

Report to Licensing committee
9 June 2016
Report of Head of citywide services
Subject Hackney Carriage licensing policy

Item

10

Purpose

To consider a minor alteration to the policy with regard to the council's consideration of criminal convictions and allegations, improper behaviour and complaints relating to licensed hackney carriage and private hire drivers.

Recommendation

That members resolve to include the minor alteration as detailed in the report.

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 At the last Licensing committee meeting, 10 March 2016, members agreed to introduce the policy as attached at appendix A.
- 1.2 Section 21 of the policy sets out the circumstances whereby an officer of the council, of at least Head of Service level, may suspend a hackney carriage or private hire drivers licence in the interests of public safety.
- 1.3 In the past, interim suspension of such a licence has been considered an appropriate method of ensuring public safety is maintained, whilst a formal outcome is awaited, where serious allegations are concerned.
- 1.4 As a result of a court case, R-Singh-v-Cardiff-City-Council-2012-EWHC-1852-Admin – copy attached at appendix B, and advice from our legal advisors, interim suspension of a licence, pending the outcome of an investigation or court case, may not be option available to the local authority. This is due to the courts' opinion that any suspension is considered a final outcome of the consideration of a case, rather than an interim measure, as detailed in para. 103 of the decision.
- 1.5 Therefore, in order for the Head of Service to be able to deal appropriately with allegations of a serious nature against a licensed driver, consideration would need to be given as to whether a licence revocation would be necessary, taking into account the full details available at the time.
- 1.6 As the current policy only caters for the Head of Service to suspend a licence, it is recommended that section 21 is amended to include the words 'or revoked' as set out below:-

'21. Suspensions / Revocations

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

2.0 Options

The Committee may

- Grant the policy update as requested
- Refuse to grant the policy update requested
- Amend the policy update as they see fit.

Report to Licensing
20 December 2012
Report of Head of citywide services
Subject Hackney carriage vehicle and driver licensing

Purpose

To consider the results of public consultation asking whether the council should apply specific age limits in respect of hackney carriage vehicle licences; and review standards relating to exhaust emissions.

Recommendation

That members resolve to adopt with effect from 1 April 2013 the proposed hackney carriage vehicle licence conditions detailed in paragraph 9 of the report.

Corporate and service priorities

The report helps to meet the corporate priority 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 Driver – Environment and neighbourhoods

Contact officers

Ian Streeter, licensing manager

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Background

1. At the meeting of the Licensing committee on 14 June 2012 members considered a report containing the results of a public consultation which asked whether the council should:
 - restrict the number of hackney carriage vehicle licences issued;
 - apply specific age limits in respect of hackney carriage vehicle licences;
 - review standards relating to exhaust emissions;
 - amend the licensing criteria for hackney carriage vehicle drivers; and
 - clarify the hackney carriage vehicle mechanical fitness test.

A copy of the report and subsequent minute is attached at appendix A.

2. Members resolved to:
 - (1) with seven members voting in favour (Councillors Barker, Button, Kendrick, Lay, Manning, Price and Wright) and two members against (Councillors Neale and Stammers), not to place a numerical limit on the number of hackney carriage vehicle licences issued by the authority;
 - (2) to defer consideration of the adoption of the proposed hackney carriage vehicle licence conditions detailed in paragraph 32 of the report and the potential impact on accident insurance to the next licensing committee;
 - (3) to implement a computerised system to test the route knowledge, language, numeracy skills and 'Green Book' knowledge of applicants for hackney carriage drivers licences;
 - (4) to agree a review of the byelaws, regulations and conditions applicable to hackney carriage and private hire vehicle proprietors, drivers and operators ('The Green Book'); and
 - (5) to ask the head of city development services to consider the feasibility of providing additional taxi rank spaces.
3. Clarification was sought from the Norwich Hackney Trade Association over the "potential impact on accident insurance" which would result from the adoption of the proposed hackney carriage vehicle licence conditions.

Revised hackney carriage vehicle licence conditions

4. Paragraphs 23 to 32 of the report at appendix A relate to reviewing the standards in respect of hackney carriage vehicle exhaust emissions. One of the proposed conditions read:

(3) On initial licensing the vehicle must meet the Euro V exhaust emission standards by virtue of the vehicle's date of manufacture.

The issues raised by the Norwich Hackney Trade Association over the "potential impact on accident insurance" were in relation to this proposed condition. Specifically, the Association's concerns were in respect of the

situation that could arise where an existing licensed hackney carriage vehicle which had been involved in an accident was 'written off' by the insurance company and the financial settlement provided by the insurance company would be insufficient to purchase a replacement hackney carriage vehicle which would comply with the proposed condition.

5. Members are asked to consider the revised condition below which should address the concerns raised by the Norwich Hackney Trade Association.

(3) (i) On initial licensing the vehicle must meet the Euro V exhaust emission standards by virtue of the vehicle's date of manufacture.

(ii) A vehicle is exempted from the requirements of condition (3)(i) above providing the following criteria are met:

- (a) the licence applied for is to replace a current hackney carriage vehicle licence issued by Norwich city council where the vehicle which is the subject of the current licence has been declared a 'total loss' by the motor insurance provider in respect of that vehicle.*
- (b) Suitable documentary evidence shall be provided from the motor insurance provider to confirm that the vehicle to which the current hackney carriage vehicle licence relates has been declared a 'total loss'.*
- (c) The hackney carriage vehicle licence and licence plate in respect of the currently licensed vehicle which has been declared a 'total loss' should, where reasonably practicable, be returned to the licensing authority.*
- (d) The vehicle for which the licence is applied for shall meet, as a minimum, the relevant Euro exhaust emission standard of the vehicle which is the subject of the current hackney carriage vehicle licence which it seeks to replace, subject to compliance with condition (2) above.*

Adoption of revised hackney carriage vehicle licence conditions

6. Members will note from appendix A that the report recommended the proposed hackney carriage vehicle licence conditions be adopted with effect from 1 July 2012, approximately two and a half weeks from the date of the committee on 14 June. Members will also note from the minutes that Mr Williment, secretary of the Norwich Hackney Trade Association, asked members to delay the adoption of the proposed hackney carriage vehicle licence conditions for six months to provide adequate time for existing members of the trade to implement the changes.
7. During subsequent discussions, Mr Williment explained that the reason for requesting a six month delay in adopting the proposed conditions was due to restricted opportunities for existing vehicle proprietors to comply with the conditions when purchasing replacement vehicles. In other words, those proprietors who were considering replacing their current vehicle would have

a limited time to purchase a vehicle other than one which met the Euro V exhaust emission standard, the cost of which would be considerably higher than a typical Euro III standard vehicle. It was suggested to Mr Williment that a period of three months before the proposed conditions become effective may be more appropriate.

Summary

8. Members have previously considered revisions to existing hackney carriage vehicle licence conditions based upon exhaust emission standards. The Norwich Hackney Trade Association raised concern over the replacement of existing licensed vehicles following insurance 'total loss' vehicle write-offs and the implementation period for the revised conditions.
9. Taking into account the issues raised, it is proposed that the following hackney carriage vehicle licence conditions be adopted with effect from 1 April 2013.
 - (2)
 - (i) Licensed hackney carriage vehicles compliance tested after 1 April 2015 must meet Euro III exhaust emission standards either by virtue of the vehicle's date of manufacture, or by way of an approved conversion.
 - (ii) Licensed hackney carriage vehicles compliance tested after 1 April 2017 must meet Euro IV exhaust emission standards either by virtue of the vehicle's date of manufacture, or by way of an approved conversion.
 - (iii) Licensed hackney carriage vehicles compliance tested after 1 April 2019 must meet Euro V exhaust emission standards either by virtue of the vehicle's date of manufacture, or by way of an approved conversion.
 - (3)
 - (i) On initial licensing the vehicle must meet the Euro V exhaust emission standards by virtue of the vehicle's date of manufacture.
 - (ii) A vehicle is exempted from the requirements of condition (3)(i) above providing the following criteria are met:
 - (a) the licence applied for is to replace a current hackney carriage vehicle licence issued by Norwich city council where the vehicle which is the subject of the current licence has been declared a 'total loss' by the motor insurance provider in respect of that vehicle.
 - (b) Suitable documentary evidence shall be provided from the motor insurance provider to confirm that the vehicle to which the current hackney carriage vehicle licence relates has been declared a 'total loss'.
 - (c) The hackney carriage vehicle licence and licence plate in respect of the currently licensed vehicle which has been

declared a 'total loss' should, where reasonably practicable, be returned to the licensing authority.

(d) The vehicle for which the licence is applied for shall meet, as a minimum, the relevant Euro exhaust emission standard of the vehicle which is the subject of the current hackney carriage vehicle licence which it seeks to replace, subject to compliance with condition (2) above.

- (4) Vehicles aged 10 years or older will be subject to six monthly compliance testing.

APPENDIX A

Report to	Licensing	Item
	14 June 2012	
Report of	Head of citywide services	
Subject	Hackney carriage vehicle and driver licensing	

Purpose

To consider the results of public consultation asking whether the council should:

- restrict the number of hackney carriage vehicle licences issued;
- apply specific age limits in respect of hackney carriage vehicle licences;
- review standards relating to exhaust emissions;
- amend the licensing criteria for hackney carriage vehicle drivers; and
- clarify the hackney carriage vehicle mechanical fitness test.

Recommendation

That Members resolve:

- not to place a numerical limit on the number of hackney carriage vehicle licences issued by the authority;
- to adopt with effect from 1 July 2012 the proposed hackney carriage vehicle licence conditions detailed in paragraph 32 of the report;
- to implement a computerised system to test the route knowledge, language, numeracy skills and 'Green Book' knowledge of applicants for hackney carriage drivers licences;
- to agree to a review of the byelaws, regulations and conditions applicable to hackney carriage and private hire vehicle proprietors, drivers and operators ('The Green Book').
- to ask the Head of city development services to consider the feasibility of providing additional taxi rank spaces

Corporate and service priorities

The report helps to meet the corporate priority 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

The initial £2,000 cost and annual licence cost of £300 for the computerised driver test will be funded from existing budget.

Ward/s: All wards

Cabinet member: Councillor Driver – Environment and neighbourhoods

Background

10. At the meeting of the Licensing committee on 31 March 2011 members considered a report following a request from the hackney carriage trade that the council review the current policy in relation to the granting of hackney carriage vehicle licences. Members resolved that the senior licensing officer be asked to carry out consultation with the hackney carriage trade and general members of the public on the following matters:
- restricting the number of hackney carriage vehicle licences issued
 - applying specific age limits in respect of hackney carriage vehicle licences
 - review standards relating to exhaust emissions
 - amending the licensing criteria for hackney carriage vehicle drivers
 - clarifying the hackney carriage vehicle mechanical fitness test.
11. The committee were informed at their meeting in September 2011 that unfortunately, due to unavoidable resource issues and other priorities, work on the consultation had been delayed and it was now planned to complete this work by March 2012
12. The public consultation was carried out between 5 March and 30 April 2012 via an online survey and was publicised in the spring edition of the council's Citizen magazine. All hackney carriage proprietors were written to informing them of the consultation and how to take part.

Consultation

13. The headline results of the online survey are attached at Appendix A. Written representations from the Norwich Hackney Trade Association are attached at Appendix B.
14. More detailed findings from the consultation are set out in the tables below.

Question 3: (if answer 'Yes;') What should the upper age limit be when black cabs are first licensed?

Age of vehicle		New	2 years old	3 years old	4 years old	5 years old	6 years old	7 years old
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No. of responses		3	1	5	1	20	1	2
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Question 5: (if answer to question 4 'Yes') What should the upper age limit be for black cabs already licensed?

Age of vehicle		5 years old	6 years old	7 years old	8 years old	10 years old	10+ years old
No. of responses		6	2	1	1	18	10

Question 6: (if answer to question 4 'No') Should any other criteria to be applied in respect of the age of vehicles (eg more regular testing)?

Summary of responses:
Consistent testing – remove 'exceptionally good condition'
More regular emissions testing – paid for by taxi proprietors
Twice a year testing, regardless of age
As long as vehicle passes test – no problem
Current system twice yearly seems sufficient
As PCO (Public Carriage Office, London), 6 monthly inspections for all vehicles regardless of age

Question 8: If a higher standard (of exhaust emissions) is adopted what period of time should be given for existing licensed black cabs to meet the standard?

Period of time		Up to 6 months	Up to next MOT	1 year	2 years	3 years	5 years	10 years
No. of responses		5	1	16	18	8	8	2

Question 9: (if answer 'Yes') Please specify any other element of a knowledge test that should also be applied for black cab drivers?

Summary of responses:
Clear communication
B-Tech in taxi driving
Street knowledge
Customer care / safe wheelchair loading
Driving standards
English test
Highway code and 'roadcraft' test to PCV and LGV standard
Regular change of knowledge test questions to stop 'cheat sheets' being used

Question 10: Are there any other requirements that a black cab driver should satisfy before being granted a licence (eg language or numerical test)?

Summary of responses:
Language and numerical testing
Communication skills / courtesy
Drivers should clearly speak and understand English, as is the local language requirements in Spain, France, Germany and Italy
Should at least be able to command the English language to a reasonable standard to communicate with customers

Question 11: Do you think anything else should be added to this black cab 'MOT'?

Summary of responses:
Sort out 'exceptionally good condition' rule
Proof of regular servicing to be displayed in cab
Check air conditioning working
Cleanliness inspection of passenger compartment
Heating system check

Question 12: Any additional and relevant information that you feel might be helpful for this consultation.

Summary of responses:
Find additional rank space
Drivers dress / appearance is scruffy
Ban renting cabs – employ drivers and pay wages so HMRC can check
Drivers 'MOT', driving skills etc
Limiting number financially unfair
Should be a government or council run MOT station
Limiting hours worked – no more than 12 a day
To many licences to drivers being issued
Dress code for drivers
Oppose any reduction in the number of licences issued
Priority should be to ensure free entry to the market subject to satisfying basic standards of safety, non-criminality, knowledge etc. Restricting access to the market raises prices.

15. In their response, the Norwich Hackney Trade Association have made three recommendations, prioritised in the following order:

1. To prevent the situation deteriorating further the council should place a temporary cap on hackney vehicle licenses at the present number. Several councils have now taken this approach, including most recently Watford. Measures should be taken to avoid a black-market in licenses forming, with owners leaving the trade being required to return their licenses to the council, but allowing existing owners to transfer their license if changing to a different vehicle. The council could set a date, say two or three years on, when this policy should be reviewed. As a temporary policy brought about by exceptional economic conditions, any unmet need survey would not need to be as robust as for a permanent policy, and as such the costs might well be lower. Such costs as there are could be partially recouped by a levy on hackney vehicle license fees.

2. Various measures should be improved or introduced to make new hackney drivers' licenses harder to obtain. Accounts abound of some recent new drivers having an appalling lack of knowledge of the city and its surrounds and of lacking basic knowledge of how their wheelchair ramps work. The knowledge test should be made harder and should be fully computerised along the lines of the driving license theory test, with any additional costs falling on applicants. New entrants should be required to have passed the NVQ B-Tech qualification, which includes taxi and private hire knowledge and how to assist disabled people. Individuals with existing private hire drivers' licenses should be made to take the full hackney driving assessment and wheelchair test, as well as the knowledge one.

3. The term "exceptional condition" in the specifications should be replaced by a specific set of words with some actual meaning. We have accounts of testers saying that, in their opinion, any vehicle which passes the mechanical test is in this exceptional condition. This must be nonsense or else why would the words have been added in the first place? Whatever words are chosen must ensure that the vehicle condition must be something over and above the mechanical test.

Restricting the number of hackney carriage vehicle licences issued

16. By virtue of Section 16 of the Transport Act 1985, a district council may refuse an application for a hackney carriage vehicle licence in order to limit numbers only if they are satisfied that there is no significant unmet demand for taxi services in that area. This does not mean that district councils must limit hackney carriage vehicle numbers if they are satisfied that demand in their area is totally met, but acts to forbid district councils from restricting numbers for any other reason.

17. A Licensing Authority is not obliged to give reasons for not limiting taxi numbers, nor does it need to conduct a demand survey before deciding to

cease limiting numbers if such a restriction is in place. If a limit is in operation, the local authority is required to periodically re-assess whether or not there is unmet demand for taxi services.

18. The Department for Transport (Dft) first issued Best Practice Guidance in October 2006 to assist those local authorities in England and Wales that have responsibility for the regulation of the taxi and private hire vehicle (PHV) trades. The most recent edition of the guidance was published in February 2010.
19. The issue of quantity restrictions in relation to hackney carriage vehicle licensing outside London is contained in paragraphs 45 -51 of the latest guidance, which are reproduced below.

45. The present legal provision on quantity restrictions for taxis outside London is set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused, for the purpose of limiting the number of licensed taxis 'if, but only if, the [local licensing authority] is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet'.

46. Local licensing authorities will be aware that, in the event of a challenge to a decision to refuse a licence, the local authority concerned would have to establish that it had, reasonably, been satisfied that there was no significant unmet demand.

47. Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of the travelling public - that is to say, the people who use taxi services. What benefits or disadvantages arise for them as a result of the continuation of controls; and what benefits or disadvantages would result for the public if the controls were removed? Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?

48. In most cases where quantity restrictions are imposed, vehicle licence plates command a premium, often of tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. This seems very hard to justify.

49. If a local authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey; it will be necessary for the local licensing authority to carry out a survey sufficiently frequently to be able to respond to any

challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys.

50. As to the conduct of the survey, the Department's letter of 16 June 2004 set out a range of considerations. But key points are:

the length of time that would-be customers have to wait at ranks.

However, this alone is an inadequate indicator of demand; also taken into account should be...

waiting times for street hailings and for telephone bookings. But waiting times at ranks or elsewhere do not in themselves satisfactorily resolve the question of unmet demand. It is also desirable to address...

latent demand, for example people who have responded to long waiting times by not even trying to travel by taxi. This can be assessed by surveys of people who do not use taxis, perhaps using stated preference survey techniques.

peaked demand. It is sometimes argued that delays associated only with peaks in demand (such as morning and evening rush hours, or pub closing times) are not 'significant' for the purpose of the Transport Act 1985. The Department does not share that view. Since the peaks in demand are by definition the most popular times for consumers to use taxis, it can be strongly argued that unmet demand at these times should not be ignored. Local authorities might wish to consider when the peaks occur and who is being disadvantaged through restrictions on provision of taxi services.

consultation. As well as statistical surveys, assessment of quantity restrictions should include consultation with all those concerned, including user groups (which should include groups representing people with disabilities, and people such as students or women), the police, hoteliers, operators of pubs and clubs and visitor attractions, and providers of other transport modes (such as train operators, who want taxis available to take passengers to and from stations);

publication. All the evidence gathered in a survey should be published, together with an explanation of what conclusions have been drawn from it and why. If quantity restrictions are to be continued, their benefits to consumers and the reason for the particular level at which the number is set should be set out.

financing of surveys. It is not good practice for surveys to be paid for by the local taxi trade (except through general revenues from licence fees). To do so can call in question the impartiality and objectivity of the survey process.

51. Quite apart from the requirement of the 1985 Act, the Department's letter of 16 June 2004 asked all local licensing authorities that operate quantity restrictions to review their policy and justify it publicly by 31 March 2005 and at least every three years thereafter. The Department also expects the justification for any policy of quantity restrictions to be included

in the Local Transport Plan process. A recommended list of questions for local authorities to address when considering quantity controls was attached to the Department's letter.

20. Members will note from paragraph 47 of the Dft guidance that the Department regards as best practice those licensing authorities who do not impose quantity restrictions.
21. In July 2011, the Law Commission agreed to undertake a law reform project on the law of taxis and private hire vehicles. The Commission have recently published a consultation document and in their summary under the heading "Outline of key proposed changes", item 5 reads "Licensing authorities could no longer limit the number of taxi licences".
22. This is expanded upon under "The main themes of reform" under the sub-heading "Taxis and quantity restrictions" and reads:

We also provisionally propose that the power to limit the number of taxis which can be licensed in a licensing area should be removed. We accept that there are some good arguments for retaining the power (although not on the existing basis of a bureaucratic assessment of unmet demand), but provisionally consider that on balance quantity regulation is not justified. Transport for London does not have the power to limit the number of taxi licences, so our provisional proposal makes no change for the capital.
23. In the response from the Norwich Hackney Trade Association, reference is made to other authorities who have placed a temporary 'cap' on hackney carriage vehicle licences and Watford borough council is named as the most recent. In a survey carried out by the National Private Hire Association in October 2010, out of 342 licensing authorities surveyed, 82 (or 24%) restricted the number of hackney carriage vehicle licences they issued.
24. Information available from Watford borough council's website reveals that a limit of 304 hackney carriage vehicle licences was set on 19 January 2012. The vehicles licensed include 'London-style taxis', 'people-carriers' or saloon/estate cars. Population and statistical information reveals that the population estimate by the Office for National Statistics (ONS) as at June 2010 for Watford borough was 86,000.
25. Comparing the information in paragraph 15 above with Norwich, the current number of hackney carriage vehicle licences issued is 218, hackney carriage vehicle licences will only be issued to vehicles that meet the council's standard vehicle specification (i.e. 'London-style taxis' and Peugeot E7) and the population estimate at the same period from the ONS was 143,500.
26. The Norwich Hackney Trade Association have suggested that a 'temporary cap' on hackney carriage vehicle licences could be applied at their present number for a period of two or three years and, due to the exceptional economic conditions, any unmet demand survey would not need to be as robust as a permanent policy. The DfT guidance recommends that the council should be reasonably satisfied that there was no significant unmet demand and that the survey should *"be approached in terms of the interests*

of the travelling public - that is to say, the people who use taxi services". To establish that 'no significant unmet demand' existed would require a specialist survey being undertaken, the costs of which can run into thousands of pounds. The DfT recommends that the maximum period between such surveys should be three years. There is no provision within the licensing budget for such surveys, the cost of which would have to be borne solely by hackney carriage vehicle licence holders.

27. Taking into account the DfT guidance and the proposal from the Law Commission, it is difficult to recommend an approach where vehicle licences are purely restricted by number.

Applying specific age limits in respect of hackney carriage vehicle licences

28. Two of the conditions attached to all hackney carriage vehicle licences are related to the age of the vehicle, firstly regarding initial licensing and secondly in respect of how long the vehicle can be licensed. These conditions are:

3. On initial licensing the age of the vehicle shall not exceed 5 years unless passed by the Director of Regeneration and Development as in exceptionally good condition.

4. The age of the vehicle shall not exceed 10 years unless passed by the Director of Regeneration and Development as in exceptionally good condition.

29. The public consultation has raised an issue concerning the age of vehicles, in that if a vehicle passes the council's compliance test ('MOT') should it not be licensed on that basis only? It can be argued that the issue of vehicle age is somewhat arbitrary as an older vehicle may be in better condition than a newer one due to regular servicing, better maintenance and a lower mileage
30. Additionally, the Norwich Hackney Trade Association raised concerns over the phrase "exceptionally good condition" and about how this is applied in respect of the conditions outlined above. In practical terms it is the vehicle testers who carry out the council's hackney carriage vehicle compliance test who make a subjective assessment as to whether a vehicle is in exceptionally good condition. Up until two years ago, the testing of hackney carriages was carried out by one contractor, City Care, and there were a very limited number of testers who carried out the compliance tests. However, following the closure of City Care, and the tendering of the testing contract, the testing of hackney carriage vehicles is now carried out by three different providers using a number of testers. Accordingly, the subjective view of 'exceptionally good condition' has expanded.
31. Taking account of the views expressed during the consultation, it is recommended that the existing conditions are reviewed and any reference to age limits or 'exceptionally good condition' should be removed. The condition

of vehicles should be a matter for the compliance test which contains objective standards against which vehicles can be tested.

Review standards relating to exhaust emissions

32. Section 10 of the current hackney carriage vehicle specification relating to exhaust systems reads:

10. All exhaust systems must comply with the requirements of C & U Regulation 54.

The specification does not contain standards relating to exhaust emissions. However, members may be aware of EC directives in respect of exhaust emissions which required all new vehicles to be compliant with the relevant Euro standard by a certain date (see table below).

Euro I technology	mandatory for new cars from 1992
Euro II technology	mandatory for new cars from 1996
Euro III technology	mandatory for new cars from 2000
Euro IV technology	mandatory for new cars from 2005
Euro V technology	Mandatory for new cars from 2011

33. The results of the public consultation reveal that over 64% of the people agree that the council should introduce a higher standard for exhaust emissions from black cabs. The majority of people who answered the subsequent question on the period of time to be given to existing licensed vehicles to meet any new standards gave a period of between 1–2 years
34. The council's environmental protection team have currently identified four air quality management areas (AQMA's) within the city: the Castle area of Norwich, Grapes Hill, St Augustine's Street and Riverside. The issue of air quality in these areas is caused by pollutants from traffic. It is proposed this Summer to revoke the existing four AQMA's and implement one central AQMA which would encompass the existing four sites and some additional areas within the city. Following the adoption of the central AQMA, an action plan will be drawn up to tackle the issues causing the air quality issues. Although this will primarily be the role of the county council, the city council will assist in the implementation.
35. Part of the action plan to address the current AQMA in the Castle area was to declare the area a Low Emission Zone (LEZ) in respect of buses and coaches, which meant that a large majority of buses and coaches must meet the Euro III emission standards before allowed entry into the LEZ. The possibility of requiring taxis to also meet this standard was previously explored in 2008 when the LEZ was proposed.
36. Introducing an exhaust emissions strategy for hackney carriages requiring vehicles to meet the Euro III standard or greater would assist in addressing the existing and proposed AQMA's. In addition, this may help to address the issues concerning the age and condition of hackney carriage vehicles by requiring newly licensed vehicles to meet the Euro V standard and existing licensed vehicles to work towards a higher standard

37. The suggested emission strategy would require vehicles manufactured after certain dates to be Euro Emission compliant. This will mean that the vehicle is either compliant with the emission standards, due to its date of manufacturer, or has undergone a certified conversion to ensure emissions meet the standard applicable at the time of compliance testing.
38. The dates contained in the table at paragraph 23 are mandatory for vehicle compliance, although it may well be perfectly feasible for some vehicles to be compliant prior to the mandatory date. In such a case, it may be necessary to refer to the vehicle log book (V5) to determine the Euro standard for that vehicle. If the information is not readily available on the log book, it would be for the vehicle proprietor to produce evidence of the vehicles Euro compliance rating when presenting the vehicle for a compliance test.
39. Certified conversions could be carried out by emission abatement technology companies which have been approved by Transport for London (Public Carriage Office) in conjunction with the Energy Saving Trust (EST), who maintain a register of approved systems and suppliers.
40. An analysis of the ages of existing licensed hackney carriages shows that by virtue of date of manufacture, 60% of vehicles should currently comply with Euro III requirements leaving 40% to be converted or replaced to meet Euro III standard or better.
41. To implement the strategy referred to in paragraph 27, the current hackney carriage vehicle licence conditions would have to be amended. The existing conditions and proposed replacement conditions are set out below.

Existing conditions:

- (2) Any vehicle licensed as a hackney carriage before 1st January 1991 may continue to be licensed only until 1st January 1996 unless the vehicle conforms to the standard specification adopted on 1st January 1991, and only so long as that vehicle continues to hold a valid Test Certificate issued by the Norwich City Council.
- (3) On initial licensing the age of the vehicle shall not exceed 5 years unless passed by the Head of citywide services as in exceptionally good condition.
- (4) The age of the vehicle shall not exceed 10 years unless passed by the Head of citywide services as in exceptionally good condition.

Proposed conditions:

- (2) (i) Licensed hackney carriage vehicles compliance tested after 1 July 2014 must meet Euro III exhaust emission standards either by virtue of the vehicle's date of manufacture, or by way of an approved conversion.

(ii) Licensed hackney carriage vehicles compliance tested after 1 July 2016 must meet Euro IV exhaust emission standards either by virtue of the vehicle's date of manufacture, or by way of an approved conversion.

(iii) Licensed hackney carriage vehicles compliance tested after 1 July 2018 must meet Euro V exhaust emission standards either by virtue of the vehicle's date of manufacture, or by way of an approved conversion.

- (3) On initial licensing the vehicle must meet the Euro V exhaust emission standards by virtue of the vehicle's date of manufacture.
- (4) Vehicles aged 10 years or older will be subject to six monthly compliance testing.

Amending the licensing criteria for hackney carriage vehicle drivers

42. The current licensing criteria for hackney carriage drivers requires applicants to:

- Undergo an examination with their own GP to confirm their medical fitness;
- Satisfactorily complete a driving assessment carried out by the Driver Standards Agency;
- Be the subject of a criminal records bureau check; and
- Pass a knowledge test of Norwich and its environs.

43. One of the issues raised by the Norwich Hackney Trade Association, and contained in the public consultation, related to the knowledge test and the availability of 'cheat sheets'. The current route knowledge test is a verbal test administered by a member of the licensing team in which the applicant is given a start and finish point and has to take the most direct route between the two points, naming each of the roads that they travel along. In order to pass the applicant has to correctly answer 7 out of 10 numbered questions which are chosen from a pool of questions by the applicant. The pool of questions are amended or added to and the numbering system altered on a regular basis.

44. Other issues raised include the requirements for applicants to: speak and understand basic English; to have some form of numerical testing; hold a NVQ B-Tech qualification in taxi driving; and to understand the requirements relating to assisting wheelchair bound passengers.

45. A presentation has been arranged for members of a computerised system designed to test the knowledge of prospective taxi drivers, giving them a test with random questions, automatically marking the test, and then

optionally informing the candidate of their result. Further information on this product is attached at Appendix C.

46. Members will note from Appendix C that in addition to route knowledge the system can also test the applicant's language and numeracy skills. Questions on the council's licence conditions, regulations and byelaws ('the Green Book') could also be incorporated within a test.
47. Due to the concerns expressed about the suitability of the current method of testing applicant's knowledge, reverting to a computerised system would seem to address the issues raised. Additionally, this system could be used to test other areas of an applicant's competence which have been raised in the consultation.

Clarifying the hackney carriage vehicle mechanical fitness test.

48. Question 11 of the public consultation relating to other matters that could be "added to the black cab MOT" contained a link to the current hackney carriage vehicle compliance testing manual. 84% of respondents did not think anything else should be added to the compliance test. However, the issue of 'exceptionally good condition' addressed earlier in this report was raised. Other matters commented upon already form part of the compliance test.
49. The frequency of testing was commented upon in question 6 of the consultation and it was suggested that hackney carriages be subjected to 6 monthly testing, regardless of age. Currently, licensed hackney carriages are tested annually until they reach 10 years of age, when they are then required to be tested every 6 months.
50. In paragraph 20 of this report it is suggested that refusing to issue a licence based purely on the age of a vehicle may be arbitrary as an older vehicle may be in better condition than a later registered vehicle. However, it would be reasonable to assume that older vehicles require more regular maintenance to ensure that the fitness of the vehicle is preserved. On that basis it is suggested that the current frequency of testing based on vehicle age is retained.

Additional consultation information

51. A summary of the additional comments made in respect of question 12 of the consultation is contained in the table at paragraph 5 of the report. Where possible these have been addressed in this report. However, some of the issues raised, for example placing a limit on the hours drivers can work, are outside the control of the council as a licensing authority. Others, such as a driver dress code, would require further investigation and possible consultation with the hackney carriage and private hire trades. It is proposed that a review of the byelaws, regulations and conditions applicable to hackney carriage and private hire vehicle proprietors, drivers and operators ('The Green Book') be carried out later this year. A further report on this matter will be brought to a future meeting of the committee.

52. Another issue raised in the consultation, and by the Norwich Hackney Trade Association, is the number of hackney carriage rank spaces that are available in the city. This matter does not fall within the remit of the licensing committee, but members could request that the provision of additional rank space be considered by the Head of city development services.



LICENSING COMMITTEE

4.30pm – 5.35pm

14 June 2012

Present: Councillors Kendrick (chair), Haynes (vice chair), Barker, Button, Henderson, Lay, Manning, Price, Neale, Sands (M), Stammers and Wright

Apologies: Councillor Thomas

1. APPOINTMENT OF VICE CHAIR

RESOLVED to appoint Councillor Haynes as vice chair for the ensuing civic year 2012-13.

2. MINUTES

RESOLVED to agree the accuracy of the minutes of the meeting held on 8 March 2012.

3. HACKNEY CARRIAGE VEHICLE AND DRIVER LICENSING

(Mick Warren of Diamond Licensing and Mr T Williment, David Scott and James Marriot of the Norwich Hackney Trade Association attended the meeting for this item)

The solicitor presented the report. Tony Williment, secretary of the Norwich Hackney Trade Association introduced the representation submitted on behalf of the association and said that he was concerned that demand was on the decrease whilst supply continued to increase and that the association wanted some protection in the current economic climate. He asked members to consider a temporary restriction on the issuing of new hackney carriage vehicle licences; to delay the adoption of the proposed hackney carriage vehicle licence conditions for six months to provide adequate time for existing members of the trade to implement the changes; and to ask officers to consider the impact of Euro V on insurance payouts. He said that the association were in support of an increased number of taxi rank spaces and that they would be keen to work with officers to develop the route knowledge test and review the byelaws. In response to members' questions he said that proposed charges relating to vehicle age and emissions would likely discourage new entrants to the trade; and that it was not possible to compare the current number of hackney carriage vehicle licences with three years ago due to discrepancies in available data.

In response to members' discussion and suggestion of a survey to assess demand, the solicitor explained that the council **did not need to justify its current stance of no limitation of numbers but** would need to be able to justify the reasons for any restriction placed on the number of hackney carriage vehicle licenses should it consider it appropriate to resolve upon any such limitation. He also advised that adoption of the proposed hackney carriage vehicle licence conditions was a policy issue and that the decision could be deferred to the following meeting if members required further information.

Mick Warren, Diamond Licensing, provided a brief presentation of a multi-choice knowledge test for drivers. In response to questions he explained that implementation of the software would cost an initial £2,000 and then £300 per year thereafter for maintenance. He also confirmed that council's usually used an invigilator during the test. James Marriet of the Hackney Carriage Association said that the association would be keen to work with officers to develop the test.

RESOLVED:

- (1) with seven members voting in favour (Councillors Barker, Button, Kendrick, Lay, Manning, Price and Wright) and two members against (Councillors Neale and Stammers), not to place a numerical limit on the number of hackney carriage vehicle licences issued by the authority;
- (2) to defer consideration of the adoption of the proposed hackney carriage vehicle licence conditions detailed in paragraph 32 of the report and the potential impact on accident insurance to the next licensing committee;
- (3) to implement a computerised system to test the route knowledge, language, numeracy skills and 'Green Book' knowledge of applicants for hackney carriage drivers licences;
- (4) to agree a review of the byelaws, regulations and conditions applicable to hackney carriage and private hire vehicle proprietors, drivers and operators ('The Green Book'); and
- (5) to ask the head of city development services to consider the feasibility of providing additional taxi rank spaces.

4. SEXUAL ENTERTAINMENT VENUES

The solicitor presented the report and explained that the provisions of section 27 of the Policing and Crime Act 2009 would enable members to regulate sexual entertainment venues within the city. If members were minded to adopt the provisions, those premises already offering lap dancing etc would be provided a transition period in which to comply. In response to members' questions he explained that the committee would need to consider development of a relevant policy which could include the location and number of venues, and the criteria against which applications from premises would be assessed. The policy would probably be developed in consultation with the public and undergo an equality impact assessment.

RESOLVED to adopt with effect from 27 July 2012 the amendments made to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 by section 27 of the Policing and Crime Act 2009 and to delegate to the head of law and governance the power to take any such further or additional steps and decisions as may be necessary to implement the committee's decision.

5. STANDING ITEM - REGULATORY SUB-COMMITTEE MINUTES

RESOLVED to note the minutes of the regulatory sub-committee meetings held on 20 February 2012, 19 March 2012, 16 April 2012 and 21 May 2012.

CHAIR



LICENSING COMMITTEE

4.30pm to 5.40pm

20 December 2012

Present: Councillors Kendrick (chair), Haynes (vice chair), Barker, Button, Henderson, Neale, Price, Sands (M), Sands (S) (substitute for vacancy), Thomas and Wright

Apologies: Councillors Manning and Stammers

1. PUBLIC QUESTIONS

The chairman of the Norwich Hackney Trade Association asked the following question:

“At the licensing committee meeting of 14 June 2012, you received officers’ reports on “Hackney carriage vehicle and driver licensing (report of head of citywide services)”. The committee resolved “to implement a computerised system to test the route knowledge, language, numeracy skills and ‘Green Book’ knowledge of applicants for hackney carriage drivers licences...”.

The number of applicants successfully passing the existing, very unsatisfactory tests of these skills appears to be escalating alarmingly. My Association has the following questions:

- (a) What actions have been taken, and when, to implement your committee’s decisions?
- (b) Why has my Association’s offer, made in front of the committee, to assist in designing and developing the new system not been taken up?
- (c) When is the new system planned to be in place and working?
- (d) How many new applicants were granted hackney carriage driver licences in 2010?
- (e) How many new applicants were granted hackney carriage driver licences in 2011?
- (f) How many new applicants were granted hackney carriage driver licences in 2012, from 1 January to 14 June?
- (g) How many new applicants were granted hackney carriage driver licences in 2012, from 15 June to date?

- (h) With regard to the new drivers for 1 January 2012 to 14 June 2012, for how many was it not possible to obtain a full criminal records bureaux check?
- (i) With regard to the new drivers for 15 June 2012 to date, for how many was it not possible to obtain a full criminal records bureaux check?

The chair provided the following response on behalf of the committee:

“The council's licensing manager compiled the report and is responsible for implementing the agreed resolution has unfortunately had a prolonged period of absence from work due to ill health. Since his return he has had to ensure that the council's statutory obligations in respect of licensing applications and committee hearings are complied with and the number of applications to be processed has been extraordinarily high. However, he has had initial discussions regarding the practical implementation of the resolution with the council's systems support team. As the proposed test will have to be carried out via a computer terminal, issues regarding location and where the relevant software will be stored on the council's network still need to be resolved.

It was felt that the first issue to be resolved in implementing the new system would be on a practical level, as outlined in the answer to the preceding question. The Association's offer has not been forgotten and it will be invited to a joint meeting with officers and the system supplier to discuss developing a test which will test applicants' route knowledge, language, numeracy skills and hackney carriage legislation.

It is envisaged that the test could be developed within the first quarter of next year and, dependant on the issues that may arise from the practical implementation of the system, could be in place and working by the first half of 2013. The system supplier has been contacted with a view to their availability for a meeting to discuss the functionality and contents of the proposed test and when dates have been received the Association will be contacted with a view setting up a meeting.

In 2010, 5 new hackney carriage driver applications were received and 8 existing private hire drivers applied to 'upgrade' to a hackney carriage drivers licence. In 2011 there were 3 new applicants for hackney carriage driver licences and 10 existing private hire drivers applied to 'upgrade' to a hackney carriage driver licence. Between 1 January and 14 June 2012, there were 2 applications for new hackney carriage driver licences and 7 private hire drivers applied to upgrade to a hackney carriage driver licence. In the period 15 June to the present date, the council has granted 3 new hackney carriage driver licences to applicants and 9 hackney carriage driver licences to existing private hire drivers 'upgrading' to a hackney carriage driver licence.

All the new drivers had an enhanced criminal record bureau check, with one driver requiring a certificate of good conduct which was obtained from his country of birth. All the new drivers had an enhanced criminal record bureau check; none of these drivers required a certificate of good conduct.”

2. MINUTES

RESOLVED to agree the accuracy of the minutes of the meetings held on 13 September 2012 and 25 October 2013.

3. HACKNEY CARRIAGE VEHICLE AND DRIVER LICENSING

The licensing manager presented the report and pointed out that the legal advisor to the committee had suggested that in relation to condition 3(ii), as set out in paragraph 5, should be amended by the insertion of “all” before “the criteria”.

The chairman of the Hackney Carriage Association confirmed that its committee had been consulted and supported the proposed conditions.

In response to a member’s question, the licensing manager referred to the table at paragraph 32 of the appended report (licensing committee, 14 June 2012) and explained the strategy to address the conditions concerning the age and condition of hackney carriage vehicles by requiring that all newly licensed vehicles meet the Euro V standard and existing licensed vehicles to work towards a higher standard. The timetable for the implementation of the revised conditions to ensure vehicle compliance was dependent on vehicle manufacture date or approved conversion.

During discussion a member said that he agreed to the phased approach to ensure vehicle compliance with exhaust emission standards given the current economic circumstances but suggested that if the economy changed the council reviewed the conditions to achieve a higher standard by an earlier date.

RESOLVED, unanimously, that members adopt with effect from 1 April 2013 the following hackney carriage vehicle licence conditions:

- (2)
 - (i) Licensed hackney carriage vehicles compliance tested after 1 April 2015 must meet Euro III exhaust emission standards either by virtue of the vehicle’s date of manufacture, or by way of an approved conversion.
 - (ii) Licensed hackney carriage vehicles compliance tested after 1 April 2017 must meet Euro IV exhaust emission standards either by virtue of the vehicle’s date of manufacture, or by way of an approved conversion.
 - (iii) Licensed hackney carriage vehicles compliance tested after 1 April 2019 must meet Euro V exhaust emission standards either by virtue of the vehicle’s date of manufacture, or by way of an approved conversion.

- (3)
- (i) On initial licensing the vehicle must meet the Euro V exhaust emission standards by virtue of the vehicle's date of manufacture.
 - (ii) A vehicle is exempted from the requirements of condition (3)(i) above providing all the following criteria are met:
 - (a) The licence applied for is to replace a current hackney carriage vehicle licence issued by Norwich city council where the vehicle which is the subject of the current licence has been declared a 'total loss' by the motor insurance provider in respect of that vehicle.
 - (b) Suitable documentary evidence shall be provided from the motor insurance provider to confirm that the vehicle to which the current hackney carriage vehicle licence relates has been declared a 'total loss'.
 - (c) The hackney carriage vehicle licence and licence plate in respect of the currently licensed vehicle which has been declared a 'total loss' should, where reasonably practicable, be returned to the licensing authority.
 - (d) The vehicle for which the licence is applied for shall meet, as a minimum, the relevant Euro exhaust emission standard of the vehicle which is the subject of the current hackney carriage vehicle licence which it seeks to replace, subject to compliance with condition (2) above.
- (4) Vehicles aged 10 years or older will be subject to six monthly compliance testing.

4. HOME OFFICE CONSULTATION ON THE GOVERNMENT'S ALCOHOL STRATEGY

The chair introduced the report and explained that he and the vice chair had requested that members commented on the issues raised in the Home Office's consultation document to give a steer for the officers to respond on the council's behalf.

During discussion the committee considered the five key issues as set out in the government's alcohol strategy (published March 2012).

RESOLVED to ask the licensing manager to respond to the Home Office consultation on the government's alcohol strategy by 6 February 2013 subject to the following:

- (1) With 8 members voting in favour (Councillors Kendrick, Barker, Button, Sands (M), Sands (S), Haynes, Price and Henderson), 2 members voting against (Councillors Wright and Thomas) and 1 member

abstaining (Councillor Neale) the committee resolved to oppose the government's proposal for a minimum unit price for alcohol. The majority of the committee considered that setting a minimum unit price for alcohol would hit the poorest in the community and put a further constraint on household budgets, meaning that there was less money available for food and other essentials; did not address excessive drinking as there were people who were alcohol dependent across all income groups in society; and there were other interventions available to prevent alcohol abuse and address health issues.

- (2) With 8 members voting in favour (Councillors Kendrick, Barker, Button, Sands (M), Sands (S), Haynes, Wright and Henderson), 2 members voting against (Councillors Price and Thomas) and 1 member abstaining (Councillor Neale), the committee resolved to oppose the principle of banning multi-buy promotions in the off-trade. Members considered that bulk-buying of discounted alcohol did not mean that the alcohol was consumed in one sitting and that it could be put aside for later consumption.
- (3) In relation to freeing up responsible businesses, with the majority of members voting in favour and with Councillor Wright voting against, the committee resolved to oppose the government proposal in relation to ancillary sales of alcohol and support the maintenance of the status quo.
- (4) The committee is opposed to the government's proposal to remove the need for a personal licence holder.
- (5) The committee resolved to ask the licensing officer to complete the sections of the consultation in relation to reviewing the mandatory licensing conditions; health as a licensing objective for cumulative impact policies; the occasional provision of licensable activities at community events; extension of the TEN limit at individual premises and late night refreshment and further proposals to reduce burdens on businesses.

5. STANDING ITEM – REGULATORY SUBCOMMITTEE MINUTES

RESOLVED to receive the minutes of the regulatory subcommittee meetings held on 17 September 2012 and 22 October 2012.

CHAIR