



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: 15th February 2023
Subject: Hackney Carriage 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: 973			
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"Appendix D is not for publication because it contains exempt information under Paragraph 1 of Schedule 12A of the Local Government Act 1972 (as amended)."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 Hackney Carriage 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 Hackney Carriage Vehicle Licence Policy to come into force on 1st March 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/Ed Sexton 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: 15 th February 2023	

1. PROPOSAL

- 1.1 The licensing authority is responsible for the regulation of hackney carriage vehicles licensed in the district of Sheffield.
- 1.2 Primary legislation regulates the industry, namely the Town Police Clauses Act 1847 and 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 does not currently have in place a Hackney Carriage Vehicle Licence Policy, instead a hackney carriage vehicle specification and other information sets the standard for vehicles in Sheffield.
- 1.6 In implementing a policy, it will:
 - 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 This report seeks the approval of the 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 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 76 responses were received, 74 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 was 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.

3.9 Views of the Licensing Committee were sought at a briefing on 27th January. The following points were raised:

- Consideration to permit Euro 6 compliant vehicles with restrictions on age limits
- Concerns over the viability of allowing only Zero Emission Capable vehicles from 2027 due to the current supply and availability of such vehicles
- More consideration given to the voluntary removal of vehicle partition in rear-loading vehicles

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 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 defines the standards and requirements for vehicles wishing to be licensed as a hackney carriage, including, amongst other things, age, and emission standards.

4.4.2 The revised vehicle specification proposes new age limits:

Diesel and petrol vehicles must be at least Euro 6 compliant and under seven years of age when granted their first licence.

Zero Emission Capable vehicles must be under seven years of age when granted their first licence.

Licensable Period

Diesel and Petrol vehicles will be licensed up to 15 years of age.

Zero Emission Capable vehicles will be licensed up to 20 years of age.

As of 1st January 2027, all newly licensed vehicles must be Zero Emission Capable (ZEC)

Existing licensed vehicles will continue to be licensed for the periods stated above.

4.4.3 The draft policy proposed that from January 2025 all newly licensed vehicle must be Zero Emission Capable; however, due to comments received, current prices, demand, and longer than anticipated delivery times, the proposal is to now introduce from January 2027.

4.4.4 Maintaining age criteria means that only the cleanest and newest vehicles are licensed.

4.4.5 Those vehicles that are Euro 6 diesel standard will be compliant with the Clean Air Zone requirements and will therefore not be charged for entering.

4.4.6 The cleanest vehicles, but more importantly those that are Zero Emission Capable, will enable wider Council objectives to be worked towards, such as the 10-point Plan for Climate Action – net zero by 2030.

4.4.7 At the time of writing, the majority of hackney carriage vehicles are diesel, many of which are diesel Euro 4 standard. Only a small percentage are Euro 6 or Zero Emission Capable. We will continue to track numbers of different standards of vehicle to demonstrate the impact of the policy. It is not currently possible to calculate exact carbon emissions impacts of vehicle

switching as annual mileage of individual vehicles is not known and the Euro standards do not include specific CO2 emissions targets.

- 4.4.8 The majority of licensees are self-employed and are therefore responsible for sourcing and purchasing vehicles. New electric and hybrid hackney's are extremely expensive compared to their fossil fuel counterparts – an electric/hybrid is around £70K, whereas a Euro 6 diesel is somewhat cheaper.
- 4.4.9 It is thought likely, initially at least, that people will opt for the cheapest option, which will be a Euro 6 diesel, compliant with the CAZ. This compromise is deemed a necessary step, as moving directly to hybrid and electric will see the hackney fleet decimated and will have knock on effects on the availability of wheelchair accessible vehicles.
- 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.

4.5 Other Implications

- 4.5.1 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 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
- 6.3 It is recommended that Members approve the policy in order for the updated recommendations be implemented.

This page is intentionally left blank