



Report to Policy Committee

Author/Lead Officer of Report: Craig Harper,
Licensing Strategy and Policy Officer

Report of: Executive Director Operational Services
Report to: Waste and Street Scene Policy Committee
Date of Decision: 23rd November 2022
Subject: Private Hirer Operator and Vehicle Licence Policy

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If YES, what EIA reference number has it been given?	Ref: 972			
Has appropriate consultation taken place?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below.				
"Appendix D is not for publication because it contains exempt information under Paragraph 1 of Schedule 12A of the Local Government Act 1972 (as amended)."				

Purpose of Report:

The Licensing Authority is seeking approval of the Private Hire Operator and Vehicle Licence Policy.

The policy provides information and guidance on:

- applications
- decision-making
- enforcement

In providing a publicly available document, it allows:

- transparency
- accountability
- consistency

Recommendations

That Members of the Committee approve the Private Hire Operator and Vehicle Licence Policy to come into force on 1st February 2023.

Background Papers:

There are no background papers associated with this report.

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: James Lyon
		Legal: Sarah Bennett
		Equalities & Consultation: Louise Nunn
		Climate: Jessica Rick and Laura Chippendale
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	SLB member who approved submission:	Ajman Ali
3	Committee Chair consulted:	Councillor Joe Otten
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: Craig Harper	Job Title: Licensing Strategy and Policy Officer
	Date: 23rd November 2022	

1. PROPOSAL

- 1.1 The licensing authority is responsible for the regulation of private hire operators and vehicles in the district of Sheffield.
- 1.2 Primary legislation regulates the industry, namely the Local Government (Miscellaneous Provisions) Act 1976
- 1.3 More recently, the Policing and Crime Act 2017 enabled the Secretary of State for Transport to issue statutory guidance in exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using such services.
- 1.4 In July 2020, the Department for Transport therefore issued Statutory Taxi and Private Hire Vehicle Standards and it is a requirement for authorities to implement the recommendations contained within unless there is a compelling reason not to. A copy of the Standards can be found at Appendix A.
- 1.5 The licensing authority already has a publicly available Private Hire Operator and Vehicle Licence, first published in 2016.
- 1.6 The authority has now reviewed the policy. It is designed to:
- Provide individuals with a clear, consistent basis for submitting applications
 - Provide a clear, consistent basis for determining licence applications
 - Provide licensees with information on licensing requirements throughout the time they are licensed
- 1.7 The licensing authority has always sought to set some of the highest standards in the country and be recognised for delivering best practice. The review continues to assert this position and further enhances the requirements first developed in 2016. The primary focus is the protection of the public, but in particular, safeguarding children and protecting the vulnerable.
- 1.8

This report seeks the approval of the revised policy (Appendix H).

2. HOW DOES THIS DECISION CONTRIBUTE?

- 2.1 The policy is designed to:
- Provide individuals with clear, consistent, and concise guidance to all those who need to use it:
 - Licensing Authority Officers in processing applications
 - Applicants when making an application

- Provide a clear, consistent basis for determining licence applications:
 - Allowing structured and evidenced-based decision making for Officers and Councillors
 - Achieve compliance with legislative, statutory, and local standards:
- Supporting wider strategies and initiatives specific to operator and vehicle licensing

2.2 The policy will positively assist the Council to deliver and achieve its aims and visions for the City: To be successful and safe to all who choose to enjoy, live, work, and study in Sheffield.

3. HAS THERE BEEN ANY CONSULTATION?

3.1 A formal 8-week consultation was undertaken, beginning 14th March 2022. The following organisations were invited to make comment:

- Licensees
- Elected Members
- Local Members of Parliament
- Sheffield City Council Transport Services
- Sheffield Disability Groups
- Sheffield Safeguarding Children's Board
- South Yorkshire Police
- Neighbouring Local Authorities
- Institute of Licensing
- Chambers of Commerce
- Sheffield Public Health Service
- Local Licensees
- Campaign for Better Transport
- National Association of Licensing and Enforcement Officers
- Pubwatch

3.2 A total of 123 responses were received, 112 of which were Sheffield licensees. A copy of the responses can be found at Appendix D.

3.3 Responses were received by email, directly to the Licensing Service and through the council's consultation hub, Citizen Space.

3.4 Citizen Space asked a number of specific questions to help inform the policy. A report, detailing the results, can be found at Appendix C.

3.5 The version of the policy that we consulted on can be found at Appendix F.

- 3.6 Amendments made post consultation (both informed by the consultation and reflecting changes that had taken place since the start of consultation e.g. new legislation) can be found at Appendix E.
- 3.7 A copy of the policy with tracked amendments post consultation can be found at Appendix G; a copy without tracked changes (for ease of reading) can be found at Appendix H.
- 3.8 A number of stakeholder engagement sessions were held post consultation to further understand comments received during the consultation process, specifically the use of vehicle signage. Comments and information in relation to signage can be found at Appendix I.
- 3.9 Views of the Licensing Committee were sought at a briefing on 11th November and included:

Private Hire Operators

Use of telephone number for customers to make a booking

Private Hire Vehicles

Signage

The use of signage to identify a private hire vehicle is necessary in order to protect public safety.

Rear licence to be permanently fixed

Age Limits

- Age limits for newly licensed diesel and petrol vehicles to be lowered; age limits for newly licensed Zero Emission Capable to be increased.
- Proposal of lower age limits:
 - 4 years for petrol and diesel
 - 7 years for Zero Emission Capable.
- Maintain the recommended upper age limits

Window Tints

Ensure that any replacement glass, if damaged, is the same standard as what was originally installed.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality Implications

- 4.1.1 An Equality Impact Assessment was undertaken at the outset and has been under review throughout. A copy is attached at Appendix B.

4.2 Financial and Commercial Implications

- 4.2.1 Although there are no direct financial implications arising as a result of policy, there is a risk that staff and processing costs may increase. However, there will be opportunity to mitigate any additional cost in the forthcoming fees and charges review.

4.3 Legal Implications

- 4.3.1 S177 Policing and Crime Act 2017 states any public authority which has licensing functions under taxi and private hire vehicle legislation must have regard to any guidance issued under this section. The guidance issued is the Statutory Taxi & Private Hire Vehicle Standards issued in 2020. Therefore, as setting this policy will impact how the Council exercises those functions in setting this policy regard must be had to the statutory guidance.

- 4.3.2 Although the Council is not required to have a policy it is a clear recommendation of the statutory guidance that 'all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards'. The Council has had a published policy since 2016. The statutory guidance requires when formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public.

- 4.3.3 The policy should be reviewed every five years. Interim reviews should be considered where significant issues have arisen.

- 4.3.4 This report and appendices set out how that is achieved.

- 4.3.5 In setting this policy the Council should intend that the Licensing Committee who will deal with a large number of cases, ensure that cases will be dealt with in a standard way: applying the same criteria and attaching the same weight in each case, and so ensuring consistency and administrative efficiency. Whilst it is lawful and essential for fairness and consistency in decision making for decision makers to have a policy each case will have to be decided on its particular facts and is particularly important in taxi licensing cases involving human rights. The Council can be challenged for both failing to depart from policy in a case where its aims are not undermined by the departure; or for departing from policy in cases where it should be applied to maintain its aims of protecting the public.

4.4 Climate Implications

- 4.4.1 The policy sets out, in terms of the vehicle specification, the standards and requirements for those vehicles wishing to be licensed as a private hire vehicle. This includes, amongst other things age and emission standards.

- 4.4.2 The vehicle specification proposes that the current standard of requiring all newly licensed vehicles to be under 5-years old when first licensed, therefore complying with the current Euro 6 standard (the Euro 7 emissions standard is likely to be brought in from 2025 but details are yet to be finalised).
- 4.4.3 Euro 6 petrol and diesel vehicles will continue to be licensed for up to 9 years and Zero Emission Capable vehicles will be allowed to be licensed for up to 12 years, so long as they continue to pass all tests and licensing requirements.
- 4.4.4 From January 2027, all newly licensed vehicles must be Zero Emission Capable.
- 4.4.5 In setting age limitation criteria it enables the newest and cleanest vehicles to be licensed and ensures that upgrades are made regularly. Those vehicles that are currently Euro 4 petrol and Euro 6 diesel will meet the requirements of the planned Clean Air Zone and will not be charged. Maintaining this requirement ensures that the wider Council objectives, such as the *10-point Plan for Climate Action* are worked towards – net zero by 2030.
- 4.4.6 The consultation document proposed a Zero Emission Capable requirement from 2025, but responses received asked for this to be relaxed. Due to current price and demand of vehicles, coupled with longer than anticipated delivery times, the Licensing Authority is now proposing an implementation of that requirement to be extended to 2027.
- 4.4.7 Maintaining the current upper age limit for diesel and petrol vehicles ensures a regular upgrading of vehicles; extending the upper age limit for Zero Emission Capable vehicles provides incentives for such a purchase, enabling an extra three-year licensable period.
- 4.4.8 At the time of writing, there are currently 1310 (71%) diesel, 23 (2%) petrol, 479 (26%) hybrid and 25 (1%) electric vehicles.
- 4.4.9 The majority of licensees are self-employed and are therefore responsible for sourcing and purchasing vehicles. Some operators may provide financial support and there is planned support through the Council's Clean Air Programme.
- 4.4.10 An 8-week consultation exercise was undertaken earlier this year, the results of which can be found in the attached appendices. The comments received have helped to shape the revised draft.
- 4.4 Other Implications
- 4.4.1 There are no other implications as a result of implementing the policy.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 There are no alternative options under consideration.

6. REASONS FOR RECOMMENDATIONS

6.1 The Department for Transport recommends that licensing authorities make publicly available a cohesive policy document and to review this document every five years.

6.2 The licensing authority already has in place a *Private Hire Operator and Vehicle Licence Policy* document which has now been reviewed to take into account the recommendations in the Department for Transport 's *Statutory Taxi and Private Hire Vehicle Standards*.

6.3 The document is designed to:

- Provide individuals with a clear, consistent basis for submitting applications
- Provide a clear, consistent basis for determining licence applications
- Provide licensees with information on licensing requirements throughout the time they are licensed

6.4 It is recommended that Members approve the policy in order for the updated recommendations be implemented.