

**Public
Key Decision - No**

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Hackney Carriage & Private Hire Licensing Policy

Meeting/Date: Licensing & Protection Committee – 15/05/2024

Executive Portfolio: Executive Councillor for Customer Service–
Councillor Stephen Ferguson

Report by: William Dell'Orefice (Licensing Officer)

Ward(s) affected: All Wards

Executive Summary:

This report provides the Licensing & Protection Committee with the draft Hackney Carriage and Private Hire Licensing Policy 2024, attached as **Appendix 1**. The draft policy is submitted for approval and addresses new and recent statutory duties placed upon the Council. It provides an opportunity to re-visit a number of existing areas of policy adopted in 2021, either by introducing new or removing existing standards and conditions.

All proposed changes are detailed in the 'Policy Tracking Changes' (**Appendix 2**) and 'Appendix Tracking Changes' (**Appendix 3**) documents.

The public consultation took place between 30th January 2024 and 25th March 2024 and 31 responses have been detailed in three appendices: Responses - Driver conditions (**Appendix 4**), Responses - Vehicle Conditions (**Appendix 5**), Responses - Private Hire Operator Conditions (**Appendix 6**). These appendices also detail the Licensing Team's comments on the responses.

If approved by the Committee, the final policy, with any amendments made, will be adopted and implemented from the 03rd June 2024, with certain conditions being implemented at a later, specified date. Further details of implementation can be found in Section 5 of this report.

The changes proposed are in-keeping with both regulatory codes of conduct, statutory guidance and the Council's Corporate Plan. All costs associated with the implementation of this policy will be financed from the receipt of licence fees.

Recommendation(s):

The Committee is recommended to consider the draft policy documents and the responses received during the public consultation and approve the Hackney Carriage & Private Hire Licensing Policy to take effect from the 03rd June 2024.

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to allow members of the Licensing & Protection committee the opportunity to review and approve the draft Hackney Carriage and Private Hire Licensing Policy. The report provides full details of the changes, a summary of all responses and recommended alterations.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 The Hackney Carriage and Private Hire Licensing Policy was first introduced in 2018 and part of its implementation was an agreement to review the policy every 3 years. The statutory guidance recommends a review period of every 5 years and approval of this policy will seek to review the subsequent policies in line with this guidance.
- 2.2 A subsequent review of the policy and alterations were approved in 2021. Since then, there have been several introductions of new legislation and statutory guidance. There has also been an economic downturn due to impact of COVID lockdowns and global conflicts.
- 2.3 The review of this policy is necessary to review and implement, where appropriate, changes to reflect the current guidance and changes to legislation. It also allows a review of the economical impact of conditions that may present themselves as a barrier to the licensing team providing a fair and reasonable service for the trade.

3. OPTIONS CONSIDERED/ANALYSIS

- 3.1 Statutory guidance advises licensing authorities to review and implement recommendation into their licensing policy. The Council are obliged to give regards to these recommendations and guidance but do have discretion to deviate from guidance where appropriate. The summary of responses include rationale for any such deviation.
- 3.2 Consideration has been given to the impact on protecting the public, the livelihood of the licensed trade, the ability to provide a reliable and cost effective service.

4. KEY IMPACTS / RISKS

- 4.1 The draft Hackney Carriage and Private Hire Licensing Policy will have several impacts that benefit the public, the licensed trade and the licensing team. The changes to the policy will enable a clear, concise and more consistent policy with several ambiguous conditions amended or removed.
- 4.2 If approved, the policy will remove barriers to licensing, increase enforceability of conditions to safeguard the public and ensure the service remains cost-effective.

- 4.3 The risk of not improving and implementing the advised Government guidance could see a greater risk to the public, a reduction in providing a cost effective service and legal challenge.

5. TIMETABLE FOR IMPLEMENTATION

- 5.1 It is proposed that the final approved Hackney Carriage and Private Hire Licensing Policy will be implemented from the 03rd June 2024.
- 5.2 The proposed conditions for setting an emissions standard for grant of a renewal vehicle licence allows for a graduated implementation and full implementation will be determined by the proposal approved by Committee.

6. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND/OR CORPORATE OBJECTIVES

- 6.1 The proposals in the draft policy directly link to the three priorities listed in the Corporate Plans: Improving quality of life for local people, Creating a better Huntingdonshire for future generations, Doing our core work well.
- 6.2 The proposals aim to reduce carbon emissions, provide an increase in available wheelchair accessible vehicles to aid in social mobility, limit unnecessary barriers to trade, provide a more efficient, robust and cost effect licensing service and to promote a safe and secure taxi service.

7. CONSULTATION

- 7.1 The draft Hackney Carriage and Private Hire Licensing Policy public consultation took place between 30th January 2024 and 25th March 2024. The Council website was updated with a dedicated page showing the draft proposals and direct communication was sent to all licence holders, the county education transport team, Cambridgeshire Constabulary, neighbouring local authorities, Huntingdon Businesses Against Crime (HBAC), Environmental Health, Community Resilience and district councillors. The consultation was also published in the HDC Town and Parish Newsletter on two separate occasions.
- 7.2 All responses have been detailed in three appendices: Responses - Driver Conditions (**Appendix 4**), Responses - Vehicle Conditions (**Appendix 5**), Responses - Private Hire Operator Conditions (**Appendix 6**).
- 7.3 The appendices also detail the Licensing Team's comments to the responses for review and consideration of the policy. There are areas where a proposal condition has received mixed response, and the Committee will need to determine which option is preferred. There are also conditions whereby the responses received are in objection and comments have been made providing alternatives to the condition which considers the concerns raised.

8. LEGAL IMPLICATIONS

- 8.1 Legal implications may arise as a result of non-compliance with legislation, leaving us open to challenge and the possibility of costs being awarded against the Council. An improved policy will clearly state the way in which the Council will undertake its statutory duties.

9. RESOURCE IMPLICATIONS

- 9.1 There will be a staff resource implication for completion of the work to be undertaken and its implementation. It will require the set-up of differing processes and communication with the trade, but once in place should generate efficiencies. The changes proposed will be met from within existing resources.
- 9.2 All fees and charges associated with taxi licensing must be self-financing and on a cost recovery basis only. Any changes determined as a result of this report will impact upon fees and charges. Some costs may be absorbed within licence fees, but others may need to be borne by the applicant and will be considered in the annual fee review.

10. ENVIRONMENT AND CLIMATE CHANGE IMPLICATIONS

- 10.1 Based on data current to the date of this report, approximately 15% of all licensed vehicles are manufactured before 01st January 2011. If the proposed conditions restricting the re-licensing Euro 4 are approved, these vehicles would need to be replaced with lower polluting Euro 5 or 6 vehicles.

11. OTHER IMPLICATIONS

- 11.1 As part of this policy review an equality impact assessment will be undertaken.

12. REASONS FOR THE RECOMMENDED DECISIONS

- 12.1 Approval of the draft Hackney Carriage and Private Hire Licensing Policy will create a clear, easily accessible document which sets out the standards for taxi and private hire licensing that will add benefit to both the licensed trade as well to the licensing team in ensuring public safety.

13. LIST OF APPENDICES INCLUDED

- Appendix 1 – Draft Hackney Carriage and Private Hire Licensing Policy 2024
- Appendix 2 – Policy Tracking Changes
- Appendix 3 – Appendix Tracking Changes
- Appendix 4 – Responses – Driver Conditions
- Appendix 5 – Responses – Vehicle Conditions
- Appendix 6 – Responses – Private Hire Operator Conditions

14. BACKGROUND PAPERS

- [Taxis and Private Hire Vehicles \(Safeguarding and Road Safety\) Act 2022 - GOV.UK \(www.gov.uk\)](#)
- [Statutory taxi and private hire vehicle standards - GOV.UK \(www.gov.uk\)](#)
- [Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England - GOV.UK \(www.gov.uk\)](#)
- [Councillor Handbook: Taxi and PHV Licensing | Local Government Association](#)
- [Equality Act 2010: guidance - GOV.UK \(www.gov.uk\)](#)

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