

Cabinet

27th November 2018

Name of Cabinet Member:

Cabinet Member for City Services – Councillor Innes

Director Approving Submission of the report:

Deputy Chief Executive (Place)

Ward(s) affected:

All Wards

Title:

Taxi Licensing Matters

Is this a key decision?

'No – Although the matter may affect all Wards in the City, it is not anticipated that the impact will be significant'

Executive Summary:

Changes in legislation and technological advances have prompted a review of the requirements and processes undertaken for holders and applicants of driver, vehicle and operator licences within Coventry. Alongside this review a consultation has been undertaken to allow key stakeholders to share their views on proposed changes aimed to ensure that the processes undertaken by Coventry City Council in providing licences are robust and current ensuring that:-

- only “fit and proper” individuals hold a licence in Coventry
- licensing processes are upto date and accessible
- taxi services in Coventry meet the needs of their customers

In addition the report provides detail on the proposal to consult on a move away from age based vehicle licensing restrictions to a requirement based on emissions, in support of Local Air Quality Management (LAQM) requirements.

Following recent requests the report also provides details on the proposal to allow Pedicabs and Tuk Tuks to be licensed within Coventry and the approval to retain the current limit on the number of hackney carriage vehicle licences that can be issued.

Recommendations:

The Cabinet is recommended to:

1. Update and replace the existing Private Hire Operator Conditions of Licence to incorporate requirements around the use of automated systems including the provision to allow licences to be granted to operators based outside of Coventry subject to specific requirements.

2. Authorise the attachment of the conditions as set out in Appendix A to future private hire operators licences granted and;
3. Revoke all existing Private Hire Operators' licences and immediately renew them subject to the conditions set out in Appendix A
4. Authorise the implementation of changes to current processes for new and existing driver and vehicle licence holders following consultation with key stakeholders
5. Authorise the proposal to consult on a move away from age based vehicle licensing restrictions to a requirement based on emissions
6. Authorise the conditions as set out in Appendix D regarding Vehicle Conditions for licensing Pedicabs and Tuk Tuks
7. Approve the continuation of the existing limit on the number of hackney carriage vehicle licences at 859 in accordance with the recommendations in the recent hackney carriage vehicle unmet demand survey

List of Appendices included:

- Appendix A – Proposed new Private Hire Operators Conditions of Licence (amendments highlighted for clarity).
- Appendix B – Current Private Hire Operators Conditions of Licence
- Appendix C - Consultation document – proposed changes to current processes for new and existing driver and vehicle licence holders
- Appendix D - Proposed new Vehicle Conditions of Licence for Pedicabs and Tuk Tuks

Background papers:

None

Other useful documents:

1. Hackney Carriage Vehicle Unmet Demand Survey Report (CTS Traffic & Transportation Ltd in association with Social Research Associates) August 2018
http://www.coventry.gov.uk/downloads/download/1283/coventry_unmet_demand_report
2. 28 September 2011 Cabinet Report –
[http://democraticservices.coventry.gov.uk/Data/Cabinet%20Member%20\(City%20Services\)/201109281000/Agenda/03%20-%20Taxi%20Services%20Review.pdf](http://democraticservices.coventry.gov.uk/Data/Cabinet%20Member%20(City%20Services)/201109281000/Agenda/03%20-%20Taxi%20Services%20Review.pdf)

Has it been or will it be considered by Scrutiny?

No.

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No.

Will this report go to Council?

No

Report Title – Taxi Licensing Matters

1. Context (or background)

1.1. **Part 1 – Proposal – To update and replace the existing Private Hire Operator Conditions of Licence to incorporate requirements around the use of automated systems including the provision to grant licences to operators based outside of Coventry, subject to specific requirements.**

- 1.1.1. Coventry City Council currently license 16 private hire operators of which nine use an automated system (such as an App) as their primary method of accepting and recording journeys undertaken. The use of these systems as part of the record keeping system is increasing.
- 1.1.2. The five larger Coventry licensed Private Hire Operators also accept bookings via mobile phone Apps. Central Taxis have 13,000 registered individual users of their App and the other 4 have several hundred registered individual App users.
- 1.1.3. It is likely that as technology advances more private hire operators (existing and new) will move to introduce or increase the use of automated systems. Consideration is therefore required to incorporate requirements regarding the use of these systems into Coventry City Council licensing policies and processes to ensure continued safety to the public and to allow Operators and drivers licensed by Coventry to remain competitive.
- 1.1.4. The increasing advances in technology mean that more information is now being sent and received remotely without the need to make personal contact or speak directly with service providers. Historically, with one exception it has been custom and practice to encourage private hire operators to have their business premises located in the city of Coventry. To allow for the changes in the way that businesses communicate with their service users and to let Coventry licensed drivers have access to this work via their Operators it is proposed to incorporate requirements into current conditions that cover Operators that use solely automated systems and / or have premises not located within Coventry.
- 1.1.5. It is proposed that any Operator utilising a solely automated (web based) system (whether located in Coventry or outside) would be required to provide remote access to their system to the council for all required information which would otherwise be available in a manual system.
- 1.1.6. In addition Operators with premises not located in Coventry would be required to have offices located within a reasonable distance to ensure that officers are able to obtain access to records quickly and efficiently where required.
- 1.1.7. Proposed changes to the conditions of the Private Hire Operators licences to cover the use of automated systems and locations of offices outside of Coventry can be found in Appendix A.

1.2. **Part 2 - Proposal – To implement changes to current processes for new and existing driver and vehicle licence holders following consultation with key stakeholders**

- 1.2.1. The council recently consulted with key stakeholders on proposals to amend and update current process and policy concerning:-
 - a. The proposal to make it mandatory for all private hire taxis and hackney carriages to be able to accept non cash payment
 - b. The implementation of mandatory disability and child sexual exploitation refresher training for existing licence holders (drivers)

- c. The allowance for light transmittance (tinting) of windows for vehicles classified solely as executive vehicles
- d. The way that suitable levels of communication and numeracy are assessed for new driver applicants
- e. The way that applicants for new private hire driver licences are tested to confirm their knowledge and understanding of the area (road knowledge)

The consultation document can be found in Appendix C.

- 1.2.2. The consultation was sent to all Coventry licensed drivers, operators and proprietors alongside local disability and other representative groups. 268 responses were received.
- 1.2.3. The results of the consultation showed that proposals a. through to d. were generally supported with up to 83% of respondents indicating that they were not concerned with the suggested changes. It is therefore proposed that these changes are implemented as proposed.
- 1.2.4. Responses to the proposal (e.), to change the way that road knowledge is tested for new applicants of private hire driver licences received 212 responses with 50.47% of respondents indicating that they were not concerned with the suggested changes and 49.3% indicating concern, prompting further consideration.
- 1.2.5. The original proposal was to remove the requirement for new applicants of private hire driver licences to have to undertake and pass a road knowledge test. Considering the responses to the consultation this proposal has been amended with a new proposal to introduce a new test specifically designed for private hire drivers which must be undertaken and passed in order to gain a licence.
- 1.3. **Part 3 – Proposal - to consult on a move away from age based vehicle licensing restrictions to a requirement based on emissions**
 - 1.3.1. Under the Local Air Quality Management (LAQM) system, local authorities are required to assess air quality in their area and designate Air Quality Management Areas (AQMA's) if they find the limit values for certain pollutants are being exceeded or are likely to be exceeded in the future. If an AQMA is declared, then the local authority must produce an action plan to improve air quality.
 - 1.3.2. In Coventry, the levels of nitrogen dioxide (NO₂) were forecast to exceed the limit values within the stator timescale so a citywide AQMA was declared in 2009. Nationally 700 AQMA's have been declared, mostly because of high NO₂ levels. NO₂ is produced by burning fuel in air, the major sources of which are road vehicles but also domestic and commercial heating, and air travel.
 - 1.3.3. In 2014, the European Union commenced legal action against the UK for failing to meet the limit values for NO₂ in 16 of 43 air quality zones, one of which is the West Midlands. The air quality directive required that each zone meets the limit value by the end of 2015 but most cities' plans show that compliance will only be achievable by 2020, or in the case of London, 2025.
 - 1.3.4. The current policy for licensing taxi's is that no hackney carriage more than 10 years old (from date of registration) or private hire vehicle more than 6 years old (from date of registration) will be licensed. Exceptions are made where the condition of the vehicle is considered to be "exceptional", having regards to the condition of its bodywork and interior, mechanical condition and mileage.
 - 1.3.5. Recognising the negative environmental impact that an ageing taxi fleet has and the need to improve air quality Coventry City Council intends to consult with various stakeholders on the proposal to replace the existing age policy with a policy that concentrates on vehicle emissions rather than age specifically.

1.3.6. The implementation of any change in policy will be phased to allow the taxi trade time to plan for vehicle replacements where necessary. The details of this phasing will also form part of the consultation and can be seen in 6.3.

1.4. Part 4 – Proposal - To implement new Conditions of Licence to allow Pedicabs and Tuk Tuks to be licensed

1.4.1. Following confirmation of the City of Culture 2021 there have been enquiries concerning the licensing of Pedicabs and Tuk Tuks in the City. As these vehicles do not conform to current conditions of fitness for vehicles it is proposed that separate conditions of licence for Pedicabs and Tuk Tuks are adopted (proposed conditions at Appendix D).

1.4.2. Coventry requires its licensed drivers to undertake several tests, including road knowledge, driving assessment and wheelchair assessment. As Pedicabs and Tuk Tuks are not envisaged, apart from the Railway Station, travelling outside the inner ring road and as these vehicles are not accessible to wheelchair passengers and are not driven in the same manner it is proposed that any drivers required to be licensed as drivers for Pedicabs and Tuk Tuks will not be required to undertake these tests and assessments and would be required to undertake training specifically identified for use with these vehicles. Subsequently any driver licensed to drive a Pedicab and / or Tuk Tuk would not be able to drive normal taxis unless the relevant application, tests and assessments were undertaken and passed.

1.4.3. Pedicabs and Tuk Tuks would be licensed as private hire vehicles and would only be permitted to accept pre booked fares received through a Coventry licensed private hire operator. In addition they would be required to only be fitted with electric or zero emission capability motors / engines. Pedicabs would be required to be fitted with an electric motor used either to power the vehicle unassisted, or to assist with pedaling.

1.5. Part 5 – Proposal - Approve the continuation of the existing limit on the number of traditional hackney carriage vehicle licences at 859 in accordance with the recommendations in the recent hackney carriage vehicle unmet demand survey.

1.5.1. On 28 September 2011 Cabinet Member (City Services) introduced a limit on the number of hackney carriage vehicle licences in Coventry at 859. A decision to continue a limit policy requires an unmet demand survey to be undertaken at maximum intervals of every three years as endorsed in the report dated 28 September 2011. In accordance with this requirement Coventry City Council has commissioned CTS Traffic & Transportation Ltd to undertake an unmet demand survey which has been published in August 2018.

1.5.2. The results of the survey did not identify any required changes to the current limit of 859 vehicles and can be found at:

http://www.coventry.gov.uk/downloads/download/1283/coventry_unmet_demand_report

2. Options and recommended proposals

2.1. To update and replace the existing Private Hire Operator Conditions of Licence to incorporate requirements around the use of automated systems including the provision to grant licences to operators based outside of Coventry, subject to specific requirements

2.1.1. To authorise the amendments to the conditions attached to the grant of private hire operator licences as set out in Appendix A; and to

2.1.2. Revoke all existing Private Hire Operators' licences and immediately renew them subject to the conditions set out in Appendix A.

2.2. To Implement changes to current processes for new and existing driver and vehicle licence holders following consultation with key stakeholders by:-

- 2.2.1. making it mandatory for all private hire taxis and hackney carriages to have the facility to accept card and contactless payment via an approved device
- 2.2.2. introducing mandatory Disability and Child Exploitation refresher training for all licensed drivers to be undertaken prior to the issue, renewal or re-grant of their licence
- 2.2.3. including light transmittance criteria requirements on the list of exemptions for vehicles classified solely as executive vehicles
- 2.2.4. removing the requirement for applicants of driver licences to have to undertake the current level 3 communication and literacy test and to incorporate numeracy and literacy testing within the driver training session
- 2.2.5. removing the requirement for new applicants of private hire driver licences to undertake the current road knowledge test and to introduce a new test specifically designed for private hire drivers which must be undertaken and passed in order to gain a licence

2.3. To authorise the proposal to consult with key stakeholders on the intention to move away from age based vehicle licensing restrictions to a requirement based on emissions

- 2.3.1. To implement a phased emission based condition for the licensing of hackney carriage and private hire vehicles with the following requirements:-

Date from	Currently Licensed Vehicles	New Vehicle Applicants
1 st January 2019	Only vehicles with an emission rating of Euro 3 or above to be renewed	Required to meet Euro 6 emission standards
1 st January 2020	Only vehicles with an emission rating of Euro 4 or above to be renewed	Required to have zero emission capability
1 st January 2022	Only vehicles with an emission rating of Euro 5 or above to be renewed	Required to have zero emission capability
1 st January 2024	Only vehicles with zero emission capacity to be renewed	Required to have zero emission capability

- 2.3.2. In addition to the requirements detailed in 6.31 all licensed vehicles will be required to be no older than 15 years from the first date of registration.

2.4. To authorise new Private Hire Vehicle Conditions of Licence as set out in Appendix D. to allow Pedicabs and Tuk Tuks to be licensed

- 2.5. **To approve the continuation of the existing limit on the number of hackney carriage vehicle licences at 859 in accordance with the recommendations in the recent hackney carriage vehicle unmet demand survey.**

3. Results of Consultation Undertaken

None

4. Timetable for implementing these decisions

- 4.1. Subject to approval of the recommendations this will commence forthwith unless subject to consultation.

5. Comments from Director of Finance and Corporate Services

5.1. Financial implications

Taxi Licensing is a ring fenced budget within the Place Directorate. The cost will be paid by the applicant driver. Any on-going impact will be addressed in future fee reviews.

5.2. Legal implications

The Council has powers to suspend or revoke, or refuse to renew an operator's licence on any of the following grounds:-

- (a) any offence under, or non-compliance with, the provisions of the Local Government Miscellaneous Provisions Act 1976;
- (b) any conduct on the part of the operator which appears to the council to render him unfit to hold an operator's licence;
- (c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted;
 - (ca) that the operator has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (d) any other reasonable cause.

The Council also has powers to attach conditions to new or renewed operator's licences where it is considered reasonably necessary to do so. It does not have any powers to vary a licence once issued. An Operator aggrieved by the suspension or revocation of their existing licence, or by the conditions attached to the grant of a licence has a statutory right of appeal to the local Magistrates' Court.

6. Other implications

6.1. How will this contribute to achievement of the Council's Plan?

It will help to facilitate improvements in the taxi services available to the people of Coventry, which will contribute towards ensuring that people in wheelchairs are correctly & safely secured in hackney carriages and the taxi drivers licence skills are proficient; making the city a safer place.

6.2. How is risk being managed?

Through established reporting and governance arrangements.

6.3. What is the impact on the organisation?

None.

6.4. Equalities / EIA

Having Coventry City Council licensed drivers suitably assessed as to their driving capability and competence in using wheelchairs will have a beneficial effect on passengers and the general public in Coventry

6.5. Implications for (or impact on) the environment

None

6.6. **Implications for partner organisations?**

Improvements in taxi services will benefit partner and other organisations, in terms of improving the safety, availability and value for money of taxis in Coventry.

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