

Public

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter:	Licensing Act 2003-Taxi Licensing Policy
Meeting/Date:	Licensing and Protection Committee – 30 June 2021
Executive Portfolio:	Executive Councillor for Leisure and Regulatory Services – Cllr K Prentice
Report by:	Myles Bebbington – Acting Operations Manager (Business)
Ward(s) affected:	All.

Executive Summary:

To approve a draft taxi licensing policy for public consultation. The cost of consultation and implementing the policy will be financed from receipt of licence fees.

The draft policy 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 2018 and enables consideration of amending and introducing of new discretionary initiatives to raise standards. This consultation which will commence on 2nd July 2021 and end on 17th September 2021 This report provides the Licensing and Protection Committee with a draft of the document to be consulted on and seeks the recommendation for approval of the consultation.

The main change to the current policy is the introduction of a penalty points system, subject to a separate report aimed to address lower level enforcement functions where suspension and/or revocation is not deemed proportionate to the severity of the offence

Once the consultation is complete a further report will be submitted detailing the responses and any subsequent recommendations to amend the policy after consultation.

If approved by the Committee the final policy will be adopted no later than 1st January 2022.

The costs of reviewing the policy will be set against the income from the application and annual licence fees received.

Changes to the policy are identified as follows -

- Section 3.33 & 3.44 :- conflict between legislative requirement and policy
:- time period to notify Local Authority
- Section 3.15 :- Amendment to wording on age policy for clarity
- Vehicle licensing conditions 4i :- add a paragraph clarifying that vehicles cant be dual plated between authorities
- Vehicle conditions, 4e:- re-word for clarity that vehicles must be taxed at all times
- Main Policy, 3.36 :- add wording to clarify that if a vehicle, plate or doorsigns are lost/stolen it must be reported to HDC and a crime refence Number must be obtained.
- Main policy 4.38 :- wording to ensure that any GP conducting a medical has sight of full medical history (DfT Statutory guidance)
- Main Policy, 4.26 :- clarity of wording that any persons revoked or refused a licence will be added to the National NR3 register (DfT statutory guidance). This is a national register for taxi and private hire refusals and revocations.
- Main policy, 4.40 & 5.3:- All operators that are not licenced drivers must complete the HDC safeguarding course
- Main Policy 5.14 :- must provide proof of right to occupy any non domestic property at time of application, new and renewal
- Main Policy 5.15 :- Requirement to submit proof of registration with Information Commissioner’s Office (Data Protection)
- Convictions Policy 6.16 :- add wording regarding dangerous driving
- Convictions Policy 7.4 & 7.5 :- add wording regarding DVSA totting up offences

RECOMMENDATIONS:

It is **RECOMMENDED** that:

1. Members approve the draft taxi licensing policy for public consultation, attached as Appendix 1 to the report.
2. The Operational Manager be authorised to make any amendments to the draft policy that are considered necessary as a result of any comments received from the public consultation exercise, or arising from any further legislation or guidance received during the drafting period.

3. The revised final draft is put before the Licensing and Committee on 1st December 2021 for approval, with a view to implementation with effect by no later than 1st January 2022.

1. PURPOSE OF THE REPORT

- 1.1 The Council has a duty to provide a safe and secure taxi service to the public which provides value for money. Between 1 April 2015 and 31 March 2017, the number of drivers and vehicles licensed within the district increased by 31% and 17% respectively. This increase prompted the introduction of a Taxi Licensing Policy and associated conditions under one overarching policy introduced in 2019. As part of that policy it was determined that a review should take place as required or every Three years.
- 1.2 All policies, processes and procedures will be fully transparent and available to view online. A policy, once introduced, may need regular updating to reflect changes, but will provide a customer focused and readily available service for the trade and the public
- 1.3 The purpose of this report is to invite Members to recommend the approval of the draft document, for public consultation.
- 1.4 Through the document where new content has been added this is shown in bold italics. Where content has been changed or removed this is greyed out

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 The review of this policy provides the ability to state and extend our aims and objectives and to further improve areas such as protection from harm, environmental issues, crime and disorder along with the latest Department of Transport Statutory guidance issued in July 2020.
- 2.2 The Council is now required to undertake a review of its policy. The policy must be drafted and consulted upon prior to it being adopted. All comments received must be considered.
- 2.3 The current policy, prepared in 2018, reflected the legislation and Government Guidance at that time. Since this date, there have been changes to the Gov`t issued guidance in 2020 that have been taken into consideration as part of this review along with minor changes to wording to address clarity of wording or improvement to the existing policy.
- 2.4 The policy has therefore been re-drafted and takes into account the relevant changes and provisions as they now apply to Huntingdonshire District Council. The revised document is attached as Appendix 1.

3. OPTIONS CONSIDERED/ANALYSIS

- 3.1 Whilst there is no statutory requirement to adopt a policy, best practice recommends that authorities should have a policy to ensure transparency and consistency.

4. KEY IMPACTS / RISKS

- 4.1 We have a duty to implement government statutory guidance in adopting a taxi licensing policy, failure to do so may lead to legal challenge.
- 4.2 Policy and procedures provide evidence of our stance on taxi and private hire matters. Any policy will be transparent, will aid consistency of practice and will be available to the public.

5. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION

- 5.1 Public consultation and engagement with the trade will be undertaken between 2nd July 2021 and 17th September 2021
- 5.2 A further draft policy will then be drawn up, taking into account all responses submitted within the consultation period and a revised policy will be presented to the Licensing and Protection Committee for approval
- 5.3 It is proposed that implementation of the policy/proposals will take effect no later than 1st January 2022

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

- 6.1 This Policy helps promote the following –
- Helping make Huntingdonshire a better place to live
 - Helping make Huntingdonshire a better place to work.
 - Create, protect and enhance our safe, clean and green environment
 - Supporting new and growing businesses

7. CONSULTATION

- 7.1 Before determining or revising its policy, legislation requires the licensing authority to consult widely. This will include licensed drivers, vehicle proprietors and operators, police, the general public and neighbouring authorities.
- 7.2 The consultation will take place between 2nd July 2021 and 17th September 2021 in accordance with Cabinet Office guidelines. Consultation will be by a variety of means, including our website, and council offices and direct notification to as many interested parties as possible.
- 7.3 It is important that the views of the consultees are taken into account as part of the consultation and these will be collated and made available to

the committee as part of any re-drafting of the revised statement recommended for approval.

- 7.4 It is for the Licensing Authority to ensure that it looks at the views of consultees in considering whether they should be taken into account and to what extent. Where they cannot be given consideration, reasons will be recorded.

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 overarching policy will clearly state the way in which the Council will undertake its statutory duties.

9. RESOURCE IMPLICATIONS

- 9.1 The cost of implementing the policy is covered from fees income generated under the relevant legislation.

10. OTHER IMPLICATIONS

- 10.1 No other implications are envisaged. The legislation sets out four licensing objectives to be followed and provides a number of checks and balances to protect the local environment and community.

11. REASONS FOR THE RECOMMENDED DECISIONS

- 11.1 The actions proposed will continue to define and determine our position within the market going forward and will provide an easily accessible overarching document setting out our policy on taxi matters.

12. LIST OF APPENDICES INCLUDED

Appendix 1 – Draft Statement of Licensing Policy

13. BACKGROUND PAPERS

Revised guidance issued by Department of Transport 2020.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/928583/statutory-taxi-and-private-hire-vehicle-standards-english.pdf

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