

Title of meeting: LICENSING COMMITTEE

Date of meeting: 22 MARCH 2019

Subject: Town Police Clauses Act 1847 and Part II, Local Government (Miscellaneous Provisions) Act 1976
Hackney Carriage and Private Hire Matters - Amendments to Statement of Licensing Policy

Report by: DIRECTOR OF CULTURE, LEISURE AND REGULATORY SERVICES

Wards affected: ALL

Key decision: No

Full Council decision: No

1. Purpose of report

1.1 The purpose of this report is twofold. Firstly, it is for the Committee to consider and approve amendments to its current statement of licensing policy for the hackney carriage and private hire trade in Portsmouth so far as they relate to age specifications for vehicles. Secondly, to determine whether it would wish officers to prepare a future report, together with any relevant evidence, in order to review any other aspect of the policy that the Committee considers is necessary.

2. Recommendations

2.1 **a) That the Licensing Committee approve the proposed amendments in respect of age specifications for private hire and hackney carriage vehicle licences as follows;**

(i) That the Statement of Licensing Policy (reference - minute 9/2016) be amended as follows:

That, as a matter of local policy and condition for both hackney carriage and private hire vehicle licences; all private hire and hackney carriage vehicles presented for initial licensing shall be under 4 years of age on first licensing and may remain licensed until 8 years of age and provided the vehicle is mechanically fit and supported by an evidenced service history in line with the manufacturer's guidelines.

- (ii) That any vehicle presented for a temporary use licence shall be under 2 years old and provided the vehicle is mechanically fit and supported by an evidenced service history in line with the manufacturer's guidelines.
- (iii) As a consequence of the change in policy in relation to age specifications, that the existing mechanical testing for both types of vehicles be varied as follows:

Vehicles 0 - 4 years of age - 1 full test per year;
Vehicles 4 years of age and over - 2 full tests per year.

Any reference within the policy to "mini-tests" to no longer apply.

b) That the Committee grant delegated authority to the Head of Culture, Leisure and Regulatory Services to:

- (i) consider and determine applications for continued licensing of exceptional hackney carriage or private hire vehicles between the ages of 8 years and 10 years on individual merit and the scheme of delegation as set out in the policy be amended accordingly;
- ii) to prepare appropriate guidance to applicants seeking permission to extend the age specification in respect of individual licensed vehicles;
- (ii) charge a reasonable application fee for such applications (subject to public consultation).

c) if considered necessary, to instruct officers to prepare a future report, together with any available evidence, that would support any review of any of the aspects of the current statement of licensing policy.

3. Background

3.1 On 24 February 2016, the Licensing Committee considered and approved its Statement of Licensing Policy (minute no. 9/2016 refers). This decision was noted and the recommendations and resolutions arising from the Licensing Committee were approved by Council on 22 March 2016 (minute no. 27/2016 refers).

3.2 In addition, Council delegated approval to the Licensing Committee to retain overall responsibility for the policy, to include any future amendments, variations, substitutions or deletions as may be required and after appropriate consultation.

- 3.3 As 3 years have now elapsed since the adoption of the policy, it is appropriate for the Committee to undertake a review of its policy and make any appropriate changes or amendments if it considers it necessary and appropriate to do so. Attached as **Appendix A** is the current statement of licensing policy.
- 3.4 The primary objective of the Committee in relation to licensing of vehicles is to ensure that licensed hackney carriages and private hire vehicles are maintained to the highest standards and that the public have access to safe, clean, environmentally friendly and comfortable vehicles.
- 3.5 Hackney Carriage and Private Hire Trade representatives have canvassed both the Licensing Service and Members via the Consultative Group Meetings, for consideration to be given to amend the current policy relating to vehicle age limits. Reasons given for this amendment include reference to the limitations of purchasing ex-fleet/lease hire vehicles which are normally made available for retail sale after 3 years.
- 3.6 Members gave tacit approval, in principle, to extend the entry age requirement for vehicles from 3 years to 4 years provided the empirical evidence from the Council's nominated vehicle inspector supported this proposal. Attached as **Appendix B** is a summary of vehicle testing for the last 5 years which shows a significant decrease in numbers of vehicle test failures for younger vehicles. This has been more evident since the introduction of the age policy restrictions in 2016.
- 3.7 The current policy recognises a drive towards licensing a fleet of younger, cleaner and greener vehicles and highlighted at the time that the Licensing Authority, in discussion with those responsible for environmental health issues, should wish to consider how far their vehicle licensing policies can and should support any local environmental policies that the local authority may have adopted.
- 3.8 The Council is required through a Ministerial Directive to produce an Air Quality Plan to achieve compliance city-wide with legal limits for nitrogen dioxide. The Council is therefore currently looking at various measures to improve air quality in the city under the guidance of DEFRA. Such schemes include promoting and incentivising the purchase of OLEV and ULEV taxis and private hire vehicles. Obviously these measures are reliant upon the support of the trade to purchase these vehicles and it would be appropriate in those circumstances to consider ways of incentivising a change to such vehicles which could include future consideration by the Licensing Committee of amending its policy to extend the maximum period of licensing for those specific types of vehicles.
- 3.9 The Assistant Director of Transport, Environment and Business Support (in consultation with the Cabinet Member for Traffic and Transportation) has been asked to advise the Committee of the likely impact on air quality in the City if the Licensing Authority were to extend the maximum age limit of all licensed

vehicles (petrol and diesel) from the current restriction of 8 years to 10 years. This advice is set out in paragraphs 3.10 and 3.11 below.

- 3.10 It is acknowledged that one of the main sources of nitrogen dioxide in the city's air are emissions from road vehicles. In 2017 the Council commissioned a Source Apportionment Study which identified that of all road vehicles, cars and taxis were the greatest contributors to mean annual concentrations of nitrogen dioxide. Changes to emissions standards over time have reduced the levels of pollution produced by vehicles, therefore older vehicles still on the road are likely to be the heaviest polluters. However, fully electric and hybrid-electric vehicles produce much lower levels of nitrogen dioxide, meaning an 8 year old electric or hybrid-electric taxi or private hire vehicle will have a much smaller negative impact on air quality than a comparable diesel or petrol vehicle.
- 3.11 It is therefore considered that encouraging the use of petrol and diesel vehicles over the age of 8 years would not be consistent with the Council's aim, and legal duty, to make improvements to air quality in the city. However, applications for continued licensing of hackney carriage or private hire vehicles between the ages of 8 years and 10 years could be supported where the vehicle is an electric or hybrid vehicle.
- 3.12 Based upon the considerations for the improvement of air quality in the city and in order to continue to maintain the improvement of standards in licensed vehicles evidenced since the introduction of the policy it is strongly recommended that any discretion in terms of extending the age restriction of a petrol/diesel vehicle over 8 years shall only be in accordance with the recommendations set out in 2.1(b) of this report.
- 3.13 The second purpose of this report is to address any other areas of the current statement of licensing policy that the Licensing Committee would wish to be reviewed. Members are requested to consider what policy considerations they would wish to see amended, and in what respect, in order that officers may bring a future report to the Committee, with appropriate guidance and evidence to enable them to make any further informed changes.

4. Reasons for recommendations

- 4.1 In accordance with the provisions of the policy, the Committee endorsed in 2016 that a review will take place every 3 years, if required.
- 4.2 Since the inception of the statement of licensing policy, a number of representations have been received from the taxi and private hire trade in terms of amendments to the policy.
- 4.3 The Licensing Service would recommend a number of minor amendments to the policy to clarify certain requirements and to recognise current and imminent legislative arrangements.

5. Equality impact assessment (EIA)

5.1 A preliminary EIA has been completed and is attached as **Appendix C**.

6. Legal Implications

6.1 The legal implications are embodied in this report and associated appendices.

7. Finance Comments

7.1 None applicable directly to this report but recommended guiding principles for "Fees and Charges" are contained within Chapter 16 of the statement of licensing policy.

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Signed by:

Appendices:

- Appendix A - Current Statement of Policy for Hackney Carriage and Private Hire**
- Appendix B - Summary of vehicle mechanical testing from 2014 - 2018**
- Appendix C - Preliminary Equality Impact Assessment**

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

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Signed by: