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**Nottingham
City Council**

Nottingham City Council Regulatory and Appeals Committee

Date: Monday, 25 March 2024

Time: 12.15 pm

Place: Ground Floor Committee Room - Loxley House, Station Street, Nottingham,
NG2 3NG

Councillors are requested to attend the above meeting to transact the following business

Director for Legal and Governance

Governance Officer: Mike Carey

Direct Dial: 0115 8763760

- 1 Apologies for Absence**
- 2 Declarations of Interests**
- 3 Minutes** 3 - 10
To confirm the minutes of the meeting held on 27 November 2023.
- 4 Review of Age and Specification Policy Relating To Hackney Carriage And Private Hire Vehicles** 11 - 28
Report of Director for Resident Services.
- 5 Hackney Carriage Unmet Demand Survey** 29 - 46
Report of Director for Resident Services.

If you need any advice on declaring an interest in any item on the agenda, please contact the Governance Officer shown above, if possible before the day of the meeting

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Nottingham City Council

Regulatory and Appeals Committee

Minutes of the meeting held at Loxley House, NG2 3NG on 27 November 2023
from 9.30 am - 11.00 am

Membership

Present

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

Absent

Councillor Sana Nasir
Councillor Matt Shannon

Colleagues, partners and others in attendance:

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

12 Apologies for Absence

None.

13 Declarations of Interests

Councillor Liaqat Ali declared that he is employed by a taxi operator and left the meeting for item 4, Hackney Carriage & Private Licensing Policy & Procedures Manual, item 5, Hackney Carriage Unmet Demand Survey, and item 6, Review of Age and Specification Policy Relating to Hackney Carriage and Private Hire Vehicles.

14 Minutes

The minutes of the meeting held on 17 October 2023 were confirmed as a correct record and were signed by the Chair.

15 Hackney Carriage & Private Hire Licensing Policy & Procedures Manual

John Davis, Taxi Licensing Compliance Manager, presented the report regarding the Hackney Carriage & Private Hire Licensing Policy & Procedures Manual ('the Manual'), and highlighted the following points:

- (a) The purpose of the Manual is to meet the recommendation made in July 2020 by the Department for Transport, for all licensing authorities to make available

a cohesive policy and procedures document on taxi and private hire vehicle licensing;

- (a) On 27 February 2023, the Committee resolved to release the Manual for an eight-week consultation (save for appendixes A-B and I-Q, which reflect already adopted policies and procedures). The consultation was carried out between 02 March 2023 and 27 April 2023;
- (b) One consultation response was received from the App Drivers & Couriers Union (ADCU), on behalf of 209 members;
- (c) A number of matters raised in that submission were outside the scope of the consultation, including comments about the constitution of the Committee that recommended the Manual be put to consultation, and are not therefore addressed in the report;
- (d) The points considered in response to ADCU's submission, and any changes to the Manual in response, are outlined in Appendix 2 of the public agenda pack. This includes a further condition to make it clear that where the operator is a company, partnership, or group, a basic DBS is needed for each director, partner, or individual, and not just the company, partnership, or group;
- (e) In addition to the amendments to the Manual mentioned in the report an additional paragraph has been included in the Enforcement, Convictions, and Fitness Policy (Appendix C of the Manual) regarding offences of discrimination, which is contained in the full Manual attached as a supplement to the agenda pack.

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

- (f) Committee Members asked for clarity as to why applicants or licence holders who are convicted of crimes of exploitation 'will not normally' be granted a licence, while some other offences have given time periods before which a licence will not normally be granted. Officers clarified that this does not mean the offense of exploitation is treated more leniently than those with defined time limits. The Statutory Taxi and Private Hire Vehicles Standards provide recommended time limits before which a licence will not normally be granted after conviction for various offenses, while the recommendation in relation to an applicant convicted of an offense of exploitation is to not normally grant a licence at any time;
- (g) The periods of time before which an applicant will not normally be granted a licence in the Enforcement, Convictions and Fitness Policy are aligned with the statutory guidance;
- (h) When an authority refuses to grant a licence, or suspends or revokes a licence granted previously, the applicant or licence-holder will have 21 days after the notice of refusal to lodge an appeal with the Magistrate's Court;

- (i) The additional paragraph related to offenses of discrimination relates to offenses outlined in the Equality Act 2010, and can include offenses such as refusing to pick up a customer with a guide dog or wheelchair. If the authority receives complaints of this nature they may prosecute the driver and subsequently review their licence, and if it is revoked the driver would not be eligible to be licenced for up to seven years. Nottingham City Council have prosecuted around seven drivers for refusing guide dogs. Safeguarding Vulnerable Passengers training is mandatory for applicants before they are granted licences, and covers their responsibilities under the Equality Act. This includes duties to provide mobility assistance and to carry guide dogs or assistance. Licence-holders can apply for an exemption certificate if they are unable to provide mobility assistance or carry guide or assistance dogs on medical grounds;
- (j) Committee Members requested clarification on the policy that an applicant that has a conviction for using a hand-held mobile phone or other hand-held device whilst driving will not be granted a licence until at least five years have elapsed since the conviction or completion of any sentence or driving ban. This would apply to those who have been convicted for the offence of using a hand-held device, which does not apply to drivers who use mobile phones or other devices attached to their window or dashboard as part of their work;
- (k) The Committee noted that the consultation received one response representing 209 drivers, but that the authority licenses around 2,100 drivers, and Members asked if this was representative or if there are improvements to be made in terms of engagement. Officers advised that the consultation was publicised with all operators, who passed it on to their drivers, and trade associations. It was publicised on the consultations section of the Council website, the Licensing team's website, and via social media. Additionally, the Licensing team hosted an event at Meadows Community Centre for hackney carriage drivers, with around 35-40 drivers attending, and the consultation was promoted face-to-face through officers walking around the taxi ranks to reach as many people as possible;
- (l) Officers noted that there may have been few responses because most of the policies collected in the Manual are already adopted, and the only major changes (such as updating the smoking policy in the Drivers' Code, and the timings after which licences will not normally be granted after specified offences) are in line with national standards and have been well publicised in the trade press already, so are not considered contentious;
- (m) A Committee Member asked if the consultation was released in any community languages other than English. Officers advised that the consultation was only provided in English, as a reasonable proficiency in English is a condition for obtaining a licence;
- (n) A Committee Member asked for clarity on the Disclosure and Barring Service requirements. Drivers require an enhanced DBS, while operators require a basic DBS.

Resolved:

- (1) That the Policy and Procedures Manual be approved and (save for appendices A-B and I-Q which reflect policies and procedures which are already adopted and in force) as per the revised Appendix 1 to the report and also to include a further revision in Appendix C section 5(1)(a) dealing with offences of exploitation to indicate that anyone convicted of such an offence “will normally be debarred from holding a licence”.**
- (2) the Policy and Procedures Manual (save for appendices A-B and I-Q which are already adopted and in force) be implemented from 01 January 2024. The revised conditions of licence will be attached to licences issued upon initial application or renewal from this date.**
- (3) Power to maintain and update the Policy and Procedures Manual to reflect any future changes to Policy or Procedure as and when they occur be delegated to the Head of Environmental Health and Public Protection and the Licensing & Policy Manager.**

16 Hackney Carriage Unmet Demand Survey

John Davis, Taxi Licensing Compliance Manager, presented the report regarding the Hackney Carriage Unmet Demand Survey, and highlighted the following points:

- (a) The Council currently limits the number of hackney carriage vehicle licenses to 420. This report considers the outcome of the Unmet Demand Survey and asks the Committee to consider whether it is appropriate to maintain this limit, change the limit, or remove it. Any proposed changes would prompt a public consultation;
- (b) The first option is to retain the existing restriction at 420, and the second option is to reduce the number of licences issued to 250:
 - i. The benefits of restricting the numbers relate to managing congestion, preventing over-ranking or the formation of unofficial ranks, which would add to air quality issues experienced across the city. A restriction also helps drivers earn a living wage, especially important after they may have made significant investments in purchasing compliant vehicles, and may prevent drivers working excessive hours which could affect the safety of the travelling public;
 - ii. The unmet demand survey indicated there is no unmet demand, with around 200 licenses issued. The number of licensed hackney carriages has remained around 200 in recent years due to social changes after Covid-19 and the introduction of the Age and Specification Policy;
 - iii. It is however contrary to the Department for Transport’s guidance and would need to be justified. In cases where vehicle licenses have reached their limit, they could then command a premium, often tens of thousands of pounds, though this is not currently the case in

Nottingham as it has not issued all vehicle licences. It would prevent the travelling public from enjoying more competition in the taxi market;

- iv. If a restriction is maintained, a further unmet demand survey would be required in three years' time, with current costs in the region of £19,140 which is likely to rise.

(c) The third option is to remove the numerical restrictions on the number of hackney carriage licences issued:

- i. This option is in line with best practice guidance. It could potentially provide a better service for customers by increasing competition, and would let market forces dictate the number of hackney carriages without direct intervention, while the Age and Specification Policy continues to indirectly restrict the numbers of hackney carriages;
- ii. This may be opposed by the taxi trade due to the perception of additional competition – though public safety is the primary licensing test and economic or business considerations are not relevant;
- iii. There may be concern that the city would become flooded with more vehicles, causing congestion and pollution, though the effect would be counteracted by the Age and Specification Policy. There is a concern that drivers may have to work excessive hours which may affect passenger and driver safety.

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 second option, to reduce the number of licences issued to 250. Drivers are already having to purchase expensive vehicles to comply with the Age and Specification Policy, and restrictions help them to earn a living;
- (e) There are concerns about pollution and congestion issues in the city which may be exacerbated by removing the restriction, and it was noted that other authorities had been flooding the city with taxis, causing congestion issues and depriving drivers of a reasonable living, prompting drivers to work excessive hours which can be unsafe;
- (f) The proposed reduction would require a consultation, and Committee Members emphasised the importance of ensuring engagement. The consultation would primarily go out to the hackney carriage trade, as the people most affected by any changes, but other stakeholders would be engaged, including disability groups and businesses in the city.

Resolved:

- (1) To recommend reviewing the existing policy on the issue of hackney carriage vehicle licences to reduce the limit on the number of hackney Carriage vehicle licenses to be granted by the Authority to 250.**
- (2) To carry out an eight-week consultation on the proposed change, starting in January 2024.**

17 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, and highlighted the following points:

- (a) The Committee was asked to consider proposals to amend the Council's Age and Specification Policy, including the removal of the requirement for a minimum engine size, and to release the proposals for a four-week consultation;
- (b) The current Age and Specification Policy was adopted on 18 December 2017, and outlined various requirements to be implemented over a range of dates up to 01 January 2030. It is felt appropriate to review the Policy in light of changes in market and trade, and to reflect changes to national guidance and policy;
- (c) The government recently announced that restrictions on the sale of new petrol and diesel vehicles would be pushed back from 2030 to 2035, reducing the urgency to move the fleet to newer vehicles. It is proposed that the implementation date for requiring any vehicle being licensed for the first time as a hackney carriage or private hire to be ZEC ULEV be moved back from 01 January 2025 to 01 January 2027;
- (d) Since the adoption of the policy, a number of hackney carriage proprietors have chosen not to move over to Euro 6 and ZEC ULEV vehicles, in some cases resulting in appeals against the Council's decision not to renew licences for non-policy compliant vehicles, which were dismissed. A number of proprietors have chosen to leave the trade or move to other licensing authorities. There has been a reduction in the number of hackney carriage licenses issued from 411 to 205, and a reduction in private hire licenses from 1850 to 1566 since December 2019;
- (e) The trade has advised that it is difficult to source compliant vehicles, due to price increases and competition. There has also been a reduction in the makes and models of compliant vehicles being manufactured;

- (f) A significant number of proprietors are choosing to license their vehicles with other licensing authorities to keep using non-compliant vehicles, and are often able to continue to lawfully come into the Council's administrative area to trade, which can affect the Council's ability to keep members of the public safe where other licensing authorities' standards may not be in alignment;
- (g) A review has been carried out which seeks to address these issues while maintaining public safety and welfare. It is hoped that the proposed revisions will encourage proprietors to return or apply to the Council as licensing authority so that the majority of the fleet operating in the city is licensed by the Council, so that the Council has the ability to inspect vehicles, take appropriate enforcement action when necessary and increase public safety;
- (h) While the revised Policy applies less stringent requirements than those originally introduced, they aim to address the practicalities around current supply issues and financial climate while being consistent with guidance and without compromising passenger safety and welfare.

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

- (i) The reduced emissions resulting from the policy are positive, but the reduction of licensed vehicles due to the cost is concerning, as is the situation whereby the city is flooded with vehicles licensed by other local authorities with different standards;
- (j) Members supported the removal of the minimum engine size policy, given changes in technology to increase their effectivity and efficiency;
- (k) Committee Members questioned the difference in timing before a vehicle requires two enhanced MOTs per year, which is proposed as ten years for fully electric vehicles and seven for others. Members asked if it may be more appropriate to equalise this at ten years, given the investments licence-holders have made in upgrading to Euro 6 compliant vehicles. Officers advised that this is based on technical feedback and DfT guidance, but that alternative viewpoints could be considered through the consultation process;
- (l) Alongside the consultation, Licensing officers will approach the Secretary of State to consider the implications of the current Ministerial Order on the proposed changes;
- (m) Committee Members questioned whether four weeks would be enough time for a consultation, given that a lot of drivers work unsociable hours and many citizens might struggle with online access, and supported a five week consultation starting in January. Officers advised that face to face consultation would be included, as well as consultation with trade unions and operators. There is potential to extend the consultation depending on how long it takes to receive feedback from the Secretary of State;

- (n) With the consultation on reducing the number of hackney carriage licences also taking place starting in January, it will be important to make sure that communications are clear and avoid any confusion. Committee Members were urged to promote the consultations among members of the public they are in contact with as Councillors, as they are open to all members of the public;
- (o) Committee Members asked if any support was available to help with procuring compliant vehicles. When the Age and Specification Policy was first adopted, the Council did get a grant from the government to help drivers with the costs of procuring an electric vehicle, and a number of hackney carriage licence-holders were able to take advantage of that. However, the grant funding, which was introduced just before the onset of Covid-19, had strict time limits. The authority sought an extension of the time limit due to the impact of Covid-19 on the trade, but were not granted an extension. No future funding is currently anticipated, but the Council will put forward bids for any grant funding that may become available in the future to support drivers.

Resolved:

- (1) that the proposed updated Age and Specification Policy be released for public consultation for a five-week period starting in January 2024, together with the proposal to remove the requirement for a minimum engine size in the vehicle specification for both private hire vehicles and hackney carriages.**

Regulatory & Appeals Committee 2024

Title of paper:	Review of Age and Specification Policy Relating to Hackney Carriage and Private Hire Vehicles	
Director(s)/ Corporate Director(s):	Mary Lester Director – Residents Services	Wards affected: ALL
Report author(s) and contact details:	Nick Burns Nick.burns@nottinghamcity.gov.uk	
Other colleagues who have provided input:	Ann Barrett, Team Leader Legal Services 0115 8764411 Ann.barrett@nottinghamcity.gov.uk Pete Mitchell, Head of Environmental Health and Public Protection Pete.mitchell@nottinghamcity.gov.uk	
Date of consultation with Portfolio Holder(s) (if relevant)	N/A	
Relevant Council Plan Key Theme:		
Strategic Regeneration and Development		<input checked="" type="checkbox"/>
Schools		<input type="checkbox"/>
Planning and Housing		<input type="checkbox"/>
Community Services		<input type="checkbox"/>
Energy, Sustainability and Customer		<input type="checkbox"/>
Jobs, Growth and Transport		<input type="checkbox"/>
Adults, Health and Community Sector		<input type="checkbox"/>
Children, Early Intervention and Early Years		<input type="checkbox"/>
Leisure and Culture		<input checked="" type="checkbox"/>
Resources and Neighbourhood Regeneration		<input type="checkbox"/>
Summary of issues (including benefits to citizens/service users):		
<p>On 27 November 2023 this Committee authorised a public consultation on proposed changes to the Council's Age and Specification Policy Relating to Hackney Carriage and Private Hire Vehicles together with the proposal to remove the requirement for a minimum engine size in the vehicle specification for both private hire vehicles and hackney carriages. This report asks members to consider the responses to consultation together with any amendments to the proposals made as a result of them and to adopt the policy attached at Appendix 1.</p>		
Recommendation(s):		
1	That the Hackney Carriage and Private Hire Age & Specifications Policy at Appendix 1 be approved to take effect from 1 April 2024.	
2	That the requirement for a minimum engine size specified in both the private hire and hackney carriages vehicle specifications be removed with effect from 1 April 2024.	

1 REASONS FOR RECOMMENDATIONS

- 1.1 Section 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976 allow a council to prescribe the design and appearance of both Hackney Carriage (HC) and Private Hire Vehicles (PHV) with the aim to ensure the safety of the travelling passenger. The Council's current Age and Specification Policy (the Current Policy) was adopted on 18 December 2017 with various requirements to be implemented over a range of dates up to 1 January 2030.
- 1.2 It is felt appropriate to review the Current Policy in light of various changes of circumstance since it was first adopted, to address changes in market and trade, and to reflect changes to national guidance and policy that are impacting on the taxi trade as a whole. The national government approach has since also changed, delaying the ban on the sale of petrol and diesel cars until 2035.
- 1.3 It is felt that the proposed changes will also support the Council's HC and PHV licensees in the current financial climate without adversely affecting public safety and welfare and will enable the Council to attract and retain licensees. This will ensure that the Council remains competitive within the HC and PH market licensing appropriately sized fleets which are well regulated and provide good public services.
- 1.4 The proposals will continue to provide the public with an identifiable method of transportation which is safe, comfortable and takes into account the technological improvements in a range of vehicles.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 Section 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976 allow a council to prescribe the design and appearance of both HC and PHVs with the aim of ensuring the safety of the travelling passenger.
- 2.2 Nottingham City Council (The Council) is required to ensure that all vehicles licensed by them adhere to minimum standards which are applied in a consistent and transparent manner. The standards concerned are defined by legislation, licence conditions and byelaws adopted by the Council. Together they identify what is expected and required of the trade and help to ensure a consistent approach is taken to reach those expectations.
- 2.3 As a City, Nottingham already has a responsibility to maintain a transport system which not only facilitates the needs of its users but which also contributes to meeting the Council's wider duties and responsibilities. The HC and PHVs licensed by Nottingham City Council form an important part of that system.
- 2.4 The proposals for change were first raised at this Committee on 27 November 2023 (the November Report) and the Committee approved the release of the proposed policy (the Consultation Policy) for a 5-week period of consultation which commenced on 1 January 2024 and closed at midnight on 5 February 2024. The consultation documents were circulated to all drivers, vehicles owners, private hire operators and also relevant trade representatives. The November Report (including the Consultation Policy) can be located using the link below,

<https://committee.nottinghamcity.gov.uk/mgChooseDocPack.aspx?ID=10399>

- 2.5 As a result of the approval for the proposals to be released for consultation, Pete Mitchell has approached the Secretary Of State/Department for Environment, Food and Rural Affairs (DEFRA) for comment on the proposals with the Council still being under a Ministerial Direction in relation to Air Quality attached in Appendix 2. No response has of yet been received.
- 2.6 The main element of the local air quality local plan referred to in the Direction, was the retrofit of approximately 185 Euro V emission standard Nottingham City Transport buses with NO2 abatement technology to bring them up to Euro VI emission standard and the accelerated introduction of lower NO2 emissions Bio-gas buses. This was substantially completed by February 2020.
- 2.7 The second element of the local plan, was to implement an updated taxi licensing policy (as set out in the age and emission policy). This was achieved following the adoption and implementation of the Current Policy and the Hackney Carriage and Private Hire Vehicle Strategy 2017-2020 which were designed to transition the fleet to Euro VI compliant hackney carriages from January 2020, and for a minimum of 40% of the HC and 25% of the PH fleet to be Ultra Low Emission Vehicles by 2020. Notwithstanding this it is now felt to be both appropriate and necessary to revise the Current Policy for the reasons outlined in the November report namely:
- difficulties in sourcing new and second-hand vehicles which meet the Current Policy (including a reduction in the number of models of vehicle being manufactured)
 - increased prices for such vehicles
 - impacts of Covid and Brexit
 - a reduction in the number of licence applications received by the Council and reduced size of fleets

As indicated in the November Report it was felt that the Current Policy could be revised without compromising passenger safety or standards. The aims of the Ministerial Direction have been met as all of the current Hackney carriage fleet is a minimum of Euro VI and that requirement will remain. Currently 25% of the Hackney Carriage and 66% of the Private Hire fleet are Ultra Low Emission Vehicles.

- 2.8 The recent Government announcement that restrictions on the sale of new petrol and diesel vehicles from 2030, is to be put back to 2035, perhaps reduces the urgency to move the fleet to newer vehicles in the shorter term, however at some point in the future this will need to be readdressed within this Policy. With that in mind it is proposed that the requirement for any vehicle being licensed for the first time as a HC or PHV to be ZEC ULEV be put back from 01/01/2025 to 01/01/2030
- 2.9 Responses to the consultation were received from 7 individuals and 2 trade representatives, (one from the App Drivers and Couriers Union (ADCU) counter signed by 10 licensed drivers, and the other from Nottingham Licensed Taxi Owners Driver Association (NLTOLDA), with 145 signatures in support and also recommending further changes to the policy.) A summary of the consultation responses is attached at Appendix 3.
- 2.10 A further review of the Current Policy has been carried out by officers taking into consideration the recently adopted Department for Transport Guidance November 2023, and also considering the consultation responses. As a result of this review some

revisions have been made to the Policy which seek to address concerns raised whilst continuing to maintain public safety and welfare.

2.11 The consultation responses were generally supportive of the changes proposed by the Council and encouraged it to go further. Whilst the Council does not control the market, the responses tend to indicate that the proposed changes may encourage proprietors to return or apply to the Council as Licensing Authority so that the majority of the vehicles trading in the City are licensed by the Council. This will ensure that the Council remains the primary body responsible for the enforcement of vehicle and driver standards of those vehicles operating in the City thereby raising public protection and ensuring that vehicles are operating to locally adopted standards.

2.12 Following on from this further review it is proposed that the Current Policy be further amended as follows:

- Extend age at which Hackney Carriages and Private Hire Vehicles can first be licensed to 10 years (from 4 years for a PHV and 6 for a HC in the Current Policy and 7 in the Consultation Policy).
- Extend the maximum age for vehicles to be licensed to 15 years for Private Hire Vehicles. (from 10 in the Current Policy and 12 in the Consultation Policy)
- Extend the maximum age for vehicles to be licensed to 15 years for Hackney Carriage Vehicles (from 10 in the Current Policy and 14 in the Consultation Policy)
- Extend the policy to 1 enhanced MOT per year to the age of 10 (from 3 in the Current Policy and 7 in the Consultation Policy) with vehicles requiring 2 enhanced MOT'S per year thereafter.
- Fully electric Hackney Carriages will require 1 enhanced MOT up until 12 years (from 10 in the Consultation Policy) and 2 enhanced MOT's per year thereafter.
- Fully electric Private Hire Vehicles will require 1 enhanced MOT up until the age of 12 (from 10 in the Consultation Policy) and then 2 enhanced MOT's per year thereafter.

2.13 The Department for Transport Taxi and Private Hire Vehicle Licensing Best practice Guidance 2023 advises that :-

Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting up the cost of operation or otherwise restricting entry to the trade. Local licensing authorities should recognise that too restrictive an approach can work against the public interest – and can, indeed, have safety implications (by increasing waiting times on streets late at night or tempting people to use unlicensed vehicles)

It also states:-

The setting of an arbitrary age limit may be inappropriate, counterproductive and result in higher costs to the trade and ultimately passengers. For example, a maximum age for first licensing may have adverse unintended consequences. A 5-year-old used electric vehicle will produce less emissions than a new Euro 6 diesel or petrol car – enabling the trade to make use of previously owned vehicles will assist it to transition more rapidly to zero emission vehicles and improve air quality.

and

The legal requirement is that private hire vehicles which are at least three years old, and all taxis, must be subject to an MOT test or its equivalent at least once a year. Local authorities may obtain a designation from the Secretary of State for Transport to issue 'Certificates of Compliance'. The requirements of the test normally include those in an MOT test but may also include another inspection by a licensing officer to ensure the vehicle meets the relevant local requirements for issuing a taxi or private hire vehicle licence e.g. cleanliness of the vehicle inside and outside, correct plates displayed etc.

Whilst guidance is noted the revised age limits set out in the proposed revisions to the Policy are still considered appropriate with public safety in mind when travelling within licensed vehicles. In the Department for Transport's 2023 consultation in regards to MOTs it had concluded within its summary that, "vehicles are more likely to accumulate significant problems as they age and at higher mileages and more likely as a consequence to fail an MOT test and it is also the case that vehicles that do greater mileage than average are more likely to fail MOT test". With that in mind it is considered that the approach of maintaining an age limit will ensure that vehicles licensed by Nottingham City Council remain in excellent condition whilst carrying passengers in Nottingham City and further afield maintaining a good level of public safety and confidence. The Policy proposed in this report is less stringent than that currently applied and aims to address current restrictions on the supply of Council licensed HCs and PHVs and the amendments are therefore felt to be consistent with the spirit of the 2023 Guidance which can be found here:-.

<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance/taxi-and-private-hire-vehicle-licensing-best-practice-guidance-for-licensing-authorities-in-england#vehicle-licensing>

- 2.14 Aside from age and MOT requirements the other main purpose of the consultation related to remove the requirement for a minimum engine size in both the HC and PHV specifications. This is primarily on the basis that a smaller engine is lighter and therefore more fuel efficient and less polluting and with the introduction of improved computer technology and turbocharging, they can produce as much power as a larger engine could a few years ago and are therefore better for city driving. Once again consultation responses were generally in support of this proposal and it is now recommended to the Committee

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 Retention of the Current Policy. - This has been discounted as it does not address the issues of supply currently being experienced by proprietors nor the effects of the increased costs of vehicles all of which are impacting on the size of the Council's current fleet. This is encouraging an increased amount of vehicles licensed by other authorities to operate within the City, with the Council not being able to undertake the testing of these vehicles potentially having a detrimental effect on the quality and safety of vehicles carrying passengers in Nottingham City boundaries.

4 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

- 4.1 This reports seeks the recommendations based on the responses to the consultation around the proposed changes to the council's age and specification policy relating to Hackney Carriages and Private Hire Vehicles and the removal of the minimum engine size specification to take effect from 1st April 2024.
- 4.2 These changes could have a favourable effect in relation to the number of taxi license applications received by Nottingham City Council, thereby ensuring the standards set in the policy are met and improving waiting times and public safety.
- 4.3 There should be minimal financial implications in the amending of the policies, with any costs and subsequent increases or decreases in the number of licenses within the service having no expected impact on the MTFP.

Susan Turner – Senior Commercial Business Partner 29/02/2024

5 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

- 5.1 Before the Council may grant a Private Hire or Hackney Carriage vehicle licence it is required to be satisfied of certain statutory criteria regarding its type, size, design, condition and safety and it is lawful for a Council to adopt policies relating to such matters. Here amendments are proposed to the Council's existing Policy to reflect relevant changes in circumstance since it was originally adopted. Regard should also be had to the relevant Best Practice Guidance is set out in the body of the report.
- 5.2 The introduction of the Current Policy formed part of the Local Plan to Improve Air Quality in Nottingham and which was approved by the Secretary of State on 20th November 2018. The Council was under Ministerial Direction to implement that Plan (which it has done) to ensure that compliance with the legal limit for Nitrogen Dioxide was achieved in the shortest possible time and by 2019 at the latest. The authority was also under a direction not to vary, revoke or suspend implementation of the local plan without the prior written consent of the Secretary of State. The Local plan highlighted that one of the most important targets in the Council's 2017 taxi strategy was that every Hackney Carriage in Nottingham should be ULEV by 2025. It is now proposed that date be put back to 2030. The Council remains under the Ministerial direction and whilst it is noted that the Minster has been approached in relation to the Council's proposal to change the Current Policy and failed to respond there is a risk that changing the Policy could potentially have an impact on air quality considerations and measures especially should the Minister perceive there to have been a breach of the Ministerial Direction.
- 5.3 As with the adoption of any policy it will potentially be open to challenge either by way of judicial review on public law grounds, or by a vehicle owner on appeal against the refusal of a vehicle licence.

Ann Barrett, Team Leader Legal Services 1/3/2024

6 STRATEGIC ASSETS & PROPERTY COLLEAGUE COMMENTS (FOR DECISION RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE) (AREA COMMITTEE REPORTS ONLY)

- 6.1 N/A

7 EQUALITY IMPACT ASSESSMENT

7.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required because this is a statutory requirement and the policy has been developed to enable fairness to all parties.

8. DATA PROTECTION IMPACT ASSESSMENT (DPIA)

8.1 A DPIA is not required because the policy does not have sensitive information within the policy.

9. CARBON IMPACT ASSESSMENT

9.1 The Carbon impact has been commented on during this report

10 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

10.1 Local Government (Miscellaneous Provisions) Act 1976
Department for Transport Draft Best Practice Guidance on Taxi and Private Hire Vehicles (2022)
Department for Transport Changes to the date of the first MOT test and research into other MOT enhancements, Updated 16 February 2023

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APPENDIX 1.

CITY OF NOTTINGHAM



AGE AND SPECIFICATION POLICIES RELATING TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

GENERAL

1. This Policy amends the policy which took effect from 1 January 2018
2. In accordance with the earlier policy
 - 2.1 All Hackney Carriage vehicles will be required to be a minimum of Euro 6 Diesel or ZEC ULEV
 - 2.2 No Hackney Carriage or Private Hire vehicle shall be granted a licence unless it meets the City Council's approved vehicle specification and
 - 2.3 No licence will be granted for a Hackney Carriage Vehicle Licence unless that Vehicle is wheelchair accessible.

Hackney Carriages will also need to continue to meet the Council's livery policy and both Hackney Carriages and Private Hire Vehicles will need to comply with the Council's Advertising Policy

3. Nottingham City Council will generally refuse to renew a licence for a vehicle for use as a Hackney Carriage or Private Hire vehicle once the respective upper age limit has been reached :-
 - 3.1 **From 01/01/2030**, any vehicle being licensed for the first time as a Hackney Carriage or Private Hire vehicle will be required to be ZEC ULEV
 - 3.2 **From 01/01/2035**, no vehicle shall be licensed as a Hackney Carriage or Private Hire vehicle unless it is a Zero Emissions Capable Ultra Low Emission Vehicle

PRIVATE HIRE VEHICLES

From 01/04/2024

4. Only Private Hire vehicles TEN (10) years of age and under from the date of first DVLA registration will be considered for first licensing or as a replacement vehicle.
5. Private Hire vehicles over the age of FIFTEEN (15) years from the date of first DVLA registration will ordinarily be REFUSED a licence UNLESS the vehicle

is in exceptionally good road-worthy condition and approved for use following an Exceptional Condition Vehicle Check carried out by an authorised officer.

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 TWELVE (12) 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

WHEELCHAIR ACCESSIBLE HACKNEY CARRIAGE VEHICLES

From 01/04/2024

7. Only Hackney Carriage vehicles TEN (10) years of age and under from the date of first DVLA registration will be considered for first licensing or as a replacement vehicle

8. Hackney Carriage vehicles over the age of FIFTEEN (15) years from the date of first DVLA registration will ordinarily be REFUSED a licence UNLESS the vehicle is in exceptionally good road-worthy condition and approved for use following an Exceptional Condition Vehicle Check carried out by an authorised officer.

9. 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 TWELVE (12) 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.

* Euro 6 diesel relates to the engine AND vehicle both being manufactured after September 2015.

** ZEC ULEV definition – emit up to 50g/km CO₂ with a minimum of 30 mile emission range. A ZEC Hackney Carriage MUST be petrol if an internal combustion engine is used

ENVIRONMENT ACT 1995

Environment Act 1995 (Nottingham City Council) Air Quality Direction 2018

The Secretary of State, in exercise of the power conferred by section 85(5) of the Environment Act 1995⁽¹⁾, gives the following direction.

In accordance with section 85(6) a copy of this direction will be published in the London Gazette.

The Secretary of State makes this direction having determined that it is necessary in order to meet obligations placed upon the UK under the EU Ambient Air Quality Directive⁽²⁾.

Citation, commencement and application

1.—(1) This direction may be cited as the Environment Act 1995 (Nottingham City Council) Air Quality Direction 2018 and comes into force on 21 November 2018.

(2) This direction applies to Nottingham City Council.

Interpretation

2. In this direction—

“local plan for NO₂ compliance” means the detailed scheme (excluding any associated mitigation measures) which Nottingham City Council identified as part of the AQP to deliver compliance with the legal limit value for nitrogen dioxide in the shortest possible time that was approved by the Secretary of State on 20 November 2018 and is summarised in Schedule 1;

“the authority” means Nottingham City Council;

“AQP” means the UK plan for tackling roadside nitrogen dioxide concentrations 2017, drawn up by the Secretary of State in accordance with regulation 26(1) of the Air Quality Standards Regulations 2010⁽³⁾;

Duty to implement the approved local plan for NO₂ compliance

3.—(1) The authority must take steps to implement the local plan for NO₂ compliance for the area for which it is responsible.

(2) The authority must ensure that the local plan for NO₂ compliance is implemented so that—

- (a) compliance with the legal limit value for nitrogen dioxide is achieved in the shortest possible time, and by 2019 at the latest;
- (b) exposure to levels above the legal limit for nitrogen dioxide are reduced as quickly as possible.

(1) 1995 c25.

(2) 2008/50/EC OJ No. L 152, 11.06.08, p.1.

(3) S.I. 2010/1001. A copy of the plan is available at: <https://www.gov.uk/government/publications/air-quality-plan-for-nitrogen-dioxide-no2-in-uk-2017>.

Variation, revocation or suspension

4. The authority must not vary, revoke or suspend its implementation of the local plan for NO₂ compliance pursuant to paragraph 3, without the prior written consent of the Secretary of State.

Guidance

5. The authority, in taking steps under this direction, must have regard to relevant guidance issued by the Secretary of State.



Thérèse Coffey MP
Parliamentary Under Secretary of State for the Environment
Department for the Environment Food & Rural Affairs

20 November 2018

SCHEDULE 1

Paragraph 2

Summary of local plan for NO₂ compliance measures

<i>Measures description</i>	<i>Deadlines</i>
Clean Bus Technology Fund bus retrofit programme	To be implemented as soon as possible and at least in time to bring forward compliance to 2019
Updating the taxi licensing policy (as set out in the Age and Emissions Policy)	To be implemented as soon as possible and at least in time to bring forward compliance to 2019

EXPLANATORY NOTE

(This note is not part of the direction)

This direction directs Nottingham City Council to implement its local plan for NO₂ compliance, in connection with duties in respect of air quality under Part 4 of the Environment Act 1995 and as part of the UK plan for tackling roadside nitrogen dioxide concentrations 2017. The local plan for NO₂ compliance was approved by the Secretary of State on 20 November 2018, and it must now be implementation to ensure compliance with the legal limit value for nitrogen dioxide is achieved in Nottingham in the shortest possible time. Under section 85(7) of the Environment Act it is the duty of a local authority to comply with a direction given to it. A copy of this direction is available at for inspection at Seacole Building, 2 Marsham Street, London, SW1P 4DF.

Responses to consultation

REVIEW OF AGE POLICY FOR HACKNEY CARRIAGE & PRIVATE HIRE VEHICLES

PH – Private Hire HC = Hackney Carriage NK – Not Known ALL – relevant to all vehicles

Ref No.	Private Hire Hackney Carriage Not Known ALL	Summary of Respondents Comments	Authorities Appraisal of Comments	Authority's Response with regard to Proposed Policy
1	NK	The policy changes look good, we should consider bus lane exemption for Nottingham City Plated vehicles to encourage drivers to license with the city council rather than Wolverhampton.	We accept the positive comments to the Age and Specification policy and the bus lane exemption is not relevant to this consultation.	The bus lane exemption is not within the remit of the Policy nor the Regulatory and Appeals Committee. No changes to Proposed Policy
2	PH	Discussing the cost of vehicles in the PH market being unaffordable and our current policy means that we are pricing drivers out of currently licensing with Nottingham City Council, with me registered with Wolverhampton City Council the new proposed policy is very welcome and will help local drivers to be able to license their PH vehicle with Nottingham City Council.	Valid points are raised, these were highlighted in the original report to the Regulatory and Appeals Committee.	No changes to Proposed Policy
3	PH	Its great to see the changes that Nottingham City Council are proposing with the 1 st plate age changes and yearly MOT'S being introduced although we would like more flexibility during the cost of living crisis and	Valid points are raised, these were highlighted in the original report to the Regulatory and Appeals Committee and the	Proposed Policy amended to Any PH/HC vehicle can be licensed for the first time up to the age of 10

Responses to consultation

REVIEW OF AGE POLICY FOR HACKNEY CARRIAGE & PRIVATE HIRE VEHICLES

		<p>interest rate hikes by increasing the first age plate and yearly MOT further, as well as pushing the fully ULEV requirement back to 2030. This would encourage other drivers to return to the city from other Borough Councils. This is countersigned by a further 10 drivers from ADCU Trade Union.</p>	<p>reasons behind reviewing the policy in the current climate.</p>	<p>PH/HC upper age limited extended to 15 years for both.</p> <p>A Private Hire Vehicle or a Hackney Carriage will be required to have one MOT test per year until the age of 10 (12 for a fully electric vehicle) and 2 per year there on after.</p> <p>As of 01/01/2030, any vehicle being licensed for the first time as a Hackney Carriage or Private Hire vehicle will be required to be ZEC ULEV, all vehicles to be fully electric by 2035 as per national guidance.</p>
4	PH	<p>I feel the proposed changes are a real positive and delighted with the proposals as a Wolverhampton plated driver that lives in Nottingham, but I feel that there could be a further extension to the Age and Specification Policy due to the current market and the rising cost of vehicles and insurance, the ULEV date should also be pushed back as the infrastructure is not sufficient to support the taxi fleet. The license costs at Wolverhampton City Council are cheaper.</p>	<p>Valid points are raised, these were highlighted in the original report to the Regulatory and Appeals Committee and the reasons behind reviewing the policy in the current climate.</p>	<p>Proposed Policy amended to Any PH/HC vehicle can be licensed for the first time up to the age of 10</p> <p>PH/HC upper age limited extended to 15 years for both.</p> <p>A Private Hire Vehicle or a Hackney Carriage will be required to have one MOT test per year until the age of 10 (12 for a fully electric vehicle) and 2 per year there on after.</p>

Responses to consultation

REVIEW OF AGE POLICY FOR HACKNEY CARRIAGE & PRIVATE HIRE VEHICLES

				<p>As of 01/01/2030, any vehicle being licensed for the first time as a Hackney Carriage or Private Hire vehicle will be required to be ZEC ULEV, all vehicles to be fully electric by 2035 as per national guidance.</p> <p>Fees will be reviewed at a later date.</p>
5		<p>The cost of living crisis is affecting the taxi trade, I would like to plate with Nottingham City Council but I have a 2018 plated vehicle and cannot afford a new one currently so I have to license with Wolverhampton City Council.</p>	<p>Valid points are raised, these were highlighted in the original report to the Regulatory and Appeals Committee and the reasons behind reviewing the policy in the current climate.</p>	<p>Proposed Policy amended to Any PH/HC vehicle can be licensed for the first time up to the age of 10</p> <p>PH/HC upper age limited extended to 15 years for both.</p> <p>A Private Hire Vehicle or a Hackney Carriage will be required to have one MOT test per year until the age of 10 (12 for a fully electric vehicle) and 2 per year there on after.</p> <p>As of 01/01/2030, any vehicle being licensed for the first time as a Hackney Carriage or Private Hire vehicle will be required to be ZEC ULEV, all vehicles to be fully electric by 2035 as per national guidance.</p>
6	PH	<p>I welcome the changes to the Age and Specification Policy as there a lot of drivers</p>	<p>Valid points are raised, these were highlighted in</p>	<p>No changes to Proposed Policy</p>

Responses to consultation

REVIEW OF AGE POLICY FOR HACKNEY CARRIAGE & PRIVATE HIRE VEHICLES

		working in the city licensed by other authorities due to the age limits of the vehicle.	the original report to the Regulatory and Appeals Committee.	
7	HC	NLTODA union welcome the proposed changes in policy and have a 145 driver signatures supporting the comments raised the trade union. They would like to see an extension to the 1 year MOT to 10 years and agree with the ages proposed at 15 years for HC.	Valid points are raised, these were highlighted in the original report to the Regulatory and Appeals Committee and the reasons behind reviewing the policy in the current climate.	Proposed Policy amended to PH/HC upper age limited extended to 15 years for both. A Private Hire Vehicle or a Hackney Carriage will be required to have one MOT test per year until the age of 10 (12 for a fully electric vehicle) and 2 per year there on after.
8	PH	I welcome the proposed changes that Nottingham City Council have put forward, the removal of the engine size requirement reflects the significant improvements that have been made to vehicles and the technology within vehicles. I also welcome the changes to the Age and Specification Policy because drivers can get licensed elsewhere and can still have the same benefits and operate directly in Nottingham city centre.	Valid points are raised, these were highlighted in the original report to the Regulatory and Appeals Committee and the reasons behind reviewing the policy in the current climate.	No changes to Proposed Policy
9	PH	I welcome all changes except the requirements for EV vehicles from 2030. My objections to this policy are due to the range of the batteries on EV vehicles. The current	Valid points are raised in regards to the difficulty in the mile ranges of EV vehicles currently.	Proposed Policy Amended to As of 01/01/2030, any vehicle being licensed for the first time as a Hackney

Responses to consultation

REVIEW OF AGE POLICY FOR HACKNEY CARRIAGE & PRIVATE HIRE VEHICLES

		mileage would not allow me to do airport runs sufficiently without impacting the customer waiting times in service stations for trips to Heathrow.		Carriage or Private Hire vehicle will be required to be ZEC ULEV, all vehicles to be fully electric by 2035 as per national guidance.
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Regulatory & Appeals Committee – 25 March 2024

Title of paper:	Hackney Carriage Unmet Demand Survey	
Director(s)/ Corporate Director(s):	Mary Lester Director – Resident Services	Wards affected: All
Report author(s) and contact details:	John Davis – Taxi Licensing Compliance Manager 07572262275 john.davis@nottinghamcity.gov.uk	
Other colleagues who have provided input:	Ann Barrett, Team Leader Legal Services 0115 8764411 ann.barrett@nottinghacity.gov.uk	
Date of consultation with Portfolio Holder(s) (if relevant)	N/A	
Does this report contain any information that is exempt from publication? No		
Relevant Council Plan Outcome:		
Green, Clean and Connected Communities	<input type="checkbox"/>	
Keeping Nottingham Working	<input type="checkbox"/>	
Carbon Neutral by 2028	<input type="checkbox"/>	
Safer Nottingham	<input type="checkbox"/>	
Child-Friendly Nottingham	<input type="checkbox"/>	
Living Well in our Communities	<input type="checkbox"/>	
Keeping Nottingham Moving	<input checked="" type="checkbox"/>	
Improve the City Centre	<input type="checkbox"/>	
Better Housing	<input type="checkbox"/>	
Serving People Well	<input type="checkbox"/>	
Summary of issues (including benefits to citizens/service users):		
<p>Nottingham City Council (“the Council”) currently limits the number of Hackney Carriage Vehicle (“HCV”) licences that it will issue to 420.</p> <p>On 27 November 2023, the Committee resolved to accept the recommendation to review the existing policy on the issue of hackney carriage vehicle licences. The Committee proposed to reduce the limit of the number of hackney carriage vehicle licences to be granted by the Authority to 250 and to carry out an eight-week consultation on the proposed change starting in January 2024.</p> <p>The consultation period was from 01 January to 26 February 2024.</p> <p>This report asks members to consider the responses to the consultation attached at Appendix 1 and to adopt the policy.</p>		
Recommendation(s):		
1	That the findings of the Licensed 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 .
--

1. **Reasons for recommendations**

- 1.1 The results of the Survey of Unmet demand which indicated that there is no evidence of any unmet demand which could be counted significant in terms of Section 16 of the 1985 Transport Act have previously been considered by the Committee.
- 1.2 The Committee has previously resolved to consult on a proposal to reduce the number of hackney carriage licences that the Council will issue to 250.
- 1.3 The Consultation responses support that proposal.

2. **Other options considered in making recommendations**

- 2.1 To remove the limit on the number of licences issued.
- 2.2 To retain the limit on the number of licences issued at 420.

3. **Consideration of Risk**

- 3.1 The advantages and disadvantages of the various options are considered in the report below.

4. **Background (including outcomes of consultation)**

- 4.1 Section 16 of the Transport Act 1985 states that a local authority may only limit the number of hackney carriages which it will licence if it is satisfied that there is no significant unmet demand for hackney carriages within the area. Effectively this has resulted in any council which numerically restricts the number of hackney carriage licences issued having to undertake a survey of unmet demand to provide evidence that there is no significant unmet demand and the level at which any cap on licence numbers should be set. Following the earlier reports, an unmet demand survey has been conducted by specialists, Licensed Vehicle Surveys and Assessment (LVSA), and a final report produced.
- 4.2 The Department for Transport has issued best practice guidance regarding limiting the number of hackney carriage licences issued. 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.
- 4.4 On 27 November 2023, this committee considered a report on the LSVA survey and report and resolved to consult on a proposal to limit the number of HCV licences that the Council will issue to 250. That report and the subsequent minutes can be found here

- 4.5 The consultation was carried out between 01 January and midnight on 26 February 2024. Two consultation responses were received, one from an individual and one from the Nottingham Licensed Taxi Owners & Drivers Association (NLTODA) on behalf of 145 drivers.
- 4.6 The response from the individual respondent did not support the reduction in the number of hackney carriage licence issued as they felt that it would result in licences being sold at a premium, they felt that less hackney carriages would result in more drivers licensed by City of Wolverhampton Council illegally plying for hire and he wanted to retain the option of obtaining a hackney carriage licence should he want to move back into the trade.
- 4.7 The response from NLTODA on behalf of 145 drivers supported the reduction in the number of hackney carriage vehicle licences to be issued by the Authority.
- 4.8 Officer's appraisal of the responses received can be found at Appendix 1.

It is now recommended that the option to reduce the number of hackney carriage vehicle licences to be issued by the Authority be reduced to 250.

Advantages

- The LVSA survey has shown that there is no evidence of any unmet demand which could be counted significant in terms of section 16 of the 1985 Transport Act.
- Proprietors and drivers will have more opportunity to earn a living wage.
- It will reduce the amount of time that a hackney carriage is sitting on a rank between jobs and potentially prevent vehicles sitting with their engines idling especially in winter when the drivers are using the vehicle heaters and therefore will contribute to reducing pollution in the City Centre.
- A restriction on the number of hackney carriages may prevent drivers working excessive hours which would affect the safety of the travelling public.

Disadvantages

- This option is contrary to Department of Transport Guidance and would need to be justified. In most cases where quantity restrictions are imposed, vehicle licences command a premium, often in tens of thousands of pounds, however this is not currently the case in Nottingham as not all vehicle licences have been issued.
- A further unmet demand survey will be required in October 2025. Which has cost implications for the Council. The current survey cost in the region of £19,140 and prices are likely to rise over the next 3 years.
- The travelling public would not enjoy the benefits of more competition within the taxi market.

- 4.9 The Council's Age and Specification Policy has previously acted as a form of quality control which has impacted on the number of licensed hackney carriages. As previously indicated in the November Report, the number of licensed hackney carriages in Nottingham has fallen from 411 to 194 as a result of a number of factors including that policy, the Covid-19 pandemic and the lack of availability and high price of new and second hand compliant vehicles. The proposed changes to the Council's Age & Specification policy which form a separate item on this agenda are not thought to be likely to impact on the demand for hackney carriage vehicle licences positively or negatively. The proposed new limit of 250 licences still leaves some scope for proprietors to re-enter the Nottingham Hackney Carriage trade and the requirement to regularly review the limit will mean that if circumstances change in the future the appropriateness of continuing to impose a limit and the number at which it is set can be re-assessed.
- 4.10 It is proposed that the new limit on the number of hackney Carriage Vehicle Licences to be issued of 250 be imposed from 01 April 2024.
5. Finance colleague comments (including implications and value for money)
- 5.1 The Survey's findings concluding that there is no significant unmet demand for Hackney Carriages the City Council. The current level of Hackney Carriages in NCC is circa 205 and the cap as per this decision is expected to limit at 250.
- 5.2 To remain at current levels or to reduce the license numbers would have little financial implications as the resources it needed to administer and enforce the hackney carriage licensing regime would need to be reviewed and the licence fees adjusted accordingly to provide no effect on the general fund in the case of any changes.
- 5.3 The decision to cap the numbers requires the three-year unmet demand survey to continue to be completed ongoing (at a current year cost of circa £19,140), costs for which will likely increase in future years as this is not in line with the Best Practice to not impose restrictions.
- 5.4 In the event of an appeal against this cap, the Council will have to defend the rationale behind this decision.

Susan Turner – Senior Commercial Business Partner – 12th March 2024

6. Legal colleague comments

- 6.1 The Survey Report has concluded that there is no significant unmet demand for hackney carriages within the City providing the Council with the **option** of retaining a limit on the number of hackney carriage vehicle licences which it issues. Whilst this provides evidence that the statutory test in section 16 of the Transport Act 1985 has been met the Committee is not bound to continue to impose restrictions should have regard to Best Practice Guidance and other relevant considerations.
- 6.2 The Department for Transport (DFT) Guidance 2023 states that:-
“most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice.”
and also refers to guidance issued by the Competition and Markets Authority in 2017 that:-

“Quantity restrictions are not necessary to ensure the safety of passengers, or to ensure that fares are reasonable. However, they can harm passengers by reducing availability, increasing waiting times, and reducing the scope for downward competitive pressure on fares”

6.3 The Guidance indicates 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?*
- *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?*

In addition the draft guidance asks if there are alternative ways in which the issue could be addressed and suggests that if an alternative measure could be used to achieve the same effect then those measures should be used in preference to quantity restrictions.

6.4 Whilst it is noted that there is support for the proposed limit of 250 licences from the trade the Committee should primarily be considering this issue from the interest of the travelling public. That said, the Survey found no significant unmet demand even with the fleet operating on a lower number of licences than the limit which is now proposed.

6.5 The Committee may depart from the guidance should it wish but in order to minimise risk should have regard to it (together with any other relevant considerations,) and should confirm its reasons for departing from the guidance should it chose to do so given that its decision is potentially open to challenge on the usual administrative law grounds.

Ann Barrett, Team Leader Legal Services – 7 March 2024

7. **Other relevant comments**

7.1 None

8. **Crime and Disorder Implications (If Applicable)**

8.1 N/A

9. **Social value considerations (If Applicable)**

9.1 N/A

10. **Regard to the NHS Constitution (If Applicable)**

10.1 N/A

11. **Equality Impact Assessment (EIA)**

11.1 Has the equality impact of the proposals in this report been assessed?

No

An EIA is not required because:
(Please explain why an EIA is not necessary)

Yes
Attached as Appendix 2, and due regard will be given to any implications identified in it.

12. Data Protection Impact Assessment (DPIA)

12.1 Has the data protection impact of the proposals in this report been assessed?

No

A DPIA is not required because there is no additional impact on the data protection requirements already in place.

Yes
Attached as Appendix x, and due regard will be given to any implications identified in it.

13. Carbon Impact Assessment (CIA)

13.1 Has the carbon impact of the proposals in this report been assessed?

No
A CIA is not required because this policy has no impact on carbon emissions.

Yes
Attached as Appendix x, and due regard will be given to any implications identified in it.

14. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)

14.1 None

15. Published documents referred to in this report

15.1 Taxi and Private Hire Vehicle Licensing: Best Practice Guidance – March 2010

Nottingham City Council

Responses to consultation

Hackney Carriage Unmet Demand Survey

Ref no	Summary of respondent's comments	Authority's appraisal of comments	Authority's response with regard to the proposed Manual
1	Opposes option to reduce the number of licences issued as they believe it will mean HCV licences changing hands for money, it will increase the number of Wolverhampton licensed PHVs illegally plying for hire & they would like to be able to obtain a HCV licence should they wish to return to the Trade.	There is currently in excess of 50 HCV licences available for issue and the Council carries out regular illegally plying for hire operations and prosecutes offenders.	No change proposed
2	Nottingham Licensed Taxi Owners & Drivers Association (NLTODA) representing 145 drivers, supports the proposal to reduce the number of HCV licences for issue to 250.	The Authority accepts the support from NLTODA.	No change proposed

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Equality Impact Assessment Form

[screentip-sectionA](#)

1. Document Control

Control Details:

Title: If this is a budget EIA please ensure the title is the same as the title used within the budget booklet	Hackney Carriage Unmet Demand Survey
Author:	John Davis
Director:	Colin Wilderspin
Department:	Communities
Service Area:	Taxi Licensing
Contact details:	john.davis@nottinghamcity.gov.uk 07572262275
Strategic Budget EIA: N (Does this EIA have an impact on the budget) If yes, please include the reference number	N
Exempt from publication: N (All EIA's are published on Nottingham Insight for public viewing unless specified. Exemption criteria is available on the EIA section on the Intranet)	N

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2. Document Amendment Record:

Version	Author	Date	Approved
V.1	John Davis	02 August 2023	

3. Contributors/Reviewers (Anyone who has contributed to this document will need to be named):

Name	Position	Date
Nasreen Miah	Equality & Employability Consultant	10.08.2023

4. Glossary of Terms

Term	Description
HCV	Hackney Carriage Vehicle
ZEC ULEV	Zero Emissions Compliant Ultra Low Emissions Vehicle
LVSA	Licensed Vehicle Survey & Assessment
BPG	Best Practice Guidance

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[screentip-sectionB](#)

5. Summary

(Please provide a brief description of proposal / policy / service being assessed)

Nottingham City Council currently limits the number of Hackney Carriage Vehicle licences that it will issue to 420. The Regulatory & Appeals Committee has previously considered reports on the Hackney Carriage Fleet Overview (14 December 2020) and a HCV Licence Allocations Policy (6 September 2021). Whilst Committee resolved to ask officers to prepare a report considering deregulation of the HCV fleet to be brought to Committee by the end of March 2021 the September 2021 Committee resolved to defer that decision due to the impact that Covid-19 continued to have on the operation of the HCV fleet on a day-to-day basis and the adverse economic effects caused by the downturn in trade. It was recommended that a report on a survey of unmet demand and the potential deregulation should not be brought back to Committee before June 2022 in

order to allow a longer period for the market to readjust to a “new normal” and ensure that an appropriate, thorough and reasonable assessment of the market could be conducted.

Under the Council’s Age and Specification Policy, [How to Apply for a Vehicle Licence - Nottingham City Council](#) all licensed Hackney Carriages have been required to be Euro 6 diesel or ZEC ULEV since 30 June 2020. Whilst large number of appeals were lodged against the Council’s refusal to renew HCV licences which failed to comply with its policy which were outstanding at the time of the earlier reports all of those appeals have subsequently been dismissed. In order to obtain a HCV licence a proprietor will therefore have to comply with the Council’s Age and Specification Policy. However, following the Covid-19 pandemic and a number of proprietors not wishing to move over to the required specification of vehicle, a large number of HCV licences have been surrendered or not renewed and currently there are only 204 licensed HCVs.

Section 16 of the Transport Act 1985 [Transport Act 1985 \(legislation.gov.uk\)](#) states that a local authority may only limit the number of hackney carriages which it will licence if it is satisfied that there is no significant unmet demand for hackney carriages within the area. This has resulted in any council which numerically restricts the number of hackney carriage licences issued having to undertake a survey of unmet demand to ascertain that they are acting correctly. Following the earlier reports an unmet demand survey has been conducted by LVSA and a final report produced.

The conclusion of the recent survey of unmet demand states.

‘Drawing on all the evidence within this report, there is no evidence of any unmet demand which could be counted significant in terms of Section 16 of the 1985 Transport Act.

The fleet is providing a good level of service to the public and covers the city centre well both spatially and temporally.

[screentip-sectionC](#)

6. Information used to analyse the effects on equality:

(Please include information about how you have consulted/ have data from the impacted groups)

This report will be presented to the Regulatory & Appeals Committee with a recommendation to either keep the current cap of 420 hackney carriage vehicles or reduce the number to 250. We are in the process of reviewing the decision whether to reduce the number or keep the status quo. The committee report is still being written. The unmet demand survey that was carried out in 2022 included surveys carried out by Hackney Carriage drivers, passengers and local businesses as well as surveys conducted at various hackney ranks over several days at different times of the day to ascertain if passengers were unable to access hackneys within a reasonable period of time.

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7. Impacts and Actions:

screentip-sectionD	Could particularly benefit X	May adversely impact X
People from different ethnic groups.	<input type="checkbox"/>	<input type="checkbox"/>
Men	<input type="checkbox"/>	<input type="checkbox"/>
Women	<input type="checkbox"/>	<input type="checkbox"/>

Trans	<input type="checkbox"/>	<input type="checkbox"/>
Disabled people or carers.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Pregnancy/ Maternity	<input type="checkbox"/>	<input type="checkbox"/>
People of different faiths/ beliefs and those with none.	<input type="checkbox"/>	<input type="checkbox"/>
Lesbian, gay or bisexual people.	<input type="checkbox"/>	<input type="checkbox"/>
Older	<input type="checkbox"/>	<input type="checkbox"/>
Younger	<input type="checkbox"/>	<input type="checkbox"/>
Other (e.g. marriage/ civil partnership, looked after children, cohesion/ good relations, vulnerable children/ adults).	<input type="checkbox"/>	<input type="checkbox"/>
<i>Please underline the group(s) /issue more adversely affected or which benefits.</i>		

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<p style="text-align: right;"><u>screeintip-sectionE</u></p> <p>How different groups could be affected (Summary of impacts)</p>	<p style="text-align: right;"><u>screeintip-sectionF</u></p> <p>Details of actions to mitigate, remove or justify negative impact or increase positive impact (or why action isn't possible)</p>
<p>Provide details for impacts / benefits on people in different protected groups.</p> <p>Persons who are wheelchair users may be impacted due to the reduced number of wheelchair accessible hackney carriages available.</p>	<p>As part of the unmet demand survey, the following key stakeholders were contacted in line with the recommendations of the BPG:</p> <ul style="list-style-type: none"> • Supermarkets • Hotels • Pubwatch / individual pubs / night clubs • Other entertainment venues

- Restaurants
- Hospitals
- Police
- Disability representatives
- Rail operators

Of the stakeholders contacted only one response was received from a nightclub which stated that their staff and customers usually booked a licensed vehicle through apps on their phones.

A more detailed questionnaire was sent to disability representatives and again only one response was received. The respondent had autism and communication issues and sometimes felt they didn't always get the support from drivers that they needed and they couldn't always book a vehicle when they required one and missed activities if a licensed vehicle failed to turn up. Overall, they rated the service they got from licensed vehicles as satisfactory.

The report concluded

Drawing on all the evidence within this report, there is **no evidence of any unmet demand which could be counted significant in terms of Section 16 of the 1985 Transport Act.**

The fleet is providing a good level of service to the public and covers the city centre well both spatially and temporally.

Following the introduction of the Council's Age & Specification Policy on 01 January 2020 and the Covid-19 pandemic, the number of licensed hackney carriages in Nottingham has been around the 200 mark and due to the high cost (£65,000) to buy a compliant vehicle, it is not envisaged that this number will return to the previous number of 420.

In addition to the wheelchair accessible hackney carriages, there are also 8 wheelchair adapted Private Hire Vehicles which can also be booked through Private Hire Operators. Under the Equality Act 2010, the Council publishes a section 167 list on the website [Wheelchair accessible taxi requirements - Nottingham City Council](#)


1. Arrangements for future monitoring of equality impact of this proposal / policy / service:

An unmet demand survey should be carried out every 3 years. The next review will be carried out in 2025.

9. Outcome(s) of equality impact assessment:

<input checked="" type="checkbox"/>	No major change needed	<input type="checkbox"/>	Adjust the policy/proposal
<input type="checkbox"/>	Adverse impact but continue	<input type="checkbox"/>	Stop and remove the policy/proposal

10. Approved by (manager signature) and Date sent to equality team for publishing:

<p>Approving Manager: The assessment must be approved by the manager responsible for the service/proposal. Include a contact tel & email to allow citizen/stakeholder feedback on proposals. Nick Burns Licensing Manager</p>	<p>Date sent for advice:03/08/2023 Send document or Link to: equalities@nottinghamcity.gov.uk</p>
<p>Approving Manager Signature:</p> 	<p>Date of final approval:</p> <p>23/08/2023</p>

Before you send your EIA to the Equality and Employability Team for advice, have you:

1. Read the guidance and good practice EIA's
<http://intranet.nottinghamcity.gov.uk/media/1924/simple-guide-to-eia.doc>

2. Clearly summarised your proposal/ policy/ service to be assessed.
3. Hyperlinked to the appropriate documents.
4. Written in clear user-friendly language, free from all jargon (spelling out acronyms).
5. Included appropriate data.
6. Consulted the relevant groups or citizens or stated clearly, when this is going to happen.
7. Clearly cross-referenced your impacts with SMART actions.

PLEASE NOTE: FINAL VERSION MUST BE SENT TO EQUALITIES OTHERWISE RECORDS WILL REMAIN INCOMPLETE.

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