

**Public  
Key Decision - No**

## **HUNTINGDONSHIRE DISTRICT COUNCIL**

**Title/Subject Matter:** Taxi Licensing Policy

**Meeting/Date:** Licensing and Protection Committee – 10 November 2021

**Executive Portfolio:** Executive Councillor for Leisure and Regulatory Services – Cllr K Prentice

**Report by:** Operational Manager (People)

**Ward(s) affected:** All.

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### **Executive Summary:**

To approve a draft taxi licensing policy, Appendix 1, for adoption and implementation from January 2022. 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 took place between 19 July 2021 and 8 October 2021 and all comments are attached as Appendix 2 This report provides the Licensing and Protection Committee with a draft of the final document and seeks the recommendation for approval of the final policy.

The main change to the current policy is the introduction of a penalty points system, Appendix 3, 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

This report details 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 1<sup>st</sup> 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 to be considered 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
- Vehicle Licensing condition change to allow approved minibus conversions to be up to 7yrs of age when first presented for licensing
- Vehicles containing defibrillators must be notified to the Council
- Introduction of Penalty Points scheme as Annex 8 of the Taxi licensing policy Appendix 3

Further areas for consideration, raised as part of the consultation but not recommended for inclusion at this time include :-

- Introduction of a maximum age of 10yrs for vehicles  
This is within the powers of HDC to impose, however consideration should be given to the increase in costs this would have for vehicle proprietors who have well kept and mechanically sound vehicles
- A move to twice yearly testing for all vehicles

This is an option to consider, however at present HDC has one appointed garage which may not be able to cope with the additional work. IT should also be noted that at the last two formal tenders no other garages have applied to be an approved garage despite inviting tenders locally and nationally.

- Automatic suspension of vehicles that fail a CoC  
This is already done when any serious defects come to light as part of the CoC vehicle test.
- Stricter controls on what constitutes an executive vehicle  
This is already covered by current policy at s.3.58 but a review can take place.
- No knowledge and competency test for chauffer and schools contract drivers  
Legislation does not permit for any licence other than Private Hire or Hackney Carriage, all drivers must meet the requirements set for one or the other
- S.3.18 - Minimum requirement for 1<sup>st</sup> aid kits  
This was considered at 2018 review, officers remain of the view that a first aid kit is unnecessary
- Review of current medical to include mental health fitness  
There is a section on Psychotic and Psychiatric illness in the current medical
- HDC to condition operator licences to safeguard smaller companies from the likes of Uber by not issuing licences  
HDC have no legal powers to restrict who an operator licence is granted to provided they meet our licensing criteria.

## **RECOMMENDATIONS:**

It is **Recommended** that:

- 1. Members approve the draft taxi licensing policy for final approval, attached as an Appendix to the report for introduction from 1<sup>st</sup> January 2022.**
- 2. The Operational Manager (People) be authorised to make any minor amendments to the policy that are considered necessary as a result of any changes in Department for Transport guidance or legislative changes during the term of this policy.**

## **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 are fully transparent and available to view on line. 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 adoption.
- 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 has now undertaken a public consultation to review of its policy.
- 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 Department for Transport 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 was undertaken between 19th July 2021 and 8th October 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 1<sup>st</sup> 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, general public and neighbouring authorities.
- 7.2 The consultation will take place between 19 July 2021 and 8 October 2021 in accordance with Cabinet Office guidelines. Consultation was 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 are collated and attached as Appendix 2 for committee to consider as part of any re-drafting of the revised policy 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

Appendix 2 – Consultation responses

Appendix 3 – Penalty Points scheme

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

## **CONTACT OFFICER**

Finlay Flett, Operational Manager (Business)

Email: [Finlay.Flett@huntingdonshire.gov.uk](mailto:Finlay.Flett@huntingdonshire.gov.uk)