

Nottingham City Council

Regulatory and Appeals Committee

Minutes of the meeting held at Loxley House, NG2 3NG on 25 March 2024 from 12.17 pm - 1.00 pm

Membership

Present

Councillor Audrey Dinnall (Chair)
Councillor Gul Nawaz Khan (Vice Chair)
Councillor Liaqat Ali
Councillor Kirsty Jones
Councillor Salma Mumtaz
Councillor Sana Nasir
Councillor Nick Raine
Councillor Matt Shannon
Councillor Audra Wynter

Absent

Colleagues, partners and others in attendance:

Ann Barrett	Team Leader, Legal Services
Nick Burns	Licensing and Policy Manager
Mike Carey	Governance Officer

18 Apologies for Absence

None.

19 Declarations of Interests

Councillor Liaqat Ali declared that he is employed by a taxi operator and left the meeting for item 3, Minutes , 4, Review of Age and Specification Policy Relating to Hackney Carriage and Private Hire Vehicles, and item 5, Hackney Carriage Unmet Demand Survey.

20 Minutes

The minutes of the meeting held on 27 November 2023 were confirmed as a correct record and were signed by the Chair.

21 Review of Age and Specification Policy Relating To Hackney Carriage And Private Hire Vehicles

Nick Burns, Licensing and Policy Manager, presented the report regarding the Review of Age and Specification Policy Relating to Hackney Carriage and Private Hire Vehicles, highlighting the following points:

- (a) on 27 November 2023, the Committee resolved to authorise a public consultation on proposed changes to the Council's Age and Specification Policy Relating to Hackney Carriage and Private Hire Vehicles. This consultation has now concluded, and the Committee is asked to review and accept recommended changes to the policy in light of the consultation. If accepted, the policy would be implemented from 01 April 2024;
- (b) in an update to paragraph 2.5 of the report, the Department for Environment, Food & Rural Affairs (DEFRA) responded to the proposals on the 18 March 2023. The response notes the recommended changes and that the requirements that Euro 5 vehicles and earlier be removed from the fleet has been met. DEFRA has not challenged the new policy but has requested information on how the Council has considered the impact of the proposal on concentrations of nitrogen dioxide and how the data will be monitored.

Ann Barrett, Team Leader in Legal Services, gave an update regarding the legal advice in the report:

- (c) the legal advice in the report noted a risk in adopting the recommendations while a response from DEFRA was outstanding. This no longer applies as DEFRA has responded, indicating that it is content with the proposals.

In the discussion which followed, and in response to questions from the Committee, the following points were made:

- (d) the Chair of the Committee recommended a change to point 9 in the policy at Appendix 1, to create alignment in the MOT policy for both Euro 6 and fully electric hackney carriages. Committee members spoke in favour of requiring one enhanced MOT per year up to the age of 11 for both Euro 6 and fully electric hackney carriages, and then six monthly enhanced MOTs up to the age of 15;
- (e) Committee members spoke in favour of the proposals, as a correct balance between environmental concerns, the safety and interests of the travelling public, the needs of drivers, and the good of the trade;
- (f) there was a good response to the consultation, which was supported by a public trade meeting held by the Licensing team. Committee members noted that engagement with the trade was high, and that the proposals received positive feedback.

Resolved:

(1) To amend point 6 in the Hackney Carriage and Private Hire Age and Specification Policy at Appendix 2 to:

6. MOTs:-

- **All vehicles will have an enhanced MOT on initial application and once yearly thereafter.**

- **Over the age of TEN (10) years from the date of first DVLA registration (or ELEVEN (11) years if fully electric) vehicles will be subject to SIX (6) monthly Enhanced MOT inspections.**

All Enhanced MOT inspections shall be carried out by Nottingham City Council testers.

- (2) To amend point 9 in the Hackney Carriage and Private Hire Age and Specification Policy at Appendix 1 to:**

9. MOTs:-

- **All vehicles will have an enhanced MOT on initial application and once yearly thereafter.**
- **Over the age of ELEVEN (11) years from the date of first DVLA registration vehicles will be subject to SIX (6) monthly Enhanced MOT inspections.**

All Enhanced MOT inspections shall be carried out by Nottingham City Council testers.

- (3) That the Hackney Carriage and Private Hire Age and Specification Policy at Appendix 1 (amended as above) be approved to take effect from 01 April 2024.**

- (4) That the requirement for a minimum engine size specified in both the private hire and hackney carriages vehicle specifications be removed with effect from 01 April 2024.**

22 Hackney Carriage Unmet Demand Survey

Nick Burns, Licensing and Policy Manager, presented the report regarding the Hackney Carriage Unmet Demand Survey, highlighting the following points:

- (a) on 27 November 2023 the Committee resolved to review the existing policy, which limits the number of Hackney Carriage Vehicle (HCV) licences that the Authority will issue to 420, recommending that this limit is reduced to 250. The Licensing team conducted an eight-week consultation in January and February 2024, and the Committee is asked to consider the responses and to adopt the recommended policy;
- (b) in an update to paragraph 4.8 of the report, there are currently 193 HCV licences issued, with one pending application.

Ann Barrett, Team Leader in Legal Services, presented the legal advice in the report:

- (c) the results of the survey, indicating no significant unmet demand, gives the Committee the option to retain a limit, but does not mean a limit has to be retained. The primary concern must be the safety and interests of the

travelling public, and guidance indicates that having no limit is best practice. If departing from this guidance to impose a limit, it is important to show that the Authority has had regard to it.

In the discussion which followed, and in response to questions from the Committee, the following points were made:

- (d) Committee members spoke in favour of the proposals, based on the amount of licences currently issued, feedback from the trade, the need to enable drivers to make a decent income, environmental factors, and the safety of passengers;
- (e) Committee members noted the feedback received during the consultation. There were two responses, one in favour and one against the proposals, with the response in favour being made on behalf of a large number of drivers;
- (f) there are concerns that too restrictive limits could lead to licences trading for large amounts of money, but this is not the case in Nottingham and a reduced limit of 250 is not expected to lead to this situation. If such a situation did arise in the City, the policy could be reviewed;
- (g) the next review would occur in October 2025, three years from the initial survey conducted in September 2022.

Resolved:

- (1) That the findings of the Licensing Vehicle Surveys and Assessment Report at Appendix 1 be accepted and that the number of Hackney Carriage Vehicle licences issued by the Authority be limited to 250 with effect from 01 April 2024 on the basis of there being no significant unmet demand for the services of Hackney Carriages within the Council's area.**

The Chair, Cllr Audrey Dinnall, thanked drivers and interested parties for engaging with the consultations. At the discretion of the Chair, a representative for Nottingham Licensed Taxi Owners and Drivers Association spoke to thank Cllr Dinnall, the Committee and officers.