

LICENSING AND REGISTRATION COMMITTEE

3 NOVEMBER 2022

REPORT OF THE DEPUTY CHIEF EXECUTIVE

A.4 DEVELOPMENT OF A COMPREHENSIVE TAXI/PRIVATE HIRE POLICY

(Report prepared by Michael Cook & Keith Simmons)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

The Committee is formally requested to authorise the development of a comprehensive policy statement in relation to the licensing of Taxi and Private Hire Services. The policy statement will set out in one place the Council's approach to its licensing functions, within the legislative framework, and will ensure that the various elements of the policy support the broad public and consumer protection role of the licensing authority.

One element of the process of developing the comprehensive policy will be to undertake consultation with a range of stakeholders and provide for their views to be considered prior to any finalised policy being adopted.

EXECUTIVE SUMMARY

The legal framework for licensing Taxi and Private Hire Drivers and Vehicles (and Private Hire Operators) has remained fairly stable for a considerable period. The Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 provide that framework. A number of changes to that framework have been made over time. However, the fundamentals of that framework remain in place.

In 2006, the then Government issued best practice guidance for this area of licensing. This was then refresher in 2010. Earlier this year Government undertook a 12-week consultation on revisions to the best practice guidance. The introduction to the Consultation Proposals from Government read as follows:

“The focus of the best practice guidance is on how licensing authorities can best use their existing powers to ensure that the taxi and PHV drivers and vehicles, and the PHV operators that they license provide a safe, inclusive, accessible and attractive service for the passengers they carry.”

In addition to the best practice guidance, in July 2020 the Government issued statutory taxi and private hire vehicle standards. By virtue of Section 177(4) of the Policing and Crime Act 2017, licensing authorities must have regard to the standards issued by Government.

In referencing licensing policies for Taxi and Private Hire Services, in the statutory Taxi and Private Hire vehicle standards, it reads:

“The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a ‘fit and proper’ person test, licence conditions and vehicle standards.

When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing

regime protects the vulnerable cannot be overestimated. This was highlighted in the report by Dame Louise Casey CB of February 2015 on safeguarding failings.”

It is against this background that the Committee is requested to authorise the work associated with the development of a comprehensive policy for this Council in its role as licensing authority for Taxi and Private Hire Services in the District.

RECOMMENDATION(S)

- 1) That the Deputy Chief Executive be authorised to develop a comprehensive policy statement in relation to the licensing of Taxi and Private Hire Services in the District that will set out the Council’s approach to:**
 - (a) The appropriate information and requirements of those seeking to obtain a Taxi and/or Private Hire Driver Licence (and then the requirements to continue to hold such a Licence thereafter);**
 - (b) the appropriate information and requirements of those seeking to obtain a Private Hire Operator Licence (and then the requirements to continue to hold such a Licence thereafter); and**
 - (c) the appropriate requirements in respect of vehicles that are the subject of applications to be licensed as a Taxi or Private Hire Vehicle (and the requirements in respect of that vehicle while it remains licensed).**

- 2) To note that in the development of the comprehensive policy statement there will be a minimum of eight weeks of consultation on a draft policy statement and the views received will be submitted to this Committee at the time that it will consider approving a finalised statement.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

It would be intended that the proposed comprehensive Taxi and Private Hire Policy would support the following themes from the Council’s Corporate Plan 2020-24:

- Delivering High Quality Services: Effective regulation and enforcement
- Community Leadership through partnerships: Law and Order - for a safer community
- Strong Finances and Governance: Effective and positive Governance.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The cost of the activity in support of developing the comprehensive Taxi and Private Hire Policy (in terms of production, consultation and publication) will met from the current service budget.

Risk

The greatest risk in licensing matters is that the Council misapplies its licensing powers.

The focus in the report on those powers, the Government's best practice guidance and the statutory taxi and private hire vehicle standards seeks to ensure that the development of the comprehensive policy for Taxis and Private Hire Services correctly applies those licensing powers.

LEGAL

The Council considers applications for Taxi and Private Hire Driver, Vehicle and Operator Licence, renews, suspends or revokes those licences is all set out in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. This framework has been amended over time. In addition, the Council must have regard to the statutory taxi and private hire vehicle standards issued by Government. Likewise, it will give due consideration to the Government's guidance to licensing authorities on the exercise of their licensing functions for Taxi and Private Hire Services.

"Having regard" to guidance requires public authorities, in formulating a policy to give considerations the weight of which is proportionate in the circumstances. Given this is statutory guidance issued directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these recommendations cannot be overestimated.

The Local Government (Miscellaneous Provisions) Act 1976 confers discretion on Councils to attach conditions to the grant of Taxi and private hire driver, vehicle and operator licences as it may consider reasonably necessary.

As with all other areas of its activity, a local authority is entitled to adopt policies in relation to taxi and private hire licensing. Policies are an integral part of the decision making process and should be used to inform, guide and provide a valuable aid to the decision makers in assisting them with consistent decision making.

Irrespective of a policy statement, it continues to be the case that each request, review, application, or case must be considered and decided in its own right and on its own merits taking into account the policy in question. Officers, in their decision-making on applications, renewals, suspension and revocation situations will seek to apply the policy of the Council.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Consultation/Public Engagement.

CRIME AND DISORDER

In undertaking these licensing functions the Council will have regard to the duty upon it by virtue of section 17 of the Crime and Disorder Act 1998 (duty to take into account the prevention of Crime and Disorder).

EQUALITY AND DIVERSITY

In preparing the draft Taxi and Private Hire Policy Statement, the Council will have due regard to its public sector equality duty to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

AREA/WARDS AFFECTED: All

CONSULTATION

Consultation on the draft policy will be undertaken. Along with other stakeholders, all Taxi and Private Hire licence holders will be written to inviting them to view the draft policy, and to make any comments in writing to the Council.

Consultation will seek to consider the views of disability access groups, safeguarding and transport professionals.

The consultation period will run for at least eight weeks. Any relevant representations made will be reported to this Committee to consider.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Council has, from time to time, adopted a number of stand-alone policies in respect of Taxi and Private Hire Services. These include:

Taxi/Private Hire Driver Suitability / Knowledge Test

The current suitability and knowledge test for all new drivers was endorsed by the Licensing Committee at its meeting of the 1 November 2011 and went live in April 2012. This was subsequently reviewed in December 2014.

Applicants have to successfully complete a suitability test prior to being handed a driver application form to complete and submit. The suitability test covers numeracy, literacy, map reading, dates, and times.

Once an applicant has submitted the main application form, they have to complete successfully a knowledge test. The suitability test covers numeracy, literacy, map reading, dates, and times. The knowledge test covers road signage, highway code, routes of roads within the Tendring area, places of interest and local knowledge, and conditions, Law and Equality.

All of the above criteria have been in place since April 2012 and it would be prudent to review their effectiveness, proportionality and reasonableness in relation to the Council's responsibilities to ensure that all applicants for taxi and private hire drivers licences are "fit and proper persons" to be granted such a licence.

The Licensing Committee introduced these tests in order that the public can have full confidence in licensed Tendring drivers and that we have a respected, professional and prosperous taxi trade in Tendring.

Maximum Vehicle Age Limits for Licensing Taxi and Private Hire Vehicles

The Council's upper age limit policy in relation to taxi and private hire vehicles was determined at a meeting of the Licensing Committee held on the 9 April 2014. Minute 22

refers. A review of this policy was then agreed on 30 January 2019. Minute 72 refers to include Electric Vehicles.

The policy adopted a maximum upper age limit of 12 years for saloon, estate and MPV (people carrier) type vehicles, Electric Vehicles are licensed until they are 13 years old and purpose built London style Taxi and Wheelchair Accessible Vehicles are licensed until they are 15 years old.

The reasoning for the 13 year limit for Electric Vehicle and 15 year limit for purpose built London style Taxi and Wheelchair Accessible Vehicles was to act as an incentive to encourage the trade to consider purchasing these types of vehicles.

These incentives were to help contribute towards reducing greenhouse gas emission and air pollution on our roads by purchasing an Electric Vehicle and to off-set the cost of a wheelchair accessible vehicle as it is considerably higher than that of an ordinary saloon or MPV type vehicle.

The Miscellaneous Licensing Sub-Committee has submitted a request for the Licensing Committee to review the Council's policy on the maximum upper age limit that Taxi and Private Hire vehicles can be licensed for.

All vehicles are subject to a yearly inspection by Licensing Officers once the vehicle is 10 years old.

CURRENT POSITION

Below are tables that quantify information in relation to the vehicles licensed by this Council as taxis or private Hire Vehicles:

Type of Vehicle	Numbers licensed
Saloon	165
Estate	8
MPV (people carrier) type vehicles	58
Electric Vehicles	3
Purpose built London style Taxi and Wheelchair Accessible Vehicles	5

Type of Vehicle	Under 5 Years	5-10 Years old	10+ Years
Saloon	38	111	16
Estate	1	6	1
MPV (people carrier) type vehicles	9	43	6
Electric Vehicles	1	2	0
Purpose built London style Taxi and Wheelchair Accessible Vehicles	0	3	2

From the vehicle age of 10 years until the end of the licence, all vehicles have to pass a yearly visual inspection by Licensing Officers.

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

None
