

**LICENSING BOARD
7th November, 2023**

Present:- Councillor Ellis (in the Chair); Councillors Hughes, Aveyard, Barker, Bennett-Sylvester, Browne, Clark, T. Collingham, Haleem, Jones, Mills, Monk, Pitchley and Wyatt.

Apologies for absence were received from Councillors Cooksey, Hoddinott and McNeely.

6. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at the meeting.

7. MINUTES OF THE PREVIOUS MEETING HELD ON 8TH DECEMBER, 2022

Resolved:- That the minutes of the previous meeting held on 8th December, 2022, be approved as a true record.

8. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

Alan Pogorzelec, Licensing Manager, presented a report outlining the proposed key changes to the current Hackney Carriage and Private Hire Licensing Policy and sought the views of the Licensing Board thereon.

In July 2015 the Council had introduced a Policy setting out the Council's approach to Hackney Carriage and Private Hire Licensing. It was reviewed in 2020 with several additional requirements introduced and implemented building on the previous Policy which was widely seen to be setting the standard for other local authorities to benchmark against in relation to Taxi and Private Hire Licensing. The existing and new draft Policy set what was generally accepted as being the highest standards with regard to taxi and private hire licensing in the UK, and many of the standards had subsequently been adopted by other local licensing authorities and included in national statutory guidance issued by the Department for Transport.

There had been delays in implementing some of the additional requirements set out in the 2020 refresh i.e. the additional stickers/signage, audio recording buttons and the refresher training. Whilst the delays in implementation were as a result of various challenges including the Covid pandemic which had led to large aspects of the Licensing training function being unable to fully operate, it was acknowledged that these activities should have been delivered sooner. As a result, actions had been put in place to prevent any recurrence and both of these aspects were now in place operationally with training dates established for the remainder of the year and stickers delivered to all operators and/or licence holders directly.

The 2020 Policy was now due for review and provided an opportunity to ensure that the Council's approach to Taxi and Private Hire Licensing continued to reflect best practice, addressed local challenges and set standards that would ensure that the standard of licensed driver, vehicle and operator in Rotherham remained high. A significant amount of consultation had taken place with members of the public, licence holders (drivers and operators), Rotherham Show, roadshows, drop-in sessions and mailouts resulting in over 600 responses.

This report outlines the key proposed changes to the current Policy and sought the views of Members of the Licensing Board.

The proposals were as follows:-

Out of Town Vehicles and Increase in Sub-Contracting

- The Private Hire Operator must inform the customer at the time of acceptance of the booking that the booking they have made will be sub-contracted to another Private Hire Operator. If this is not known at the time of booking then the customer must be informed as soon as practicable (and in any event, the customer must be informed before the vehicle is dispatched to undertake the booking)
- Private Hire Operators must maintain records of each sub-contracted booking. These records must include (as a minimum):
 - The time and date that the booking was sub-contracted to the third party operator.
 - The time and date that the customer was informed that their booking had been sub-contracted
 - The name and Private Hire Operator number of the operator that the booking was sub-contracted to
 - The details of the vehicle and driver that undertook the sub-contracted booking

Vehicle Age and Emissions

- A vehicle which is not licensed at the point of application must be aged under 5 years old at the time that the application is made
- If an application is made to renew a vehicle licence (i.e. an application is made whilst there is a licence in place) then the vehicle must be aged under 10 years old on the date that the renewed licence would take effect
- A vehicle which is not licensed at the point of application must have been registered (or in the case of imported vehicles, manufactured) on or after the 1st September, 2025

- If an application is made to renew a vehicle licence (i.e. an application is made whilst there is a licence in place) then the vehicle must be aged under 10 years old on the date that the renewed licence would take effect, except in the following circumstances:
 - Vehicles that meet the Council's Enhanced Quality Standards (as detailed in the report) must be aged under 12 years old on the date that the renewed licence would take effect
 - Vehicles that meet the Council's Enhanced Quality Standards and are capable of carrying a passenger seated in a wheelchair must be aged under 15 years old on the date that the renewed licence would take effect
 - Ultra-Low Emission Vehicles (as defined at the time that the vehicle was first licensed) that also meet the Council's Enhanced Quality Standards must be aged under 15 years old on the date that the renewed licence would take effect

Convictions Policy (lacks clarity in relation to certain offences)

- Introduction of additional categories of convictions including immigration offences, certain motoring offences, offences connected to the operation of businesses, cultivation of illegal drugs, offences involving discrimination, offences related to public safety and breaches of environmental protection legislation
- The minimum time periods that must elapse before a person is considered to be suitable for licensing will be reviewed and compared with other standards throughout the country (including the national statutory guidance), with periods increasing where required. The time periods detailed in the current policy will not decrease and will match or exceed those of all other neighbouring authorities
- Requirement for all vehicle proprietors to undergo a basic level DBS check as part of the application process (unless the applicant is an existing Rotherham MBC licensed driver)

Low number of vehicles that are capable of carrying a passenger that is seated in a wheelchair

- That the current limit of 52 Hackney Carriages in Rotherham is removed, but with a requirement for any new Hackney Carriages to be capable of carrying a passenger seated in a wheelchair

Clarification regarding application requirements

- An outline of the processes that will apply to the handling of applications for driver, vehicle and operator licences. This will provide clarity in relation to:

- the documentation that must be provided when making an application,
 - the order that the various elements must be completed,
 - any timescales that apply to the completion of the application,
 - any specific requirements that apply to each of the individual application elements (for example, the details of acceptable providers for the practical driving test)
- Details in relation to the application process for former licence holders previously subject to investigation will be included to make it clear that there will be no exemptions from the completion of all of the application requirements. The Council will utilise information sharing pathways to obtain information regarding the criminal investigation and will use this information as part of the assessment of the applicant's suitability to hold a licence
- Greater clarity in relation to the Council's decision-making processes and scheme of delegation

Vehicle Testing Standards and Display of Signage

- Clear guidance regarding the placement of vehicle signage (including door signs). There would also be a requirement that all required signage must be permanently fixed to the vehicle by default, however, the Council would allow deviations from this in cases where if the method of fixed allows the signage to be placed in accordance with the Policy requirements and there is no history of formal action being taken against the licence holder as a result of non-compliance with signage requirements (during the period of the licence)
- A new requirement will be introduced for the display of a vehicle licence plate on the front bumper/grille

It was also noted that the frequency that vehicles were required to undergo a compliance test at the Council's testing station would be amended. The current requirements were:-

Vehicle aged under 3 years old – one test per year

Vehicle aged between 3 and 5 years old – two tests per year

Vehicle aged over 5 years old – three tests per year

In order to incentivise the purchase of newer vehicles whilst ensuring that older vehicles remained suitable for use as licensed vehicles, it was proposed that the test frequencies be amended as follows:-

Vehicles aged under 5 years old – one test per year

Vehicles aged between 5 and 7 years old – two tests per year

Vehicles aged over 7 years old – three tests per year

General amendments to wording and format of policy to improve readability

- The general wording of the Policy/associated appendices to be reviewed and if appropriate amended in order to improve clarity and readability

Discussion ensued on the above proposals with the following issues raised:-

Out of Town Vehicles and Increase in Sub-Contracting

- How could a prospective customer know that their taxi was/was not a Rotherham licensed vehicle in order to make an informed choice as to whether they accepted the journey
- Would the passenger be informed that the driver was licensed elsewhere and possibly to an authority that did not have the same standards as Rotherham
- Need to make it clear that a passenger had the option to cancel a journey if it was not a vehicle/driver licensed in Rotherham
- The prospective customer should be informed that the journey was being sub-contracted out of Borough
- Would the Licensing Board Sub-Committee face a huge workload with the zero-tolerance approach with regard to the arrangements in place for the sub-contracting of bookings to other operators

Vehicle Age and Emissions

- Concern that the Policy focussed on the age of the vehicle and not the mileage
- Acknowledgement that the Covid pandemic had seen little business for the taxi trade but the vehicle still aged

Convictions Policy

- Inclusion of the offence of Battery

Low number of vehicles that are capable of carrying a passenger that is seated in a wheelchair

No comments

Clarification regarding application requirements

No comments

Vehicle Testing Standards and Display of Signage

- Feedback from the trade warranted more detailed consideration but should not delay the remainder of the proposals contained in the report

The report would be considered by the Cabinet at its meeting on 18th December, 2023, and if approved, would expect the proposals to come into force in January/February, 2024. However, some of the proposals would require the operators to carry out a lot of adjustments that would

take time to put into operation. The requirements around vehicle age and emissions would come into effect as soon as possible after the Policy had been agreed in December.

Resolved:- That the following comments be fed into the consultation process:-

(1) Out of Town Vehicles and Increase in Sub-Contracting

(a) That the private hire operator must inform a customer at the time of acceptance of the booking about the journey being sub-contracted out and that it would not be a Rotherham vehicle or a Rotherham driver and state which town it would be from.

(2) Vehicle Age and Emissions

(a) It was acknowledged that the Covid pandemic had affected the taxi licensing trade and therefore a lot less trips undertaken. However, when the Policy was reviewed in 3 years, the age of a vehicle be taken into consideration.

(3) Convictions Policy

(a) That the criminal offence of Battery be included in the Convictions Policy.

(b) That all vehicle proprietors undergo a basic level DBS check as part of the application process.

(4) Low number of vehicles that are capable of carrying a passenger that is seated in a wheelchair – That the proposal be supported.

(5) Clarification regarding application requirements – That the proposal be supported.

(6) Vehicle Testing Standards and Display of Signage – That the proposal be supported.

(7) That the feedback from the trade regarding signage of vehicles be subject to further detailed consideration, however, the remainder of the proposals should not be delayed whilst this investigation takes place.