



*Alison Stuart  
Head of Legal and  
Democratic Services*

**MEETING** : LICENSING COMMITTEE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : WEDNESDAY 6 FEBRUARY 2019  
**TIME** : 7.00 PM

**PLEASE NOTE TIME AND VENUE**

**MEMBERS OF THE COMMITTEE**

Councillor D Andrews (Chairman)

Councillors P Ballam, R Brunton, Mrs R Cheswright, K Crofton, G Cutting (Vice-Chairman), B Deering, J Jones, M McMullen, T Page, M Stevenson and N Symonds

**CONTACT OFFICER: PETER MANNINGS**  
**01279 502174**  
[peter.mannings@eastherts.gov.uk](mailto:peter.mannings@eastherts.gov.uk)

## **DISCLOSABLE PECUNIARY INTERESTS**

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
  - must not participate in any discussion of the matter at the meeting;
  - must not participate in any vote taken on the matter at the meeting;
  - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
  - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
  - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.
4. It is a criminal offence to:

- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
- participate in any discussion or vote on a matter in which a Member has a DPI;
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

## **Public Attendance**

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If you think a meeting you plan to attend could be very busy, you can check if the extra space will be available by emailing [democraticservices@eastherts.gov.uk](mailto:democraticservices@eastherts.gov.uk) or calling the Council on 01279 655261 and asking to speak to Democratic Services.

## **Audio/Visual Recording of meetings**

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## AGENDA

1. Apologies

*To receive apologies for absence.*

2. Chairman's Announcements

3. Declarations of Interest

*To receive any Members' declarations of interest.*

4. Minutes - 14 November 2018 (Pages 7 - 16)

*To approve the Minutes of the meeting of the Committee held on Wednesday 14 November 2018.*

5. Consideration of Responses to Draft Vehicle Age and Emission Policy (Pages 17 - 52)

6. Urgent Business

*To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.*

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MINUTES OF A MEETING OF THE  
LICENSING COMMITTEE HELD IN THE  
COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON WEDNESDAY 14  
NOVEMBER 2018, AT 7.00 PM

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PRESENT: Councillor D Andrews (Chairman)  
Councillors P Ballam, Mrs R Cheswright,  
K Crofton, G Cutting, B Deering, J Jones,  
M McMullen, T Page and N Symonds

ALSO PRESENT:

Councillors P Phillips

OFFICERS IN ATTENDANCE:

Simon Aley	- Interim Legal Services Manager
Peter Mannings	- Democratic Services Officer
Oliver Rawlings	- Service Manager (Licensing and Enforcement)

265 APPOINTMENT OF VICE-CHAIRMAN

It was proposed by Councillor N Symonds and seconded by Councillor J Jones that Councillor G Cutting be appointed Vice-Chairman of Licensing Committee for the 2018/19 civic year. After being put to the meeting, Councillor G Cutting was appointed Vice-Chairman of the Licensing Committee for the 2018/19 civic year.

RESOLVED – that Councillor G Cutting be appointed Vice-Chairman of Licensing Committee for the 2018/19 civic year.

266 APOLOGIES

Apologies for absence were submitted on behalf of Councillors R Brunton and M Stevenson.

267 MINUTES - 5 SEPTEMBER 2018

Councillor B Deering proposed and Councillor K Crofton seconded, a motion that the Minutes of the meeting held on 5 September 2018, be approved as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the Minutes of the meeting held on 5 September 2018 be confirmed as a correct record and signed by the Chairman.

268 LICENSING SUB-COMMITTEE - 8 OCTOBER 2018

The Chairman thanked the Members of the Sub-Committee for determining an interesting and challenging application at Aces of Lanes, Anchor Street, Bishop's Stortford.

RESOLVED – that the Minutes of the Licensing Sub-Committee meeting held on 8 October 2018, be received.

269 STATEMENT OF GAMBLING PRINCIPLES 2019-2022 -  
CONSIDERATION OF CONSULTATION RESPONSES

The Head of Housing and Health submitted a report inviting Members to consider the responses to the public consultation on the Draft Statement of Gambling Principles.

The Service Manager (Licensing and Enforcement) stated that this 2 month consultation had resulted in 1 response from Gosschalks on behalf of the Association of British Bookmakers. This had included a standard letter and one policy specific point as detailed at Essential Reference Paper B.

Members were advised that following the response from Gosschalks the policy had been amended and the Committee were invited to endorse the final wording as detailed in the report submitted.

Councillor B Deering proposed and Councillor G Cutting seconded, a motion that the final wording of the Draft Statement of Gambling Principles be endorsed and recommended to Council for adoption. After being put to the meeting and a vote taken, the motion was declared CARRIED. Members supported the recommendations now detailed.

RECOMMENDED – that the report be received and the final wording of the Draft Statement of Gambling Principles be adopted.

## 270 REVIEW OF LICENSED VEHICLE POLICY: VEHICLE AGES AND EMISSIONS

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The Head of Housing and Health submitted a report that presented a draft of the Vehicle Age and Emissions Policy for consultation. The Service Manager (Licensing and Enforcement) advised that a primary function of taxi licensing was public safety and, in particular, ensuring the public were safe when travelling in licensed vehicles.

Members were reminded that vehicles should be less than 5 years old when first licensed and there were no clear criteria for exceptional cases. The Service Manager referred to the Department for Transport (DfT) guidance on whether older vehicles were suitable to be licensed. He also referred to the testing regime based on vehicle age.

The Service Manager detailed the benefits of reviewing the policy detailed at page 101 of the report submitted. He invited comments and questions from the Committee.

The Committee Chairman commented on there being insufficient wheelchair accessible vehicles. He questioned whether there could be any leeway or understanding regarding vehicle emissions to tackle this matter.

The Service Manager advised that Officers were aware of this and the Authority had offered a free licence for a wheelchair accessible vehicle for the first year and a 50% discount on all subsequent years' licensing fees.

There had been no take up on this offer in East Herts and taxi drivers had to demonstrate that all older vehicles had been serviced to the manufacturer's specifications.

The Service Manager confirmed to Councillor N Symonds that there were no electric vehicles licensed as taxis in East Herts. He emphasised that whilst such vehicles would meet emissions and age criteria, there was no infrastructure yet in place for electric taxis to be charged between journeys.

The Service Manager referred to the Herts 2025 project and a 3 year trial whereby there would be the option for drivers to purchase a vehicle at the end of the trial period. He also commented that older electric vehicles met emissions standards but did not have the range to be used as taxis.

In response to a comment from Councillor J Jones regarding licensed vehicle policy and encouraging the taxi trade, the Service Manager explained that all taxi licensing operated on a cost recovery basis. Members were advised that the Council would waive the initial vehicle application fee for any application to licence a fully Electric Vehicle (EV) received between 1 April 2019 and 31 March 2020.

The Committee had a general discussion in respect of start stop technology, emissions testing and exceptions to Licensed Vehicle Policy. The Service Manager explained that a blanket policy with no exceptions would be unlawful as each case had to be assessed on its own merits. Older vehicles were tested

twice annually and any vehicles with any significant MOT failures would not be licensed. Councillor G Cutting commented on the possibility of educating motorists in idle free initiatives to reduce vehicle emissions.

The Service Manager stated that taxi driver training included a section on driving economically. The Chairman commented on the importance of maintaining correct tyre pressures. In response to a comment from Councillor T Page, the Service Manager explained that there would be a charge for inspecting vehicles over 5 years old from 1 April 2019 where a licence was being sought for the first time.

Councillor K Crofton proposed and Councillor J Jones seconded, a motion that the Committee endorse the draft Vehicle Age and Emissions Policy for consultation and Officers commence an 8 week public consultation regarding the draft Vehicle Age and Emissions Policy. After being put to the meeting and a vote taken, the motion was declared CARRIED. Members supported the recommendations now detailed.

RESOLVED – that (A) the draft Vehicle Age and Emissions Policy be endorsed for consultation; and

(B) Officers commence an 8 week public consultation regarding the draft Vehicle Age and Emissions Policy.

271 NIGHT TIME ECONOMY POSITION STATEMENT  
CONSULTATION RESPONSES

The Head of Housing and Health submitted a report inviting Members to consider the responses to the public consultation on the draft position statement 'Licensing Decision Making relating to the Night Time Economy'.

The Service Manager (Licensing and Enforcement) advised that 11 responses had been received from various parties. The responses were detailed at Essential Reference Paper 'B' of the report submitted and all the points raised had been responded to and taken on board. Members were referred, in particular, to a response from a licensing solicitor on behalf of a licence holder.

Members were also referred to page 145 of the report submitted for the final wording of the Night Time Economy Position Statement. The Service Manager explained that Members were being asked to endorse the final wording and recommend this to Council for adoption as an addendum to the Council's Statement of Licensing Policy.

Councillor Mrs R Cheswright commented that the Solicitor's response on behalf of the licence holder was relevant and helpful. The Service Manager advised that Officers had tried to ensure that the wording was in plain English as most of this submission had come directly from legislation.

The Chairman emphasised that having policies worded

in plain English would assist Members in explaining and justifying decisions to the public. Councillor T Page referred to the lack of a response from Bishop's Stortford. He was assured by the Service Manager that the consultation had been open to all and that all licence holders had been contacted directly.

Members had a discussion in respect of the differing dynamics of the night time economies in Bishop's Stortford and Hertford. Councillor N Symonds stated that Hertford at Midnight to 1 am was very busy whilst Bishop's Stortford at the same time was comparatively quiet. Councillor B Deering referred to the Blackbirds pub in Hertford as being the only premises perceived by Hertfordshire Constabulary to not be operating live ID in the town.

The Service Manager stated that the police were free to review premises licences and he believed that the Blackbirds situation was a case where the police meant that this was a licensed premises, where they would like to see live ID rather than this being the only venue in Hertford that did not have this system.

The Chairman commented on the significant costs involved in clearing up after the night time economy in Hertford. Councillor K Crofton referred to the possibility of Members observing the work of Hertfordshire Constabulary in reference to the policing of the night time economy. The Service Manager commented on the possibility of this being arranged in the run up to Christmas.

Councillor Mrs R Cheswright praised the positive work

carried out by the Street Pastors in assisting with managing the impact of the late night economy. Councillor M McMullen proposed and Councillor N Symonds seconded, a motion that the wording of the position statement be endorsed and the final wording be recommended to Council as an addendum to the Council's Statement of Licensing Policy.

After being put to the meeting and a vote taken, the motion was declared CARRIED. Members supported the recommendations now detailed.

RECOMMENDED – that the report be received and the final wording of the position statement be endorsed as an addendum to the Council's Statement of Licensing Policy.

The meeting closed at 7.50 pm

Chairman .....
Date .....

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## EAST HERTS COUNCIL

### LICENSING COMMITTEE – 6 FEBRUARY 2019

#### REPORT BY HEAD OF HOUSING AND HEALTH

#### CONSIDERATION OF RESPONSES TO DRAFT VEHICLE AGE AND EMISSION POLICY

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WARD(S) AFFECTED: ALL

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#### **Purpose/Summary of Report**

- To present the responses to the draft vehicle age and emissions policy and seek members' endorsement for a final wording.

<b><u>RECOMMENDATIONS FOR LICENSING COMMITTEE: That</u></b>	
<b>(A)</b>	<b>Members consider the responses received to the draft Vehicle Age and Emissions Policy consultation;</b>
	<b>and</b>
<b>(B)</b>	<b>The Committee recommends the final wording to Council for approval.</b>

#### 1.0 Background

1.1 The Council, as the authority responsible for issuing Hackney Carriage and Private Hire vehicle licences, is able to set the standards that must be met before a vehicle is licensed.

1.2 The Council has previously created a policy in relation to the age of vehicles which can be licensed.

1.3 As part of the ongoing review of East Herts policies in relation to taxis it is suggested that the current age policy be updated.

- 1.4 A revised policy has been produced to take into account changes in vehicles over recent years. The main consideration is the safety of the vehicles, however, it is recognised that members now place high importance on tackling poor air quality, particularly within the district's three Air Quality Management Areas (AQMAs) in Bishop's Stortford, Hertford and Sawbridgeworth. It is also noted that newer vehicles have ever decreasing emission levels and so it is appropriate to reflect this downward trajectory within East Herts polices.
- 1.5 The Committee previously approved the draft policy for an 8 week public consultation starting on 19<sup>th</sup> November 2018 and closing on 11<sup>th</sup> January 2019.
- 1.6 The Licensing Committee are now asked to consider the responses and the amendments made to the draft policy as a result before endorsing a final wording of the policy to go to Council on 5<sup>th</sup> March 2019.
- 1.7 It is proposed that the policy, if endorsed and subsequently approved, will come into effect on the 1<sup>st</sup> April 2019.

## 2.0 Report

- 2.1 As part of the consultation every member of East Herts Hackney Carriage and Private hire trade were either emailed or written to directly regarding the consultation (410 licence holders). In addition details of the consultation were included in the Taxi Talk newsletter which is sent to the entire trade. The consultation was listed on the Council's website and a press release was made to local papers.
- 2.2 During the consultation four responses were received and the type of respondent is detailed below:
1. The holder of dual driver and hackney carriage vehicle licences;

2. The holder of dual driver and hackney carriage vehicle licences;
  3. A private hire operator also representing the views of six dual driver licence holders;
  4. A Bishop's Stortford resident.
- 2.3 Each response is summarised below with comment confirming if the draft vehicle age and emissions policy was amended as a result. Each essential reference paper contains the consultee's response and the subsequent response from the Licensing Team.
- 2.4 **Response 1 (Essential Reference Paper 'B')**  
This response didn't suggest any amendments to the draft policy and detailed that the policy would be unfair as other areas have lower standards and fees.
- 2.5 The Licensing Team's response addressed the concerns raised despite them being unrelated to the policy and stated that any specific comments about the draft policy would be welcomed.
- 2.6 No further contact was received from the consultee and no amendments to the draft policy are proposed on the basis of the response.
- 2.7 **Response 2 (Essential Reference Paper 'C')**  
The initial response detailed concerns about the driver's currently licensed vehicle and the fact that it would not meet the emissions standards going forward as it is not Euro 5 compliant. Concern was raised that this would make the vehicle redundant and the respondent stated that he could not see why older licensed vehicles were not exempt from the changes. The policy was described as unfair and harsh and it was commented that hundreds of vehicles using the Town centres are not Euro 5 compliant, not just taxis.
- 2.8 The Licensing Team's response detailed that it was not the intention to make it impossible for people to work but to raise standards. Details of ways to improve the emissions from the

vehicle were included with the response. The consultee was asked if he would like to suggest changes to the draft policy which could be considered by the Licensing Committee.

- 2.9 The consultee responded that the cost of an LPG conversion would not be worthwhile.
- 2.10 The suggestion was made that the policy should be amended so that the implementation date is moved back or that Euro 5 is replaced by Euro 4 within the policy.
- 2.11 In response to the point regarding an LGP conversion the lower cost of LPG as a fuel means that over a period of time the cost of the conversion is recouped. Figures indicate that if a conversion costs £1,500 and the user originally paid around £60 per week for fuel they will have recouped the cost of the conversion in as little as a year. The more mileage a vehicle does the quicker the cost of the initial outlay is recovered. It is not clear on what basis the consultee believes the conversion is not worthwhile.
- 2.12 Members are free to consider whether they believe the proposed implementation dates are appropriate but Officers consider they are for the reasons detailed in the report that went before Licensing Committee in November 2018.
- 2.13 This is the only response to suggest amending the implementation dates.
- 2.14 The Euro 4 emissions standard came into effect on 1<sup>st</sup> January 2006 and as such a change to this standard in the policy would mean that it would only affect 4 vehicles which are currently licensed. This would essentially render the policy completely ineffective until the change to the Euro 5 standard was implemented. This would have a similar effect to moving back the implementation dates and therefore Officers would not recommend this.

- 2.15 No change to the policy is proposed as a result of this response.
- 2.16 **Response 3 (Essential Reference Paper 'D')**  
This detailed response dealt with the wording of the policy and the criteria by which an exception to the age part of the policy would be decided. The response did not contain objections to either the revised age policy or the introduction of an emissions element to the policy.
- 2.17 Due to the detail contained within this response a meeting was held with the respondents to clarify their points and discuss proposed amendments to the draft policy.
- 2.18 The consultees requested the word 'may' to be replaced with the word 'will' as detailed in other parts of the policy. Officers agreed with this point.
- 2.19 It was commented that the figure of £30 being used to define significant was wrong as a bulb for newer vehicles could cost this much. Officers agreed and removed the second sentence of point 1 of the 'Exceptional Condition Criteria'.
- 2.20 The inclusion of the subjective term of 'near perfect' was discussed. Officers agreed that this term would be difficult to define and so should be replaced by the existing vehicle standards from the current policy. This would allow people wishing to licence vehicles to clearly understand the vehicle standard required. It was agreed that the use of the existing vehicle standards made point 3 of the exception criteria redundant.
- 2.21 It was agreed that the wording of point 7 implied that another higher standard of test would be required but this is not the case. Vehicles will be checked at council approved testing stations to the existing standard so point 7 is not necessary and has been removed.

- 2.22 Following a long discussion regarding the servicing of modern vehicles, how this is recorded and what a service history indicates it was decided to remove point 8 from the criteria. Not only would this be onerous for the vehicle owner and the licensing Officers it could also preclude vehicles from being licensed for trivial matters. The MOT and council inspection history are much more reliable indicators of the condition of a vehicle and the way in which the proprietor maintains that vehicle.
- 2.23 In response to the last points raised we have confirmed that the Officers carrying out the inspections will be trained to understand the required standards and decisions will be supported by signed inspection sheets and photographs. This will allow the checks to be audited by the authority. If the authority refuses to licence a vehicle then the applicant has the ability to appeal that decision should they disagree.
- 2.24 As a result of this response and the subsequent discussions amendments were made to the policy with regards to the use of the word 'will' and the 'Exceptional Condition Criteria' included within the policy.
- 2.25 **Response 4 (Essential Reference Paper 'E')**  
The fourth response was from a Bishop's Stortford Resident supporting the decision to place controls on the emissions from taxis. The respondent additionally suggested that this should also be applied to buses.
- 2.26 No amendments were made to the policy as a result of this response.
- 2.27 As a result of the consultation responses amendments were made to the draft policy originally approved for consultation in November 2018. This original version can be found at **Essential Reference Paper 'F'**. This version is included within the report to allow a quick comparison to the final suggested wording.

- 2.28 The amended version which contains the final suggested wording for endorsement by the Licensing Committee is attached to this report as at **Essential Reference Paper 'G'**.
- 2.29 Members' discretion to make changes to the draft policy, where they believe appropriate, in light of the consultation responses is not fettered by the suggestions and amendments contained within this report.

### 3.0 Implications/Consultations

- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

#### Background Papers

None

Contact Member: Councillor Graham McAndrew – Executive Member for Environment and the Public Realm.

Contact Officer: Jonathan Geall – Head of Housing and Health, Extn: 1594.

Report Author: Oliver Rawlings – Service Manager Licensing and Enforcement, Extn: 1629.

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**ESSENTIAL REFERENCE PAPER 'A'**

<p>Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate)</i>:</p>	<p>Priority 1 – Improve the health and wellbeing of our communities            Priority 2 – Enhance the quality of people's lives; and            Priority 3 – Enable a flourishing local economy</p>
<p>Consultation:</p>	<p>Any revision of the Policies in relation to vehicle licensing that the Authority seeks to rely upon must be subject to public consultation and any responses to be considered by Licensing Committee before recommending the document for approval by Full Council. An 8 week consultation will be undertaken.</p>
<p>Legal:</p>	<p>If the correct process is not followed then any reliance the authority places on the policy would be open to challenge</p>
<p>Financial:</p>	<p>No issues identified by report author or contact officer</p>
<p>Human Resource:</p>	<p>No issues identified by report author or contact officer</p>
<p>Risk Management:</p>	<p>No issues identified by report author or contact officer</p>
<p>Health and wellbeing – issues and impacts:</p>	<p>Resident's health and wellbeing can be affected by unsafe vehicles and poor air quality. The draft policy would help continue to ensure licensed vehicles are safe and could also have a positive effect on air quality and the AQMAs within East Herts. Improved air quality would also have a positive effect on the health of the licensed drivers who spend a significant amount of time in their vehicles with the associated pollutants.</p>

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## ESSENTIAL REFERENCE PAPER 'B'

### **From the holder of a dual driver and hackney carriage vehicle licence:**

This would be an unfair policy because more and more vehicles from other licensing areas are regularly working in East Hertfordshire. For example, Broxbourne and TFL vehicles are employed by companies based in Hertford and Ware, and unless the policy is the same for them it would be discrimination against the very people and their vehicles that are actually fully licensed to work in East Herts.

Coupled with the facts that East Herts drivers pay DOUBLE the fees than Broxbourne drivers, and that nothing is being done by yourselves to halt the influx of drivers from Uber/TFL/Broxbourne who we have made clear are damaging to our trade and earnings this is nothing more than another unfair hike of our ever increasing expenses. Totally unjustified. You cannot enforce one rule on us whilst the aforementioned is clearly happening.

### **Licensing Team response:**

Thank you for your response to the consultation on the draft vehicle age and emissions policy which I have included below.

*This would be an unfair policy because more and more vehicles from other licensing areas are regularly working in East Hertfordshire. For example, Broxbourne and TFL vehicles are employed by companies based in Hertford and Ware, and unless the policy is the same for them it would be discrimination against the very people and their vehicles that are actually fully licensed to work in East Herts. Coupled with the facts that East Herts drivers pay DOUBLE the fees than Broxbourne drivers, and that nothing is being done by yourselves to halt the influx of drivers from Uber/TFL/Broxbourne who we have made clear are damaging to our trade and earnings this is nothing more than another unfair hike of*

*our ever increasing expenses. Totally unjustified. You cannot enforce one rule on us whilst the aforementioned is clearly happening.*

Having looked at the points you raise I agree that ideally there would be national standards for drivers, vehicles and operators but without new primary legislation this is not going to happen. I would suggest that people like yourself who feel strongly about these matters should take them up with their local MP. Without new legislation standards will always differ from area to area and despite the Local Government Association pushing for change, it is unlikely to happen soon, particularly whilst Brexit drags on.

In your email you reference Broxbourne and TFL licensed vehicles working in East Herts. The companies that are subcontracting work to vehicles licensed elsewhere hold operators licences with East Herts so form part of our licensed trade. This subcontracting is perfectly lawful if it is done in the correct way, another flaw in the current legislation you might say. We have checked these matters on a number of occasions with the operators licensed by East Herts and they comply with the law. Therefore we cannot take action against these vehicles unless they are illegally standing or plying for hire which does not appear to be what you are complaining about. If you do have information regarding illegal standing or plying for hire then please pass it to [licensing.enforcement@eastherts.gov.uk](mailto:licensing.enforcement@eastherts.gov.uk).

As you will know from the update we sent following the ruling in the Reading case the courts consider how Uber operate to be lawful and as such we cannot take action against their drivers whilst they take bookings through the app. Again if they are illegally standing or plying for hire we could take action. The Reading decision has been appealed so the decision may get overturned but until that time Uber drivers are doing nothing illegal.

I appreciate that none of these facts will be of any comfort to you or others in the hackney carriage trade.

We have ever sympathy with our local licensed hackney carriage trade and make every effort to support them where we can. For example, there was a recent proposal to completely remove the rank at Mill Bridge in Hertford on a permanent basis. We pressed HCC Highways to at least include a time limited rank in the evenings and this proposal is now part of the development of this area of Hertford. We have then taken the time to gather the details of this change and notify the hackney trade so that they can have their say in a consultation that may otherwise have been missed. We are also working with neighbouring authorities to try and reach agreements on uniform standards and policies across parts of Hertfordshire and Essex. As you can appreciate without the legislation requiring this it can be a slow process but a similar (in fact stricter) vehicle age and emissions policy will be going out for consultation for Uttlesford District Council in the next few weeks.

The authority believes that the draft policy can be justified but is consulting the trade to hear their opinions and reasons, if any, for objecting. I am afraid that your argument that the policy should not be implemented because others have lower fees or standards does not carry any weight. There is no immediate cost to the trade if the policy is implemented as the changes, particularly the emissions part, are staggered. It would be illegal to have a blanket policy so there can always be exceptions if vehicles meet the required standards. We are trying to promote a direction of travel that will ultimately benefit all including the licensed trade. It is hoped that we will end up with a safer, more professional (I appreciate that the bulk of the trade is already professional but that should not stop us having aspirations to improve things further) and greener fleet in years to come.

If you would like to make comments about the content of the policy itself then I would welcome these.

## ESSENTIAL REFERENCE PAPER 'C'

### **From the holder of a dual driver and hackney carriage vehicle licence:**

I am writing to you regards the proposed changes to the emissions policy for licenced vehicles.

I purchased and licenced my vehicle last year (2017) and it was first registered in 2010 and has a low mileage, but it will not meet Euro 5 emissions standards. I am in no position to purchase another vehicle so soon, also having checked several garages (including the one which carries out my VCC inspection) none of them know of anywhere that could modify my vehicle to meet Euro 5 emissions standard. The garage also said it would be very hard to prove and certificate such modification.

If this policy is passed, it will be making my vehicle redundant, so I will be no longer able to work, which I feel is very unfair and worrying.

I cannot see why older licensed vehicles cannot be exempt from the changes as your figures show there are only 107 vehicles that don't meet Euro 5, and this number like you say is ever decreasing, also there are many 100's of car, vans, and lorries using town centres which don't meet euro 5, so penalising just 107 licensed vehicles again seems very unfair and harsh.

### **Licensing Team response:**

Thank you for the points contained in your email regarding the emissions part of the draft policy. It is not this authority's intention to make it impossible for people to work but we are always aspiring to raise standards with regards to public safety and, in this particular case, lower emissions from licensed vehicles as well.

Please find attached a document that details the ways in which a vehicle could possibly be modified to meet emissions standards. Essentially either by converting to LPG or fitting an appropriate filter. This is specialist work that is unlikely to be offered by your local garage hence their response to your question.

There are a number of firms nationally that offer LPG conversions and the cost of installation appears to generally be recouped within the first year due to the lower fuel costs. I have attached a copy of the TFL approved list of filter suppliers but this is not an exhaustive list. The majority of the firms have been mainly focussing on commercial vehicles but the list of fitments is ever increasing so your type of vehicle may be included. I am afraid that it is for you to research whether or not either of these options is available, suitable and affordable for your vehicle.

If you would like to suggest amendments to the emissions part of the policy then I would be happy to put them in front of the Licensing Committee for consideration. So if you think the date for implementing the emissions standards needs changing or that it should, for example, be Euro 4 rather than 5 then please let me know.

I appreciate your point regarding the other vehicles on our roads but as they are not licensed by this authority they are beyond our control. Emissions are being tackled nationally with a number of local authorities introducing similar policies to the one proposed in East Herts and TFL revising the low emission zones and introducing the ultra-low emissions zone in 2020.

**Further response from licence holder:**

I have researched the possibilities on converting to LPG, and the expense would not be worth my while. I still cannot see why existing

licensed taxis that do not meet the proposed emissions change, cannot be except?

So the only option I have left is to ask for the date implementing the emissions standards is changed, or better still be Euro 4 rather than Euro 5.

**Licensing Team response:**

Thank you for this email. For completeness it will be included in the report going before Licensing Committee on the 6<sup>th</sup> February 2018.

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## ESSENTIAL REFERENCE PAPER 'D'

### **From the holder of a dual driver and hackney carriage vehicle licence:**

This reply is on behalf of:-

Translogistic Limited (on a corporate basis) Kaleidoscope Commerce Limited (on a corporate basis) Trading As:- Associated Taxis, Sawbridgeworth Cars; Kwick Cars Hackney Carriage Licensed Drivers: REDACTED, REDACTED, REDACTED, REDACTED, REDACTED, REDACTED

As a matter of principal, subject to usual considerations, we are supportive of East Herts Council and the Licensing and Enforcement Team in the approach to this matter and more widely in the efforts to improve standards within the industry in general.

We are aware of at least one EHC licensed vehicle carrying an original registration plate prefixed by letter "V" which does not appear to be included in the licensed vehicle tabulation; why is this and is the list otherwise accurate?

Comments on Essential Reference Paper "B"

Vehicle Age:

We believe the construction is wrong

At first application- vehicle licenses WILL NOT.....if more than 5 years old.

At renewal- vehicle licenses WILL NOT.....if more than 10 years old.

A vehicle MAY be considered for licensing beyond these upper age limits if it is exceptional condition.....

Exceptional Condition Criteria:

A vehicle WILL be considered to be in exceptional condition.....

On construction an operator can purchase and own a vehicle for just 5 years and 2 days and then present the vehicle in exceptional condition (as defined) but MAY find licence renewal arbitrarily declined, this would be unfair and is probably not the intention but is how the wording stands.

Exceptional Condition Criteria.

1. We object to the principal of defining "significant" by reference to any arbitrary monetary figure. There are several reasons for this not least that this introduces an arbitrary unintended discrimination between makes and models of vehicles, is no real indicator of condition and simply encourages pre-inspections which may negate the effectiveness of the general objectives trying to be achieved.

2. We object to any test which has an arbitrary element to it so "near perfect" requires a practical measure/established definition.

3. We object to any arbitrary view of what detracts from "appearance" (although we agree with the intention).

6. Agreed but in this case the "up to £100" soiling fee in the table of fares may need to be lifted to £200 (which it should anyway). A fouling that occurs in a short period before relicensing could on these terms lead to a vehicle being declined. To achieve the required results for relicensing a different level of valet may be required.

7. This implies that there is an additional test for "mechanical condition" beyond the MOT + RWT - what is it and how will this be carried out at point of licensing?

8. This implies that a full-service record should be present at first and every licensing before Exceptional Condition Criteria is applied in which case the licensing conditions may need to be changed?

Furthermore, many of the service records are now maintained on-line (eg Mercedes) where there are no hard copies or service books - will you be able to access these records?

9. This is listed as a separate condition but what does this inspection consist of?

Paragraph commencing "The first eight criteria....."

- will the designated officer(s) be formally trained and if so to what standards, define "necessary" in context of conditions 1-8, what fees are envisaged? This will be particularly important if it is intended to retain "arbitrary" measures within the Exceptional Condition Criteria

Perhaps exceptional conditions and inspections should be set against some agreed established industry standards (eg BVLRA) or there might be a heightened risk of inconsistency in the application of licensing conditions.

As a cautionary note and whilst agreeing with the general principals set out care should be taken with regard the barriers and costs of entry to the EHC Licenced Taxi/Private Hire Market as raising these may lead to licenced driver migration to neighbouring authorities with obvious consequences.

We would be happy to discuss any/all of the above

**Licensing Team response:**

**As a result of the comprehensive response a meeting was arranged for 3<sup>rd</sup> January 2018 to discuss the policy in more detail. Following this meeting the email below was sent summarising the content and outcomes of the discussions and a revised draft policy for comment:**

Thank you for meeting with me the other day. I appreciated you taking the time to comment on the draft policy and to discuss it with me face-to-face. I thought that I would email you before the end of the consultation make sure that I had recorded all your points accurately.

With regards to the construction of the paragraphs under the heading 'Vehicle Age' the point you made was that in the first two paragraphs it says 'will' but in the third it says 'may'. I agree with your point that all should say 'will' so that this section is consistent.

Your comments then relate to the section that details the 'Exceptional Condition Criteria'.

In relation to point 1 you believed that using a monetary value, in the draft document £30, to define what is considered a 'significant item' is incorrect. The point you made regarding the cost of a xenon bulb for some of the newer vehicles you run was very well made. Your suggestion was that the second sentence in point 1 be removed allowing significant to be decided on a case by case basis.

In relation to point 2 you were unhappy with the use of the subjective term 'near perfect'. I agree that it would be difficult for applicants to be certain that they can meet this standard without a clear definition. As we discussed I think point 2 can be replaced with the existing standards relating vehicle condition which will make what is required clearer for all.

In relation to point 3 you suggested that this is not necessary if the existing vehicle standards are applied as suggested in relation to point 2 above.

You have not made comment regarding points 4 and 5.

You agree with point 6 but have made other comments which do not fall within the proposed age and emissions policy. As we discussed we will be looking at the hackney carriage tariff again in the near future and the point about a soiling charge can be raised then.

Having discussed point 7 with you I agree that the wording appears to imply a standard above and beyond that which would be applied to other licensed vehicles. Vehicle mechanical condition is checked first by an MOT and then by the Council's own testing regime so I agree that point 7 is unnecessary.

With regards to point 8 your comments related to the value that this requirement would add to public safety and the ability of the Licensing Team to check this. In this modern age many vehicles do not have stamped service books as was the case before. Equally it is often difficult to know what the service intervals for a vehicle are and the owner may only realise the need for a service when the vehicle warns them. These issues seem to make this requirement onerous both for the vehicle proprietor and the Licensing Authority. Both the MOT and the Council's vehicle inspections go beyond what would be checked at a vehicle service. Another point you raised is would the authority to refuse to licence a vehicle if an oil service was done a few miles after it was actually due? This would seem to be defeating the purpose of the regime which is to licence safe and suitable vehicles to carry the public. A poorly serviced vehicle is likely to fail the MOT or Council inspection in which case other criteria in the policy will address this. Your suggestion was that point 8 be removed.

With regards to point 9 you asked what the inspection consisted of. This references the current Council vehicle test and not a different standard. As discussed this is a requirement of making the application for a vehicle licence but we were trying to make it clear

that the vehicle can only go for an inspection after it has been seen by an officer of the council to assess the other criteria. This can be described in a different way rather than being one of the bullet point criteria under this section.

I can confirm that all the officer's that will be carrying out these 'Exceptional Condition' inspections will be trained so that a consistent standard is applied. Officers will be required to complete paperwork confirming the condition of the vehicle and this will be supported by photographs. These checks will be audited to further ensure consistency. If an applicant disagrees with a decision it is open to them to appeal that decision.

We will be reviewing other areas of taxi licensing this year and as part of this we will look at the possibility of applying established industry standards but that is not part of the current consultation.

I understand your concerns regarding either real or perceived barriers to entry to the East Herts Taxi trade and it is in no way our intention of creating these. As you are fully aware our primary function is to ensure public safety and we believe that the Vehicle Age and Emissions policy would further promote this.

I have drafted a new version of the proposed Vehicle Age and Emissions policy based on our email and our subsequent discussions. Please have a look at it and if possible let me have any further comments before the consultation closes on 11th January 2019.

**Further response from licence holder:**

Thank you for your further response which is very helpful as it details the thinking behind the revisions. As we said and confirm, we support any policy which seeks to improve safety and standards. We are also comfortable that the policy revision should afford the

licensing team the discretionary powers necessary to flexibly pursue their licensing duties /oversight without being inhibited by (some of) the minutiae of regulation. Let us know if we can help further in any way.

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## **ESSENTIAL REFERENCE PAPER 'E'**

### **From a Bishop's Stortford resident:**

This is a great opportunity for the Council to control emissions on at least part of the transport in the area. It should apply to buses too.

### **Licensing Team response:**

Thank you very much for taking the time to respond to the consultation. Your response will be considered as part of the final report when the Licensing Committee consider all the responses received.

I am afraid that the issue with the emissions from buses is beyond our direct control and will need to be addressed by a different authority.

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## **Licensed Vehicle Age and Emissions Policy**

The purpose of this policy is to ensure taxis are as safe, reliable and comfortable as possible while at the same time minimising emissions. The policy aims to have a positive impact on emissions as it is recognised that the age of vehicles and the exhaust emission specification are critical to the level of pollutants emitted. Consequently, to improve air quality and reduce emissions from the taxi fleet, standards relating to the exhaust emissions have been introduced in addition to the requirements regarding the age of vehicles.

In order to be licensed, a vehicle must ***meet both the age and emissions criteria***. Applications to licence vehicles which fall outside of the policy will be consider on their own merits.

### **Vehicle Age**

**At first application** - Vehicle licences will not be granted in respect of vehicles that were first registered (or, in the case of imported vehicles, manufactured) more than 5 years prior to the date that the application is made.

**At renewal** - Vehicle licences will not be renewed in respect of any licensed vehicle that was first registered (or, in the case of imported vehicles, manufactured) more than 10 years prior to the date of renewal (or 12 years in the case of purpose-built or fully wheelchair accessible vehicles).

A vehicle may be considered for licensing beyond these upper age limits if it is in '**exceptional condition**'. The criteria for meeting this standard are below.

## Exceptional Condition Criteria

A vehicle will be considered to be in 'exceptional condition' if **ALL** of the following apply:

1. The vehicle must not have failed the council's vehicle inspection or standard MOT (or just the standard MOT if the vehicle has not been licensed previously) on any significant item within the previous five years. For the purposes of this criterion, a significant item is defined as any item that would cost more than £30.00 to correct.
2. The bodywork is in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips, or rust or any other abrasions that may detract from the overall appearance of the vehicle.
3. The general paint condition should show no signs of fading, discolouration or mismatching that may detract from the overall appearance of the vehicle.
4. The interior trim, panels, seating and carpets and upholstery are in excellent condition, clean and free from damage and discolouration.
5. The boot or luggage compartment is in good condition, clean and undamaged.
6. Passenger areas are free from damp and any unpleasant odours.
7. The vehicle is in excellent mechanical condition and in all respects be safe and roadworthy, with no signs of corrosion to the mechanical parts, chassis, underside or bodywork.
8. The vehicle must have a complete service record to show that it has been properly serviced and maintained in accordance with the manufacturer's service specification.
9. The vehicle passes the council's vehicle inspection.

The first eight criteria will be checked by an officer of the council and the proprietor of the vehicle must provide all the necessary documentation to support their request for a vehicle licence to be granted outside of this policy. An appointment will need to be made for this and a fee may be charged.

If the first eight criteria are satisfied then the proprietor of the vehicle must book and pay for the council's approved vehicle inspection from a nominated garage and produce the pass certificate to the council.

### **Emissions Standards**

**At first application** – Vehicles must meet or exceed Euro 5 emissions standards (From 01/04/2020 vehicles must meet or exceed Euro 6 emissions standards at first application.)

**At renewal** – From 01/04/2020 vehicle licences will not be renewed in respect of any licensed vehicle that does not meet or exceed Euro 5 emissions standards. (From 01/04/2023 vehicle licences will not be renewed in respect of any licensed vehicle that does not meet or exceed Euro 6 emissions standards.)

Where vehicles do not meet the relevant emissions criteria the proprietor may:

- have the vehicle adapted / modified to meet the standard and provide evidence of this
- change the fuel that is used to a cleaner alternative, such as bio diesel or
- replace the vehicle with one that meets the emission standard.

Notwithstanding that each application will be considered on its own merits.

### **When will the different criteria be applied?**

If the licence of a currently licensed Hackney Carriage or Private Hire Vehicle is allowed to **EXPIRE** by its proprietor then any subsequent application will **NOT** be considered as a renewal. This means that where an existing vehicle licence expires, a subsequent application for a licence for that vehicle will be treated as a first time application and the standards and criteria relating to first time applications will be applied.

For the avoidance of doubt when a new vehicle has an existing plate transferred onto it the vehicle will be considered under the criteria for a vehicle being licensed for the first time.

### **Low Emission and Electric Vehicles**

The Council encourages the uptake of low emission and electric vehicles in the District. The authority will seek to examine the feasibility of introducing schemes which help improve the charging network and aid drivers in testing and purchasing electric vehicles.

The Council will waive the initial vehicle licence application fee for any application to licence a fully Electric Vehicle (EV) received between 01/04/2019 and 31/03/2020.

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1. The vehicle must not have failed the council's vehicle inspection or standard MOT (or just the standard MOT if the vehicle has not been licensed previously) on any significant item within the previous five years.
2. The vehicle meets or exceeds the vehicle standards contained within East Herts policy in relation to vehicle condition.
3. The interior trim, panels, seating and carpets and upholstery are in excellent condition, clean and free from damage and discolouration.
4. The boot or luggage compartment is in good condition, clean and undamaged.
5. Passenger areas are free from damp and any unpleasant odours.

The criteria will be checked by an officer of the council and the proprietor of the vehicle must provide all the necessary documentation to support their request for a vehicle licence to be granted outside of this policy. An appointment will need to be made for this and a fee will be charged.

If the above criteria are satisfied then the proprietor of the vehicle must book and pay for the council's approved vehicle inspection from a nominated garage and produce the pass certificate to the council. This test **CANNOT** be carried out before the vehicle is inspected by a council officer.

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