

Adoption of Taxi and Private Hire Licensing Policy

Report of the Head of Legal and Democratic

Recommended:

1. That the outcomes from the additional public consultation on the proposed new Taxi and Private Hire Licensing Policy, set out in Annexes 1, 2 and 3 to the report, be noted.
2. That the new Taxi and Private Hire Licensing Policy, set out in Annex 4 to the report, be approved effective from 1 January 2025.

Recommended to Cabinet:

3. That a fee for resitting a failed driver knowledge test for Hackney Carriage and Private Hire Licensing be introduced and set at £30 for each subsequent resit.
4. That a fee for the provision of approved door signs for Hackney Carriage and Private Hire licensing be introduced and set at £6 per sign.

SUMMARY:

- The Committee needs to consider the response to additional consultation on aspects associated with a new Taxi and Private Hire Licensing Policy.
- The Policy will provide clarity for licensed operators, drivers, vehicle proprietors and the public as to how the Council will undertake its licensing functions.
- The Policy will also seek to assist the Council in making licensing decisions.

1 Introduction

- 1.1 The Council's current Hackney Carriage and Private Hire Vehicle Licensing Guidelines (Policy) was first adopted in 2007 and has been periodically revised since then. In July 2020, the Department for Transport (DfT) published Statutory Taxi and Private Hire Vehicle Standards outlining how authorities should carry out their taxi licensing functions.
- 1.2 On 23 September 2021, the Licensing Committee considered the Standards and agreed a basis for public consultation on a new Policy which would address not only those matters raised by the publication of the Standards but also a more general review of existing policies and procedures.
- 1.3 A major public consultation exercise was conducted in 2022 and the results of that considered by this Committee at its meeting held on 9 November 2023. Councillors asked for further work to be undertaken on two specific areas relating to issue of hackney carriage licences and the proposed Driver Code of Conduct.

2 Background

- 2.1 The Council is responsible for the licensing of Hackney Carriages, Private Hire Vehicles, Operators and Drivers primarily through the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The Hackney Carriage and Private Hire Licensing Policy applies to all drivers, vehicles and operators and the Policy is intended to ensure the trade and the public have access to a document that fully explains the licensing requirements to all in a clear and transparent manner.
- 2.2 The Statutory Standards are published under s177(1) of the Policing and Crime Act 2017 and set out a framework of policies that licensing authorities must have regard to when exercising taxi licensing functions. The Standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area and the DfT expects recommendations to be implemented unless there is a compelling local reason not to.

3 Corporate Objectives and Priorities

- 3.1 Hackney Carriage and Private Hire licensing falls within the broader remit of public safety which cuts across the Council's corporate priorities with reference to growing the potential of our Communities and People.
- 3.2 In deciding whether a driver, vehicle or operator should be issued with and then retain a licence, the overriding consideration will be the protection of the public. The Council's role in safeguarding and protecting the travelling public cannot be understated and strong measures to improve standards in the trade should be built upon and not diluted.

4 Consultations/Communications

- 4.1 This Committee agreed at the meeting on 9 November 2023 that the results of the consultation undertaken in 2022 should form the basis of a new Taxi and Private Hire Licensing Policy. There was one area where the consultation response was unclear; this was in relation to the policy for issuing of new hackney carriage licences where the current policy is to restrict the number of licences issued and only allow new licences for wheelchair accessible vehicles. Consultees were given four options of either: maintaining the current limit; removing the limit but only allowing wheelchair accessible vehicles to be licensed; removing the limit and allowing any vehicles to be licensed; or another option. There was the same level of support (43%) for the options of maintaining the limit and removing the limit and allowing any vehicle to be licensed.
- 4.2 Officers had subsequently undertaken additional targeted consultation on this particular issue and with the assistance of the Communities Team produced a further questionnaire seeking views on: the availability of wheelchair accessible taxis; whether that [lack of] availability impacts upon wheelchair users ability to access work, services and leisure activities; whether the Council should only issue new hackney licences for wheelchair accessible vehicles; and whether the Council should issue licences for vehicles that would assist ambulant disabled persons.

- 4.3 Whilst the overall response rate was small, a clear majority indicated a difficulty in booking a wheelchair accessible vehicle, confirmed that the shortage of suitable vehicles causes them practical difficulties, were supportive of the council only issuing new licences for wheelchair accessible taxis and supported the council issuing licences for vehicles that could be used by ambulant disabled persons.
- 4.4 Having taken account of this consultation response, officers recommended adopting a policy which would remove the current numerical limit on hackney carriage licences and allow additional licences to be issued only for wheelchair accessible vehicles. The Committee noted this but asked for further work to be undertaken on taxi usage to inform their decision making on this specific aspect. Consequently, a public consultation was run from February to May the results of which are shown in Annex 1 with further specific comments set out in Annex 2. Whilst the level of response was low (17 individuals plus two groups), the consultation does indicate a concern amongst disabled persons such that officers believe the proposed policy regarding hackney carriage licences is entirely justified.
- 4.5 Whilst it has not been possible to gather information about taxi usage at a local level, the Committee may be interested in the results of the DfT Taxi and private hire vehicle statistics 2024 which do give an indication of taxi usage at a national level. Specific extracts from the statistics appears at Annex 6.
- 4.6 In addition, the Committee asked for consultation to be undertaken on the proposed Driver Code of Conduct to be introduced as part of the new Policy. A public consultation exercise was undertaken from early April ending on 31 May 2024. A total of 59 responses were received to the online questionnaire and the results are shown In Annex 3 to the report. Most of the responses were received from members of the taxi trade or members of the public. The consultation responses highlighted that there is overall agreement for the adoption of the Driver Code of Conduct subject to some amendments to address concerns around specific aspects. These are indicated on pages 52 to 57 of Annex 4.
- 4.7 As a result, a new Taxi and Private Hire Policy has been produced at Annex 4 and is recommended for adoption.

5 Options

5.1 Option 1

To adopt the Policy attached as Annex 4 to the report which reflects the original consultation responses in all areas except the policy for issuing of new hackney carriage licences but does take account of the subsequent additional consultation exercises.

5.2 Option 2

To adopt a Policy which entirely reflects all the consultation responses.

5.3 Option 3

To resolve not to adopt a new Policy or take some other course of action.

6 Option Appraisal

- 6.1 Option 3 can be dismissed as impractical. As the September 2021 report on this matter explained, the existing licensing policies and conditions are outdated and do not take account of the DfT Statutory Standards. In their introduction to this document the DfT states they expect the Standards to be implemented “unless there is a compelling local reason not to” (1.3) and that “as the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice ... failure to adhere to the Standards without sufficient justification could be detrimental to the authority’s defence” (2.8).
- 6.2 The consultation exercise consisted of questions which either related to an aspect of the Standards or another area of licensing which had already been identified as needing review. Those aspects have then formed the basis of the proposed new Policy. The Policy sets out the context within which Hackney Carriage and Private Hire vehicles operate and outlines the standards required by the Council for Hackney Carriage and Private Hire vehicles, drivers, and operators. For the avoidance of doubt all the requirements shall be deemed to form both the Council’s policy (i.e., pre-requisite to the grant of a licence) as well as conditions subject to which the licence is granted (which will continue to apply throughout the duration of the licence as appropriate).
- 6.3 In all but two cases the original consultation responses showed support for those matters which form the new Policy. One exception was the strengthening of the existing policy regarding exemption from displaying the vehicle plate on private hire vehicles undertaking contract and other specific work. It is the view of officers that the existing policy – which permits private hire vehicles undertaking journeys solely to specific types of destination or for specific corporate customers to be exempt from displaying the vehicle licence plate – is in some cases being used inappropriately and requires additional safeguards to ensure persons seeking such exemption are only granted it where appropriate. This would involve operators evidencing that they are undertaking such work rather than continuing with the current practice where they are merely asked to declare the fact. The consultation responses showed a majority (56%) against any change to the current policy. Accordingly, no change is proposed presently but officers will revisit this issue in the future as it is still considered an area requiring review.
- 6.4 The other area of the original consultation which is not reflected in the proposed Policy is that relating to the issuing of hackney carriage licences and the matter is discussed in detail in paragraphs 4.1 to 4.4 above. In addition, it should be noted that the Council can only maintain its current policy of restricting licence numbers based on there being no unmet demand; this is identified by means of undertaking a specific survey of taxi demand. The last survey undertaken in 2005 did indicate unmet demand although, increasingly, the survey results cannot be relied upon as justification for our current policy

as they become more and more outdated. The government recommends that a regular, ideally triennial, survey of unmet demand be undertaken. Officers had originally put forward a bid for sufficient budgetary provision for a survey to be undertaken in 2009/10 but due to the then financial situation, this bid was rejected, and officers were asked to consider other means of reviewing the current policy.

- 6.5 In the absence of a survey, officers have undertaken consultation exercises the most recent being in September 2013 which was considered at a Licensing Committee meeting held in 2014. The absence of a current survey is only an issue if the Council were to impose a restriction upon issuing licences. Councillors should be aware that only three licences remain available for issue and the Council could at any time receive applications for those remaining licences. Any further applications received after that would have to be refused if no licences were available for issue which could result in a legal challenge which the Council would be unable to defend. Consequently, in the view of officers maintaining the current limit is not a viable option.
- 6.6 There is a clear expectation that licensing authorities will introduce policies which encompass the DfT Standards. The proposed policy does so except for the matter of criminal convictions. The current policy – adopted in March 2020 – matches the Standards in most areas apart from the following:

Offence	DfT Standards	Current TVBC Policy
Possession of a weapon	Grant licence seven years after sentence	Grant after five years
Dishonesty	Grant licence seven years after sentence	Grant after five years
Drugs - supply	Grant licence ten years after sentence	Refuse to grant
Drugs - possession	Grant licence five years after sentence	Grant after ten years
Discrimination	Grant licence seven years after sentence	Grant after ten years
Motoring	No specific period stated	Grant one year after sentence if one conviction or three years if more than one
Drink/drug driving	Grant licence seven years after sentence	Grant after five years

The original public consultation questionnaire specifically asked if, having taken account of the differences detailed above, the Council should keep the current limits or adopt whichever is the stricter limit. A clear majority (54.9%) of

respondents stated the current limits should be maintained. It is the view of officers that this provides sufficient justification for the Council adopting a Policy which does not entirely reflect the DfT Standards.

- 6.7 Whilst the Policy would take effect as soon as it is adopted, certain changes will be phased in and only imposed at the time the licence is next renewed. As a practical example of this, where existing Operator Licences are next due for renewal, any new conditions such as those regarding record keeping and requirements on booking staff will then take effect allowing a sufficient period for the operator to comply with the conditions before considering any enforcement action.

7 Resource Implications

- 7.1 The process of adopting of the new Policy will not in itself create any resource implications. However, there are several new policy requirements which will have implications for the taxi trade and officers. These include: the requirement for six monthly DBS criminal records checks; the introduction of passenger safety signage within or on vehicles; and a fee for applicants who must re-sit their driver knowledge test. In these cases, any associated costs will be met by the trade either directly, e.g. DBS checks, or through the levying of an additional fee e.g. vehicle signage, knowledge test re-sits. In respect of the latter two items these are reflected in the report recommendations. The hackney carriage and private hire licensing function is operated on a cost recovery basis and fees are set at a level which covers the Council's costs in providing the function.
- 7.2 The proposed policy will also create a resource implication for officers in that there will be additional requirements upon the trade which will need to be administered and enforced. Existing working practices will in some cases require amendment to ensure that the authority complies with the Standards. At present it is difficult to quantify how much resource will be needed but it is likely to exceed the current level of staffing resource. The Head of Legal and Democratic is currently assessing the potential for providing additional staffing resource for the licensing function.

8 Legal Implications

- 8.1 The proposed new Policy has been drafted to reflect current legislative requirements and statutory guidance. The Policy must be taken into consideration when making decisions in respect of matters relating to hackney carriage and private hire vehicle licensing.

9 Equality Issues

- 9.1 An Equalities Impact Assessment has been undertaken revealing there are no perceived major impacts from adoption of the proposed new Policy. The Assessment is attached as Annex 5 to the report. The Department for Transport carried out an Impact Assessment which included Equalities Impact consideration prior to introducing the Standards. That assessment included the following:

- 9.2 *130.0 The Jay and Casey reports demonstrate that not all councils apply the same high standards when undertaking their taxi and private hire vehicle licensing functions. To address this the Police and Crime Act 2017 enabled the Secretary of State for Transport to issue statutory standards to local authorities.*
- 9.3 *131. Whilst we are aware that the statutory standards may impact disproportionately a higher level of ethnic minorities in some areas due to the makeup of the taxi and private hire trade, any possible negative impacts on minority licensees must be weighed up proportionately against the legitimate aim of protecting children and vulnerable adults from harm through the use of licensing authorities' powers.*
- 9.4 *132. It is expected that the standards will be applied equitably but this is the responsibility of local authorities and could be subject to challenge. We expect that both drivers and passengers will benefit from a safer environment in which to travel. We also expect that the policy will increase user confidence and may facilitate higher passenger demand from more vulnerable groups such as older or disabled people.*
- 9.5 Overall, the adoption of a new Policy and Licence conditions is expected to produce a positive impact (and certainly not a negative impact) for those with protected characteristics. Specifically, the proposed policy to continue only issuing additional new hackney carriage licences for wheelchair accessible vehicles will undoubtedly benefit wheelchair users and other disabled persons.
- 9.6 Prioritising the issue of licences for wheelchair accessible vehicles also aligns with the government's call to make taxis and private hire vehicles more accessible.

10 Other Issues

- 10.1 Community Safety – nothing specific although the significance of promoting safeguarding is paramount. The new Policy should ensure the appropriate balances and mitigations are in place to minimise risk to public safety whilst enabling businesses to trade effectively, efficiently and legally.
- 10.2 Environmental Health Issues – none identified.
- 10.3 Sustainability and Addressing a Changing Climate – none identified.
- 10.4 Property Issues – none identified.
- 10.5 Wards/Communities Affected – potentially the whole Borough.

11 Conclusion

- 11.1 A modern robust Policy is essential for the efficient administration of the hackney carriage and private hire vehicle licensing function. There is a clear expectation that local authorities will, unless there is a compelling reason to the contrary, have policies which reflect the DfT Statutory Standards. With that in mind the Committee is recommended to consider the results of the public consultation exercises and subject to any further amendments it considers necessary, approve the new Policy at Annex 4.

Background Papers (Local Government Act 1972 Section 100D)

[Minutes of the meeting of the Licensing Committee 23 September 2021](#)

[Minutes of the meeting of the Licensing Committee 9 November 2023](#)

[Department for Transport Taxi and Private Hire Vehicle Statistics England 2024](#)

[Department for Transport Statutory Taxi and Private Hire Vehicle Standards](#)

[Department for Transport and Disabled Persons Transport Advisory Committee news release 17 November 2023](#)

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	6		
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