

Crawley Borough Council

Report to Licensing Committee

7 November 2022

Revision of Licence Conditions – Driver and Vehicle

Report of the Head of Community Services – HCS/053

1. Purpose

- 1.1 Following implementation of the latest Hackney Carriage and Private Hire Licensing Policy on 1st April 2022, to amend licensing conditions relating to:
- Notification of a change to medical status or measures to manage a medical issue
 - Change the minimum size of engine permitted in a licensed vehicle from 1.6 cc to 1.4 cc or equivalent in the case of electric or hybrid vehicles.

2. Recommendations

- 2.1 That the Licensing Committee approves the amended conditions of the Hackney Carriage and Private Hire Licensing Policy, as detailed in paragraphs 4.7 and 4.9 of report HCS/053, for the following reasons:
- Improve public safety by reinstating a requirement on a licensed driver to notify the Council as Licensing Authority within a specified timescale of changes to medical circumstances as part of the “fit and proper” requirements
 - to allow for the licensed trade to have access to a broader range of vehicles for use as a licensed vehicle.

3. Reasons for the Recommendations

- 3.1 The primary purpose of the licensing regime is public safety and the revision to licence conditions is designed to support and promote this the proposed change to licence conditions regarding notification of medical matters reinstates what was previously in place but which appears to have been omitted in the latest version of the Policy and licence conditions.
- 3.2 A request has been received from the Hackney Carriage Association to reduce the minimum engine size from 1.6 cc to 1.4 cc or equivalent in the case of electric or hybrid vehicles. The reasons cited are that since Brexit and the COVID-19 pandemic, individuals have found it challenging to source suitable licensed vehicles in a timely manner and/or at an affordable price. Furthermore, technical advancement means that modern vehicles with a lower engine capacity can fulfil the same or similar functions to a 1.6 cc engine vehicle.
- 3.3 In July 2020, the Department for Transport (DfT) published the document entitled *Statutory Taxi & Private Hire Vehicle Standards* (“the Standards”) under Section 177(1) of the Policing and Crime Act 2017. The focus of the Standards is on protecting children and vulnerable adults from harm, however all passengers benefit

from any changes made as a result of the implementation of the Standards. The document sets out a framework of policies which Licensing Authorities must have regard to when exercising their functions, including conditions relating to vehicles and drivers.

4. Background

Medical Notification

- 4.1 As previously noted, a key component in relation to Private Hire Driver Licence conditions was omitted during the last Hackney Carriage and Private Hire Policy, adopted on 1st April 2022. This was identified in recent months and requires revision.
- 4.2 As part of the application and renewal process, all licensed drivers must attain Group II Medical Standards, and remain fit and proper throughout the currency of a licence to Group II Standards.
- 4.3 Hackney Carriage drivers are also governed by bylaws and private hire drivers by licence conditions.
- 4.4 The reinstatement of the condition requiring that licensed drivers notify the Council as Licensing Authority of any change to medical condition, change in treatment or circumstance is in place to protect the travelling public and other road users as well as the licensed driver themselves.
- 4.5 In the case of some medical matters, DVLA Group II Medical Standards require:
- That an individual ceases all activity as a licensed driver for a specified period until the relevant Group II Standards are met. (In some instances however, an individual may be unable to attain these Standards and cannot return to the role of licensed driver.)
 - Require additional assessment and monitoring by both the licensed individual, and medical experts.
- 4.6 The current licence conditions read:
- “9. Where any of the following occur, the licensed driver must notify the Council of this fact and must do so in writing (or by email to taxis@crawlley.gov.uk), so that the notification is delivered to the Council within 48 hours*
- (a) Any change to the Licence Holder’s personal details including home address, contact telephone number or email address.*
 - (b) If the Licence Holder is charged with any criminal offence including any motoring offence.*
 - (c) If the Licence Holder receives a simple caution from the police for any criminal offence,*
 - (d) If the Licence Holder is convicted of for any criminal offence, including any motoring offence.*
 - (e) If the Licence Holders changes from one private hire operator to another.”*
- 4.7 It is proposed that the condition be amended to read as follows, with revisions highlighted in bold:

“9. Where any of the following occur, the licensed driver must notify the Council of this fact and must do so in writing (or by email to [taxis@Crawley.gov.uk](mailto:taxis@ Crawley.gov.uk)), so that the notification is delivered to the Councils **Taxi Licensing Service within 48 hours, **except in the case of medical matters which must be notified immediately.****

(a) Any change to the Licence Holder’s personal details including home address, contact telephone number or email address.

(b) If the Licence Holder is charged with any criminal offence including any motoring offence.

(c) If the Licence Holder receives a simple caution from the police for any criminal offence,

(d) If the Licence Holder is convicted of for any criminal offence, including any motoring offence.

e) If the Licence Holders changes from one private hire operator to another.”

f) any new medical condition, change to medical condition, medication or medical episode which has occurred and which could impact on that licensed driver attaining Group II Medical Standards or where a medical matter impacts their ability to operate as a licensed driver.

Revision to Engine Size

- 4.8 The Hackney Carriage Association has requested a revision to the condition relating to engine size. The current vehicle specification for hackney carriage and private hire vehicles states:

“ (d) With an engine having a capacity of at least 1600 cc. including vehicles badged by the manufacturer as “1.6” models.”

- 4.9 It is proposed that this is amended as follows:

(d) With an engine having capacity of at least 1400 cc, including vehicles badged by the manufacturer as “1.4 cc” models.” Any hybrid/LPG, electric or other alternatively powered vehicle must have an equal power output to a 1400cc engine.”

- 4.10 The reduction in engine size forms the development in engine technology has resulted in increasingly efficient and power output from smaller engines and represents stage one of a series of the review of the Councils approach to hackney carriage and private hire vehicle standards and emissions.

- 4.11 Members will be aware that the Council has declared a climate emergency and emissions was raised as a key requirement requiring further work as part of the review of the Taxi and Private Hire Licensing Policy. The current Policy, adopted on 1st April 202 makes reference to emissions, and the need to revisit the matter as part of future changes. It is noted that the licensed fleet can play a significant role in shaping future emissions and associated targets. In line with this, Members are advised that significant work is being undertaken by Officers in relation to the following before being returned to Committee for further consideration.

- Incentive schemes working across Sussex with other Licensing Authorities and the Energy Saving Trust to encourage the Trade to transition toward electric vehicles when seeking to purchase or rent electric vehicles. (The Energy Saving Trust will work with the Taxi Licensing Service and carry out a presentation to the Trade and Members regarding this proposal.)
- Working in partnership with West Sussex County Council and ConnectedKerb to install rapid electric charge points for electric and hybrid vehicles on and off street
- Phasing out of diesel vehicles

- Instatement of Euro 6 Emissions Standards as a minimum requirement Euro 6 compliant being registered on or after 6 Feb 2014).
- Licensing of only Ultra Low Emission Vehicles (ULEV), as defined by the Vehicle Certification Agency: <https://www.vehicle-certification-agency.gov.uk/fcb/ulev.asp>
- Council will not renew any existing licences for diesel or petrol-fuelled vehicles that do not meet the latest Euro emissions standard.
- Replacement vehicles
- Consideration that the Council will not issue any licences for replacement diesel or petrol-fuelled vehicles that do not meet the latest Euro emissions standard

5. Financial & Legal Implications

- 5.1 The Taxi Licensing Service is self-financing and the costs associated with the service are recovered from fees and charges associated with the taxi licensing regime.
- 5.2 In some parts of the Police where there is a revision which has a financial implication for the Trade, transitional arrangements are in place, save where these are imposed as part of the Statutory Guidance.
- 5.3 Councillors must ensure that they exercise their decision making powers in a manner which is compliant with the Human Rights Act 1998, and the principles of natural justice.
- 5.4 The Council is required to consider the impact any decision may have on crime and disorder in the area (Crime & Disorder Act 1998) which states as follows;
- (1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent;
- (a) Crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment, and
- (b) The misuse of drugs, alcohol and other substances in its area, and
- (c) Re-offending in its area.
- 5.5 Pursuant to Section 149 of the Equality Act 2010, the Council when making decisions must have regard to the 'public sector equality duty'. In summary, this means that the Council must, in the exercise of its functions, have due regard to the need to-
- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- (b) Advance equality of opportunity between persons who have a relevant protected characteristic and persons who do not share it.
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The characteristics protected by the Equality Act are:

- age
- disability
- gender reassignment marriage/civil partnership pregnancy/maternity race
- religion/belief
- gender and sexual orientation

6. Background Papers

- [Crawley Borough Council's Private Hire and Hackney Carriage Licensing Policy 2017](#)
- <https://democracy.crawley.gov.uk/documents/s15104/HCS22%20-%20Department%20for%20Transport%20Statutory%20Taxi%20Private%20Hire%20Standards%20-%20Overview%20of%20the%20Standard.pdf>
- <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

[Taxi Licensing Policy 2022](#)

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