



Minutes

Licensing committee

16:40 to 18:00

9 June 2016

Present: Councillors Button (chair), Woollard (vice chair following election), Ackroyd, Brociek-Coulton, Davis, Driver, Herries, Jones (T), Malik, Price and Raby

Apologies: Councillors Jones (B) and Thomas (Vi)

1. Appointment of vice chair

Following a vote it was:-

RESOLVED to appoint Councillor Woollard as the vice chair for the ensuing civic year.

2. Declarations of interest

There were no declarations of interest.

3. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 10 March 2016.

4. Amendments to the Norwich Hackney Carriage and Private Hire licensing policy to include a safeguarding code of conduct and mandatory awareness training requirements.

The licensing manager presented the report. He said that the first tranche of training was free of charge but going forward, there would be a charge for this. This would either be a standalone fee or would be included in the license fee. The licensing manager said that training sessions would be held throughout the year and he had suggested that the training provider make video presentation which would be suitable for small audiences.

Members discussed whether taxi operators should also be included in the training. The licensing manager said that an option of a star rating system for taxi operators was being considered and attending a training session could form part of this.

(As Councillor Raby had left the room during the discussion, he did not take part in the vote on the resolutions).

RESOLVED to:

- 1) Approve a drivers code of conduct for inclusion in the 'green book'; and
- 2) Include a mandatory requirement for safeguarding awareness training in the driver's licenses grant / renewal application process.

5. Hackney carriage and private hire licences – Consideration of criminal conduct, improper behavior and complaints relating to existing licence holders and new applicants.

The licensing manager presented the report. He explained that an amendment was required to the existing policy to allow officers at head of service level to revoke a licence in the interest of public safety.

RESOLVED, unanimously, to amend section 21 of the above policy to read "A licence may be suspended or revoked by an officer of the council , of at least head of service level, with immediate effect in the interest of public safety..."

6. Police Reform and Social Responsibility Act 2011: Late Night Levy

The licensing manager presented the report. He said that the Government was looking at introducing changes to the late night levy and he was unsure of what these would be. He said that starting a consultation would be poorly timed as any changes by the Government would need to form part of this.

RESOLVED to ask the licensing manager to bring a report on the introduction of a late night levy before the licensing committee once changes from the Government had been published.

7. Members of the licensing committee serving on licensing sub committees

The licensing manager presented the report.

RESOLVED to note that members from inside and outside the relevant ward may sit on licensing sub committees.

8. Hackney carriage licensing policy

(An updated version of the covering report was circulated to members and is appended to these minutes)

The licensing manager presented the report and circulated a letter received from the Hackney Trade Association. Craig Dimpleby, representative and secretary of the Hackney Trade Association, said that they were in support of adopting the 15 year age

limit proposal.

In response to a member's question, the licensing manager said that changing the policy would make enforcement much simpler and would allow Hackney Carriage drivers a degree of financial certainty when purchasing a new vehicle. A cap of 15 years would also ensure that the policy would not need to be updated to reflect changes in the European emissions standards.

He suggested an implementation date of 1 April 2017 for any new policy as this would fit in with the end of the current policy.

RESOLVED to:

- 1) adopt the London Policy of a maximum age of 15 years for a Hackney Carriage with a maximum age at first licensing of 5 years; and
- 2) to implement the new policy from 1 April 2017

9. Standing item – Regulatory subcommittee minutes

RESOLVED to receive the minutes of the regulatory subcommittee meetings held on 14 March 2016 and 9 May 2016.

CHAIR

Report To Licensing Committee
9 June 2016

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Report of Head of Citywide Services

Subject HACKNEY CARRIAGE Licensing Policy

Purpose

For members to consider whether alterations are required to the existing hackney carriage licensing policy, currently governed by vehicle exhaust emissions.

Recommendation

That members consider the options as set out in the report and direct officers as appropriate.

Corporate and service priorities

The report helps to meet the corporate priority of a safe and clean city and the service plan priority of protecting the interests of the public through the administration of the licensing function.

Financial implications: None

Ward/s: All wards

Cabinet member: Councillor Kendrick – Neighbourhoods and community safety

Contact officers: Tony Shearman, licensing manager 01603 212761

Background documents: None

1.0 Report

- 1.1 Hackney carriage vehicle licences are issued by Norwich City Council. At the time of writing this report there were 241 licences issued.
- 1.2 Prior to 2012 the ages of the vehicles licenced were restricted by 2 conditions of the licence:-
 - a. On initial licensing the age of the vehicle shall not exceed 5 years unless passed by the Director of Organisational Development as in exceptionally good condition.
 - b. The age of the vehicle shall not exceed 10 years unless passed by the Director of Organisational Development as in exceptionally good condition.
- 1.3 These conditions did not place any maximum age limit on an existing licenced vehicle, provided it met the criteria of being in 'exceptionally good condition'. This criteria had historically proven difficult to quantify and subsequently difficult to properly enforce, leading to a number of the licensed vehicles being older and of questionable exceptionally good condition.
- 1.4 At the Licensing committee meeting of 20 December 2012, following a consultation, members agreed to introduce a policy to control the issue of hackney carriage licences by introducing a rolling program of compliance with exhaust emissions restrictions, using the standard Euro emissions requirements applied to all European vehicles, as a basis. A copy of this report and minutes are attached at appendix A
- 1.5 In summary the licensing policy was amended to require all newly licenced vehicles to be Euro V complaint. Existing licensed vehicles to be Euro III complaint by April 2015, Euro IV complaint by April 2017 and Euro V complaint by April 2019.
- 1.6 An exemption was also introduced to deal with the situation where an existing licensed vehicle was written off and an equivalent replacement was provided, but did not meet the Euro V requirement for newly licensed vehicles.
- 1.7 Albeit that the improvements in emissions standards of the licenced fleet is a positive step environmentally, the introduction of this policy and importantly the particular timings, have highlighted 3 significant issues.
- 1.8 The first is that although all licensed hackney carriages should be Euro V compliant by April 2019, there is no ongoing requirement to keep up with future emissions regulation (Euro 6 is already mandatory for all new vehicles in Europe), and therefore without further constant updates to the policy, the fleet may become aged, returning to the situation in 2012.
- 1.9 Secondly where there is a discrepancy regarding the standard that a particular vehicle is adhering to, the cost of testing to assess the emissions standard is prohibitive, as the only way to do it is via the laboratory rolling road test.

1.10 The third, and more significant issue to persons within the trade, is the premature culling of significant numbers of vehicles.

1.11 The anticipated realistic life of a hackney carriage is considered to be 15 years. This is a major consideration for drivers purchasing new or nearly new vehicles, as financing them must be spread over a significant period of time due to the high cost of these specialist vehicles, some of which cost in excess of £40,000. A reasonable idea of the working life of the vehicle must be assured when committing to such a purchase.

1.12 This 15 year age limit has been recognised in London, as from January 2012 Transport for London, which licence London hackney carriages, have applied the following restriction which sees all vehicles (with some limited exemptions) taken out of service at 15 years old.

From 1st January 2012, no licence will be issued to a vehicle over 15 years of age as calculated from the date on which the vehicle was first registered under the Vehicle and Excise Registration Act 1994.

1.13 Due to the dates for compliance with the various emissions requirements contained within our current policy, a significant number of our existing licensed vehicles will be unable to be licensed at a much earlier age than 15 years, some as little as only 9 years old.

1.14 Unfortunately we do not currently hold details of the registration date of all the licensed hackney carriages, so exact figures are not known, however it is estimated that approx. 80 currently licenced vehicles, will become un-licensable between now and April 2019, having served between only 9 and 14 years from new.

1.15 This has caused uncertainty within the trade, as not only is the finer detail of the emissions driven policy difficult to understand, there is reticence with regard to the purchasing of newer vehicles as it is not known at what point further emissions standards are likely to be brought in to augment the current policy that stops at Euro V.

2.0 Options

2.1 The committee could consider the following options:-

- A. Make no alteration to the current policy
- B. Keep the current policy but move the dates for compliance with the various Euro Standards to allow a longer period.
- C. Keep the current policy with existing dates for compliance, but introduce an exemption that allows newer vehicles falling foul of an emissions trigger point, to allow them to continue to be licensed until a specific age, possibly 15 years.
- D. Adopt the London Policy of a maximum age of 15 years. This option would need to have an additional condition requiring a maximum age at first licensing, 5 years could be considered appropriate, to ensure that the entire fleet did not consist of only older vehicles.

2.2 The main pros and cons of the above options are as follows:-

A. Pros

- The current policy introduces a rolling system of introducing tightening emissions requirements, contributing to improving air quality in the district.

Cons

- There is no rolling introduction of updated emissions requirements after 2019, potentially leading to stagnation of the fleet and failure to continue having an ongoing positive impact on air quality.
- A significant number of existing licensed vehicles will be forced out of service earlier than expected at considerable expense to the vehicle proprietors.
- Difficulties with understanding the finer points of the requirements and testing contested vehicles.

B. Pros

- Would allow vehicles forced out of service early by the current policy to continue for longer, extending their working life to a more suitable age.

Cons

- The rolling system of introduction of improved standards would take longer
- There would still be no rolling introduction of updated standards past the end of the amended dates.
- Vehicles already at the end of their realistic working life at the current trigger point would be allowed to be licenced for even longer if the trigger date was moved.
- Difficulties with understanding the finer points of the requirements and testing contested vehicles.

C. Pros and Cons – Essentially the same as B. above, except that there would be the advantage that any vehicles that were already at the end of their realistic working life at the current trigger date, would be weeded out at that time.

D. Pros

- Simpler and easier to understand for the trade and licensing officers alike.
- Rolling system of compliance with updated Euro emissions regulations by introducing a maximum age at first licensing.
- Rolling system of automatically weeding out of older, more polluting vehicles at 15 years old.
- Would allow vehicles forced out of service early by the current policy to continue for longer, extending their working life to a more suitable age.

Cons

- A very limited number of vehicles that are exceptionally well cared for, could potentially be automatically weeded out at 15 years old, but may still be serviceable.
- Albeit that there would be a rolling system of introducing newer vehicles and weeding out of old ones, the lead in time to compliance with the current Euro III, IV and V requirements would be slower.

2.3 A number of bodies/persons linked with the taxi trade in Norwich have been verbally consulted with, namely the Norwich Hackney Trade Association, who

represent the majority of drivers, and also Melvyn Cooke, David Hankin and Shaun Browne, who between them licence 81 of the 241 (correct at 27/5/2016) hackney carriages, mainly for rental to other licensed drivers. There was overwhelming support for the London based 15 year maximum age system, to replace the existing emissions based policy.