

*PART A

Report to: Licensing Committee
Date of meeting: 17 July 2019
Report of: Group Head of Community and Environmental Services
Title: Interim Update Report, Vehicle Licensing Policy 2019-2024

1.0 Summary

- 1.1 At the Licensing Committee on 20 November 2017, Members agreed on the need for the creation of a new vehicle licensing policy for hackney carriage and private hire vehicles. A review would look at the entirety of the current policy in light of emerging trends and technology and would support the Accessible Transport Project.
- 1.2 The new policy should address a range of issues brought about by technology and its rapid development; such as electric vehicles, autonomous vehicles, CCTV and app booking systems. As part of continuous work to improve accessibility to transport, this policy should seek to address a number of ongoing issues, such as the use of door signs, livery and numbers of wheelchair accessible vehicles.
- 1.3 The policy will be presented to the committee on 21 October 2019.
- 1.4 Members are asked to consider this interim report and options contained within which will be put forward for formal consultation as a result of work to date. Members are asked to make suggested amendments to these proposals as required.

2.0 Risks

2.1

Nature of Risk	Consequence	Suggested Control Measures	Response (Treat, tolerate, terminate, transfer)	Risk Rating (the combination of severity and likelihood)

Not continuing with review	Vehicle licence conditions are in need of updating. There is a danger that current pace of change in the industry will present the licensing authority with questions regarding suitability that the current policy cannot answer	Ensure continuation of review and decision on new policy at Committee in October 2019	Treat	High
Not continuing with review	Failure to address issues raised in disability accessible report and ongoing commitments to improving accessibility	Ensure continuation of review and decision on new policy at Committee in October 2019	Treat	High
Legal challenge from failure to properly consult	Negative perception of council and its licensing functions, and challenge through the Courts	Carry out consultation in accordance with the Government's published principles of consultation	Treat	2

3.0 RECOMMENDATIONS

- 3.1 That the Committee is asked, subject to any changes suggested by the Committee, to approve the draft policy proposals as set out in appendix 7 for final consultation between 25 July and 21 September 2019.

Contact Officer:

For further information on this report please contact:

Jamie Mackenzie, Business Compliance Officer

Telephone extension: Extension 8520

email: jamie.mackenzie@watford.gov.uk

Report approved by: Justine Hoy, Head of Community Protection

4.0 DETAILED PROPOSAL

- 4.1 The council has powers under section 47 and 48, Local Government (Miscellaneous Provisions) Act 1976 to apply conditions to licences granted for hackney carriage or private hire vehicles.
- 4.2 There have been a number of updates and changes to policies for both hackney carriage and private hire vehicles since 1976. Many conditions are now standardised between the two types of vehicle licence but some distinctions remain such as the use of roof signs, door signs and taxi meters.
- 4.3 The last comprehensive review of the policies for vehicle licences both hackney carriage and private hire took place in 2015.
- 4.4 Current vehicle licence conditions and policy can be found at appendices 1, 2, and 3.
- 4.5 There are a number of principles guiding the review of the vehicle licensing policy. These are:
 - The policy must provide confirmation for passengers, residents, visitors and other road users of the standards of safety and professionalism that are expected and can be found by those offering taxi and minicab services in Watford.
 - Any new policy must provide clear guidance to businesses operating or looking to operate hackney carriage (taxi) or private hire (minicab) services in Watford.
 - The policy must allow for consistency in decision making by officers of the council.
 - In creating this policy the council will take advice, conduct detailed research and consult with a number of bodies, and the public. All views will be considered and a proportionate outcome reached.
 - All policies are the starting point for decisions.

- The policy will carry significant weight when applied to any decision. However, all decisions are taken on the merit of the individual case and where an applicant wishes to challenge a policy there is a lawful mechanism to do so by application to the Magistrates Court.
- When an applicant wishes to apply for a licence outside of the conditions within a policy, consideration must be given to that application. Certain unique situations may be referred to within any policy but any application will be by way of full consideration.

5.0 Consultations to date

- 5.1 Between 21 November 2018 and 31 March 2019, a transport questionnaire asked members of the public and trade representatives for responses on a wide range of transport, taxi and private hire specific questions. These questions were designed to assist in narrowing the issues at hand and to begin the formation of a number of proposed conditions. The questionnaire was promoted on the council's social media channels and stakeholders were contacted directly by text message. It is general practice to remind attendees at the professional driver update course of all upcoming consultations, surveys and questionnaires.
- 5.2 There were 76 responses in total, 32 from members of public and 44 from those within the trade. A summary of responses can be found at appendix 4. Responses came from across the Borough.
- 5.3 In order to inform policy significant research was carried out in to the latest trends and developments within the licensed trade, vehicle construction, environmental impact and technology more broadly. Whilst there are too many individual facts and trends to report here, key findings are:
- When choosing a service the majority of questionnaire respondents said they are most concerned about safety.
 - Accessibility and the creation of an accessible service are likely to remain decisions for local licensing authorities for the foreseeable future despite expected statutory guidance from the Department for Transport.
 - Autonomous vehicles are unlikely to be available soon and may never be available due to technical difficulties.
 - There is a growing school of thought that technology should assist rather than replace drivers.

- Harmful emissions from internal combustion engines, particularly diesel engines, are decreasing though any positive impact this may have relies on owners upgrading to the newest models.
- Towns and cities have now implemented, or are considering implementing, clean air zones with daily charges for access to vehicles that do not reach the latest euro emission standards. London is the most obvious example of this.
- The age of a vehicle may not necessarily impact directly on its overall safety as a well maintained vehicle can remain safe for many years.
- New electric vehicles are likely to have significantly longer lifespans than traditional vehicles as they have far fewer moving parts. They also do not carry oil which is also a pollutant if the vehicle is poorly maintained.
- Some minimum legal standards may be insufficient for licensing purposes (tyre tread, for example).
- The current electric vehicle charging infrastructure is inadequate to support large scale use of EV's as taxis and private hire vehicles. This is now at the beginning of being addressed coherently at a local and regional level.

5.4 On 3 and 4 July 2019, two drop in consultation sessions were held at the Watford Town Hall. Over the two days, attendees were presented with information on the proposed changes, information on current licence conditions for comparison purposes (see appendix 5), background information on the development of the trade and transport in general, and a further survey of suggested changes to policy informed by the earlier questionnaire (see appendix 6).

5.5 The number of people attending these sessions will be confirmed to the committee when this report is presented. The sessions were advertised in the local press, by text message to stakeholders and via the council's social media channels. Details of the survey responses received at these drop ins will also be discussed at the committee.

5.6 A series of proposals must be agreed for publication by 25 July 2019. The resulting consultation on these will close on 21 September 2019 - prior to final consideration of the revised policy by the Licensing Committee on 21 October 2019. A draft of the proposals can be found at appendix 7.

5.7 The vehicle licensing policy does not form part of the council's Sustainable Transport Project. However, Members should be aware of the significant cross-over between these projects and the aims of the Sustainable Transport Project in general. It is clear that any

policy concerning taxi and private hire vehicles will have significant impact on access to transport, clean air, and congestion within Watford.

6.0 Implications

6.1 Financial

6.1.1 The Shared Director of Finance comments that there are no financial implications in this report.

6.2 Legal Issues (Monitoring Officer)

6.2.1 The Group Head of Democracy and Governance comments that members will have to have regard to the outcome of the consultation when making their final decision. An equalities impact analysis of the proposed new conditions will also need to be undertaken and considered by members.

Appendices

- *Appendix 1 Current Hackney Carriage vehicle licence conditions*
- *Appendix 2 Current Private Hire Vehicle licence conditions*
- *Appendix 3 Current Private Hire Vehicle licence policy (additional)*
- *Appendix 4 Questionnaire Summary*
- *Appendix 5 Current licence conditions for comparison*
- *Appendix 6 Survey on proposed new or amended conditions*
- *Appendix 7 Proposed conditions for public consultation (25 July 2019)*

Background Papers

Vehicle Licensing for the Future
WBC Hackney Carriage Byelaws

File Reference