Local or corporate requirements:	
Description:	Review of Hackney Carriage and Private Hire Vehicle Policy			
Live date:	Date of approval			
Lifespan:	Ongoing			
Date of next review:	A full Policy review is due to take place by June 2022 to reflect changes to National Taxi standards			

Screening questions	Response			Evidence
	No	Yes	Uncertain	
<p>Human Rights Could the decision impact negatively on individual Human Rights as enshrined in UK legislation?¹</p>	√	<input type="checkbox"/>	<input type="checkbox"/>	It is considered that the implementation of the policy will not have an unjustified or disproportionate adverse impact upon any of the groups affected by these amendments.
<p>Equality Could the decision result in adverse differential impacts on groups or individuals with characteristics protected in UK equality law? Could the decision impact differently on other commonly disadvantaged groups?*</p>	√	<input type="checkbox"/>	<input type="checkbox"/>	It is considered that the implementation of the policy will not have an adverse differential impact on groups or individuals with characteristics protected in UK equality law, or other commonly disadvantaged groups
<p>Community cohesion Could the decision impact negatively on relationships between different groups, communities of interest or neighbourhoods within the town?*</p>	√	<input type="checkbox"/>	<input type="checkbox"/>	It is considered that implementation of the policy will not have a negative impact upon the community.
<p>Next steps:</p> <ul style="list-style-type: none"> ➡ If the answer to all of the above screening questions is No then the process is completed. ➡ If the answer of any of the questions is Yes or Uncertain, then a Level 2 Full Impact Assessment must be completed. 				

Assessment completed by:	Tim Hodgkinson	Head of Service:	Judith Hedgley
Date:		Date:	

¹ Consult the Impact Assessment further guidance appendix for details on the issues covered by each of these broad questions prior to completion.

