



REPORT TO:	Licensing Committee
DATE:	Wednesday, 1 November 2023
SUBJECT:	Taxi and Private Hire Licensing Policy
PURPOSE:	The Committee are asked to consider the draft taxi licensing policy for approval and adoption
KEY DECISION:	No
PORTFOLIO HOLDER:	Councillor Anthony Casson
REPORT OF:	Christian Allen, Assistant Director Regulatory
REPORT AUTHOR:	Richard Boole, Public Protection Manager
WARD(S) AFFECTED:	All wards
EXEMPT REPORT	No

SUMMARY

The taxi licensing policy has been reviewed and redrafted following changes to legislation, best practice and statutory guidance. The draft has previously been considered by Licensing Committee and public consultation has subsequently taken place. The Licensing Committee are asked to consider this revised policy, amended as necessary to reflect the consultation feedback and approve for adoption.

RECOMMENDATIONS

1. That Licensing Committee approve and adopt the revised policy.

It is recommended that the policy come into effect in a staged manner:-

- Matters that implement the revised Nation Standards for Safeguarding – immediately
- The remainder of the policy from 1 April 2024.

2. That the Public Protection Manager and Licensing Team Leader, in conjunction with the Portfolio Holder and Chair of Licensing Committee, be authorised to make detail and layout changes between policy reviews, to ensure that the policy reflects legislative and

statutory guidance changes, as well as ensuring that it reflects any changing corporate standards and accessibility requirements.

REASONS FOR RECOMMENDATIONS

It is recommended that a new taxi policy is adopted to ensure the Council is up to date, transparent and consistent.

OTHER OPTIONS CONSIDERED

Do nothing – the Licensing Committee retain the current Taxi Licensing Policy

1. BACKGROUND

- 1.1 As a Licensing Authority we are entitled, but not required, to adopt a policy on taxi licensing. The policy is viewed as being an integral part of the decision-making process enabling consistency and transparency. It is there to guide the licensing authority but each case must still be considered on its own merits.
- 1.2 The Council's existing taxi licensing policy needs to be updated and the decision was taken that the current format was no longer fit for purpose. A review has therefore taken place and a new policy has been drafted.
- 1.3 The Licensing Officer has conducted significant research on taxi licensing including reviewing other Council's policies, taxi licensing guidance and best practice from the trade.
- 1.4 The proposed policy has been drafted taking into account this information, as well as feedback received through consultation.
- 1.5 The final draft policy is now presented to the Committee for approval and adoption.

2. REPORT

- 2.1 The policy has been revised taking into account changes to taxi licensing legislation and guidance.
- 2.2 Since the last policy was adopted there have been changes in respect of a number of requirements including: immigration and right to work checks, tax checks, safeguarding best practice, Equalities Act, and the introduction of the national standards from the Department of Transport on Statutory Taxi and Private Hire Vehicle Standards.
- 2.3 In particular a number of changes have been included following the introduction of the Department for Transport Statutory Taxi and Private Hire Standards. The Department expects these recommendations to be implemented unless there is a compelling local reason not to.
- 2.4 The Licensing Committee considered these new national standards at their meeting in November 2019 and agreed in principle to adopt the standards. This latest policy now fully incorporates these standards.
- 2.5 Although the revised policy is in a new and different format to the former policy, any significant changes introduced as a result of the above changes has been indicated in red text.

- 2.6 A consultation exercise took place from 1 July 2023 to 6 October 2023. This allowed the trade and other interested parties have the opportunity to fully consider and contribute to the new policy.
- 2.7 Although there have been a low number of responses to the consultation, two of the large private hire fleet operators have responded, as well as two smaller operators. The respondents have made some valuable comments which are summarised in Appendix B.
- 2.8 Of the comments received, there are three which were common across most respondents, which were described as being overly burdensome on the trade. These are summarised below, alongside a proposed action:-
- 2.8.1 Issue 1 - All respondents stated that the proposed age restrictions for private hire vehicles, which would match those already in place for hackney carriage vehicles, would create an excessive financial burden and result in business impacts, due to the cost of vehicle replacement. These impacts include a reduction in the size of the fleet, which may impact residents, alongside a loss of employment within the trade, as well as increased cost to customers. The private hire fleet significantly outnumbers the hackney carriage fleet. This requirement was added partly to improve the overall age and condition of the fleet from a public safety point of view, for example newer cars have more or improved passive safety features built in; but also to help reduce vehicle emissions arising from older vehicles, especially pre-Euro 6 diesel vehicles. 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 this will need to be addressed.
- 2.8.2 Proposal – It is proposed that the age restrictions for private hire vehicles proposed in the draft policy be removed, with a view to this being re-visited at the next policy revision. This will allow for further engagement with the trade to develop this policy matter.
- 2.8.3 Issue 2 – The proposed English language testing is seen by some respondents as an additional burden and the cost of this additional step in the application process for new drivers seen as a potential barrier. This item in the policy has come from the National Standards and is intended to improve safeguarding and customer service. It is essential that a driver or operator call handler has a sufficient standard of English to be able to interact with their customers effectively. This includes clearly understanding where the customer wants to go, being able to read and understand all road direction and safety signs, understanding if the customer has particular needs, agreeing a price and conducting payment transactions and being able to interact with the customer in an emergency. A charge will need to be made for the test and this will be determined once the delivery method is confirmed. Costs will be kept to a minimum and if the Council delivers the test directly, this will be on a cost recovery basis.
- 2.8.4 Proposal – It is proposed that this item remains in the policy as written.
- 2.8.5 Issue 3 – Application lead-in times and turn-around times set out in the report are seen as excessive by some respondents. As a licensing authority we do need to set out our application process and manage expectations. This includes our expectation as to how a

proper application is made and when it needs to be made. Applicants therefore have a big part to play in ensuring that the application process goes smoothly and this includes the provision of all supporting documents and information to support the various checks that officers have to undertake, to ensure that the applicant is considered fit and proper to hold a licence at the time of application. The primary consideration here is public safety.

- 2.8.6 Proposal – It is proposed that the wording be amended to refer to these timeframes being recommended rather than mandatory, with the proviso that the Council accepts no liability for renewal of existing licences ahead of the expiry date, nor will it prioritise application ahead of others, where the application has been submitted late, is incomplete including payment. Applications will only be processed where they have been correctly submitted. The Council seeks to continuously improve its processes and systems and it would be the intention that these recommended timeframes be reduced over time.

3. CONCLUSION

- 3.1 The updated policy takes into account the latest national position in regard to taxi licensing and feedback from consultation. The Licensing Committee are asked to approve this draft policy for adoption.

4. EXPECTED BENEFITS TO THE PARTNERSHIP

- 4.1 Consideration has been given to the taxi licensing policies of Boston and East Lindsey Councils. At this time the policies have some minor inherent historic differences but longer term these will be rationalised through the Partnership and through the national drive to harmonise licensing standards.

5. IMPLICATIONS

5.1 SOUTH AND EAST LINCOLNSHIRE COUNCILS PARTNERSHIP

- 5.1.1 None

5.2 CORPORATE PRIORITIES

- 5.2.1 The taxi policy strongly links into the corporate priorities: Your Place; Your Health and Wellbeing; Your Opportunity

5.3 STAFFING

- 5.3.1 Changes to the policy reflect national changes in legislation, guidance and policy. Additional checks on drivers, vehicles and operators are now required which impact on staffing resource. The additional English Language tests implemented from the National Standards will need to be administered, however these can be charged for to recover costs, including any staffing resource implication. Taxi licensing fees are required to be set to recover costs and so fees will be reviewed in due course to ensure that they reflect actual costs to the Council.

5.4 CONSTITUTIONAL AND LEGAL IMPLICATIONS

- 5.4.1 This policy review is within legal and constitutional parameters and the Monitoring Officer has been consulted.

5.5 DATA PROTECTION

- 5.5.1 There are no new data protection implications arising from this policy review. A Data Impact Assessment was carried out in respect of the NR3 National Register of Taxi Licensing Revocations and Refusals

5.6 FINANCIAL

- 5.6.1 None

5.7 RISK MANAGEMENT

- 5.7.1 None

5.8 STAKEHOLDER / CONSULTATION / TIMESCALES

- 5.8.1 The draft policy was out for consultation from 1 July 2023 until 6 October 2023. A summary of the consultation comments is contained at Appendix B and proposed actions in respect of the most significant of these are set out in the body of the report.
- 5.8.2 The Chair of the Policy Development Panel was consulted on 10 July 2023 ahead of Policy Development Panel. The Chair was satisfied that due to the consideration by Licensing Committee and the public consultation taking place, that there was sufficient scrutiny in place for the development of this revised policy and determined that it didn't need to be considered by the Panel.

5.9 REPUTATION

- 5.9.1 The Council should ensure that they are working towards an up-to-date taxi licensing policy. Failure to do so could lead to reputational risk.

5.10 CONTRACTS

- 5.10.1 None

5.11 CRIME AND DISORDER

- 5.11.1 Taxi licensing is governed by legislation which includes some criminal offences for illegal activities. Criminal record checks through the Disclosure and Barring Service (DBS) are also carried out as part of the driver and operator licensing procedure.

5.12 EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING

- 5.12.1 The policy includes a robust approach to safeguarding including ongoing checks on drivers and compulsory training.

5.13 HEALTH AND WELL BEING

- 5.13.1 None

5.14 CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

- 5.14.1 Vehicle age standards are addressed within this policy which link directly to vehicle emissions. Commitment is provided within this policy to support work to encourage low emission and electric vehicles.

5.15 LINKS TO 12 MISSIONS IN THE LEVELLING UP WHITE PAPER

MISSIONS	
This paper contributes to the follow Missions outlined in the Government’s Levelling Up White paper.	
Transport Infrastructure	By 2030, local public transport connectivity across the country will be significantly closer to the standards of London, with improved services, simpler fares and integrated ticketing.
Wellbeing	By 2030, well-being will have improved in every area of the UK, with the gap between top performing and other areas closing.
Pride in Place	By 2030, pride in place, such as people’s satisfaction with their town centre and engagement in local culture and community, will have risen in every area of the UK, with the gap between the top performing and other areas closing.
Crime	By 2030, homicide, serious violence, and neighbourhood crime will have fallen, focused on the worst-affected areas.

6. ACRONYMS

6.1 None

APPENDICES	
Appendices are listed below and attached to the back of the report: -	
APPENDIX A	Draft Revised Taxi and Private Hire Vehicle Licensing Policy for approval
APPENDIX B	Consultation Response Summary

BACKGROUND PAPERS
No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

CHRONOLOGICAL HISTORY OF THIS REPORT
None

REPORT APPROVAL	
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