

## MID-SUFFOLK DISTRICT COUNCIL

<b>TO:</b> Cabinet	<b>REPORT NUMBER:</b> <b>MCa/21/44</b>
<b>FROM:</b> Jessica Fleming – Cabinet for Environment	<b>DATE OF MEETING:</b> 7 March 2022
<b>OFFICER:</b> Cassandra Clements – Assistant Director – Environment and Commercial	<b>KEY DECISION REF NO.</b> CA336

### **CALL IN OF THE DECISION FROM THE MID SUFFOLK CABINET MEETING 6 DECEMBER 2021**

#### **1. PURPOSE OF REPORT**

- 1.1 The purpose of the report is to request that Members consider the appropriate next steps following the decision by Overview and Scrutiny Committee, on 13 January 2022, to support the call-in request in respect of the adoption of the new Hackney Carriage and Private Hire Vehicle Licensing Policy, as resolved by Cabinet on 6 December 2021.

#### **2. OVERVIEW AND SCRUTINY RECOMMENDATIONS**

- 2.1 Following consideration of the call-in request, Overview and Scrutiny Committee resolved to refer the matter back to Cabinet with the following observation and recommendations:

- That insufficient evidence of the pre-consultation regarding mandating conversion of vehicles to EV and further consultation with trade is recommended.
- That Cabinet needs further information in respect of plans to provide on- and off- taxi ranks and on- and off- street EV charging, following further consultation with taxi providers.
- That an action plan is needed to be agreed for the incentive scheme as mentioned in 6.1.1 of the Cabinet report.
- That Cabinet needs to give further consideration of the discussion of the Licensing and Regulatory Committee and its reasons for recommending the policy to Cabinet.

- 2.2 The minutes from the Overview and Scrutiny Committee are attached at Appendix A.

#### **3. OPTIONS CONSIDERED**

- 3.1 Not to accept the recommendations from Overview & Scrutiny Committee, and the matter would then need to be referred to Full Council. This is not recommended as the Cabinet values the input of the Overview and Scrutiny Committee and is committed to giving its comments and recommendations due consideration.

- 3.2 To accept the recommendations in full today. This action is not recommended as substantial officer work is required, including how an incentive scheme could work and the associated costs, overlap with other programmes, and coordination with other organisations. It is anticipated that an update report on the project will be ready to be presented to Cabinet in July 2022.
- 3.3 To accept the recommendations, but to go ahead and implement the new Hackney Carriage and Private Hire Vehicle Licensing Policy while referring the matter of 'Electric Vehicles' to officers and the Licencing and Regulatory Committee for further work. This is the recommended option as it means there will be an up-to-date policy in place for trade as soon as practical which is necessary to enable safe and compliant working. It reduces the amount of time that the Council is out of compliance with the new Department for Transport Statutory Standards. Finally, it enables a future decision to be made by Cabinet on this specific element at a later date when the necessary evidence has been acquired.

<p><b>4. RECOMMENDATIONS</b></p> <p>4.1 That the Cabinet decision on 6 December 2021, to adopt the new Hackney Carriage and Private hire Vehicle Licensing Policy, be confirmed and that the matters raised by the Overview and Scrutiny Committee, particularly in relation to electric vehicles, be referred to officers and the Licensing and Regulatory Committee for further work before being presented back to Cabinet.</p>
<p><b>REASON FOR DECISION</b></p> <p>4.2 Whilst it is recommended that Cabinet agree to the Overview and Scrutiny recommendations, there is a requirement from the Department for Transport for an up to date policy to be in place by the end of January 2022 for both the benefit of the trade and enable the licensing function of the Council to administer its regulatory obligations. This will ensure compliance, particularly with the new Department for Transport Statutory Standards. A review of the environmental parts of the policy will be undertaken, taking into account the recommendations from the Overview and Scrutiny Committee.</p>

**5. KEY INFORMATION**

- 5.1 Whilst it is recognised that the new policy encourages the use of electric vehicles but does not contain specific direction on EV uptake by the trade, this information is not needed for the revised policy to be adopted and, whilst in place, a project will commence to address these concerns.
- 5.2 It is noted that addressing the uptake of EVs by the trade is a large project in its own right and one which the Licensing Team cannot, and should not, consider in isolation. To progress the objective for EV uptake by the trade, officers will need to engage with and/ or work in partnership with the County Council, providers of chargers, drivers and operators, and town councils amongst others.

- 5.3 There will also be a requirement to consider how such a project may be funded, including a programme to ensure that the licensed trade are fully informed and supported about the EV transition process.
- 5.4 In addition, there will be a requirement to understand the opportunity to source appropriate land to provide an off-street rank and charging points.
- 5.5 Due to the size of this project, officers will need time to undertake it properly. It is anticipated that an update on the project will be ready to be presented to Cabinet in July 2022.
- 5.6 In respect of the observation from Overview and Scrutiny, that there was *“insufficient evidence of the pre-consultation regarding mandating conversion of vehicles to EV and further consultation with trade is recommended”*. It is acknowledged that the consultation did not fully address the issue of electric vehicles but focussed on the new Statutory Standards required by the Department for Transport which is the primary purpose of the policy.
- 5.7 The Licensing & Regulatory Committee, through the project work, will understand the question of whether it is possible or desirable to mandate a conversion to EV and how the Council could engage and consult with the trades which will focus on future development of the service, including the transition to electric vehicles and the infrastructure surrounding that issue.
- 5.8 The first recommendation, *“that Cabinet needs further information in respect of plans to provide on- and off- taxi ranks and on- and off-street EV charging, following further consultation with taxi providers”*, will be addressed through the project work and the report back to Licensing & Regulatory Committee, and Cabinet. To address this issue thoroughly, there will be a requirement for a holistic approach to be taken and for the Council to work in partnership with other organisations such as Suffolk County Council.
- 5.9 The second recommendation, *“that an action plan is needed to be agreed for the incentive scheme as mentioned in 6.1.1 of the Cabinet report”*, is recognised and will be addressed in the project work and further report referenced above. This is not needed for the policy to be adopted and implemented at this point. There is much work to be undertaken by officers in researching and identifying appropriate funding which will need approval by Members.
- 5.10 The third and final recommendation from Overview and Scrutiny is *“that Cabinet needs to give further consideration of the discussion of the Licensing and Regulatory Committee and its reasons for recommending the policy to Cabinet.”*
- 5.11 Officers have reviewed the public livestream recording and minutes of the Licensing and Regulatory Committee meetings held on 16 August 2021 and 15 October 2021 (attached at Appendix B and C respectively) and note that the minutes of the meeting held on 16 August 2021 include *5.4 The Chairman and the Licensing Officers responded to Councillor Stringer’s questions regarding incentives for EV taxis and plans for the provision of EV charging points in Stowmarket. Councillor Stringer commented that, considering the climate change emergency, there should be a plan for assisting drivers to migrate to EV taxis included in the new Policy.*

- 5.12 The Licensing Officers were able to inform Members of the planned training they were due to undertake which would increase their knowledge of electric vehicles so that they may work effectively with partners and other organisations in considering the future impact of EVs on the taxi trade and how to address concerns. It was acknowledged that this would be more difficult to achieve in such a rural area.
- 5.13 The minutes from the meeting held on 15 October 2021 include *13.3 The Licensing Officer provided the Committee with an update regarding EV vehicles.*
- 5.14 The recording of the meeting shows that the officer advised the Committee that the team had attended a webinar about engaging with the taxi industry in switching to low-emission vehicles. She also stated that a meeting had been held with Suffolk County Council's Environment Strategy Officer, who had referred to an example of a taxi firm in Norwich where the firm had installed infrastructure for EVs on their own parking land, and that the County Council had no current plans to install rapid chargers in Stowmarket. The officer highlighted that the two largest taxi firms in Stowmarket do not have their own land on which to do this.
- 5.15 In response to a question from Cllr Otton about responsibility for funding the installation of EV charges, the officer advised that this was being researched.
- 5.16 An EV taxi was plated on 18 October 2021 and the licensing team are working with the owner, who has kindly agreed to record information for the team on running costs, passenger feedback and challenges.
- 5.17 To summarise, whilst it is recognised that the new policy encourages the use of electric vehicles it does not directly address EV transition nor the provision of EV chargers for use by drivers; this information is not needed for the revised policy to be adopted, work will continue to address EV transition alongside a current policy which is compliant with the DfT requirements.
- 5.18 Due to the size of this project and need to coordinate work with other organisations, officers will need time to undertake it properly. It is anticipated that an update on the project will be ready to be presented to Cabinet in July 2022.

## **6. LINKS TO CORPORATE PLAN**

- 6.1 These licensing functions most closely align with -
- supporting businesses to thrive and grow, with a particular emphasis on smaller and start-up concerns.
  - encouraging employable skills (local transport and public service standards).
  - supporting safe and active communities.
  - co-ordinating our approach to regulation with Suffolk County Council to minimise the burdens on local business (particularly through the safety and suitability arrangements the District/Boroughs have together with the County, in respect to school transport and social service contracts).

## **7. FINANCIAL IMPLICATIONS**

- 7.1 Whilst there are no immediate financial implications a fully costed proposal will be brought to Cabinet at a later date which will have financial implications for the Council.

## 8. LEGAL IMPLICATIONS

- 8.1 The Local Government (Miscellaneous Provisions) Act 1976 section 47(1) states that a District Council may attach to the grant of a licence of a HCV under the Town Clauses Act 1847 such conditions as the District Council may consider reasonably necessary

## 9. RISK MANAGEMENT

- 9.1 This report is most closely linked with Operational risk 2AO1 - if licensing functions are not delivered within prescribed framework/ local policy/ timeframe, then businesses will be impacted, and reputational harm/ appeal likelihood will increase. Further Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
Failure to regularly review and consult upon a new hackney carriage and taxi policy may impact negatively on the trade who are subject to variable costs and overheads, licence fees, fluctuating fuel prices, market forces, insurance, and vehicle maintenance costs.	2 - Unlikely	2 - Noticeable	Review, revise, and re-consult on the hackney carriage table of fares and policy on a regular basis.
Failure to meet the Department of Transport's Statutory Standards.	4 – Highly Probable	2 – Noticeable	We have already missed the deadline of 31.01.22, adopting the new policy now and initiating a separate project focussed on EV transition would remove this risk entirely.

## 10. EQUALITY ANALYSIS

There are no equality implications arising directly from this report. The council recognises its obligations under the Equality Act 2010, in the exercise of its licensing

functions and will ensure appropriate consultation in respect of any future updated Hackney Carriage and Private Hire Vehicle Licensing Policy.

## 11. ENVIRONMENTAL IMPLICATIONS

11.1 The implications of this report contribute to the Council's aspiration to reduce emissions and support the Suffolk-wide aim to become carbon neutral by 2030.

## 12. APPENDICES

Title	Location
(a) Minutes of the Overview and Scrutiny Committee of 13 January 2022.	<a href="#">Agenda for Mid Suffolk Overview and Scrutiny Committee on Thursday, 13th January, 2022, 9.30 am » Babergh and Mid Suffolk District Councils - Working Together (moderngov.co.uk)</a>
(b) Minutes of the Licensing and Regulatory Committee of 16 August 2021	<a href="#">Agenda for Mid Suffolk Licensing and Regulatory Committee on Monday, 16th August, 2021, 11.30 am » Babergh and Mid Suffolk District Councils - Working Together (moderngov.co.uk)</a>
(c) Minutes of the Licensing and Regulatory Committee of 15 October 2021.	<a href="#">Agenda for Mid Suffolk Licensing and Regulatory Committee on Friday, 15th October, 2021, 10.30 am » Babergh and Mid Suffolk District Councils - Working Together (moderngov.co.uk)</a>

## 13. BACKGROUND DOCUMENTS

## 14. REPORT AUTHORS

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