



Licensing and Regulatory Committee	Thursday, 11 March 2021	Matter for Information and Decision
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Report Title: **Review of Hackney Carriage & Private Hire Licensing Policy (March 2021)**

Report Author(s): **Tony Cawthorne (Regulatory Services Manager)**

Purpose of Report:	To advise the Committee on the consultation of and approve the Hackney Carriage & Private Hire Licensing Policy ("the Policy") following the Licensing and Regulatory Committee on 5 March 2020.
Report Summary:	<p>The Policy is subject to consultation until mid-day on 16 March 2021.</p> <p>The Policy is required to be approved by Licensing and Regulatory Committee following end of the consultation period.</p> <p>The Council, as the Local Licensing Authority, is required to update the Policy following a comprehensive review under the Policing and Crime Act 2017, which introduced Statutory Taxi and Private Hire Vehicles Standards for the first time.</p> <p>The Committee at its meeting of the 5 March 2020 requested that further issues be addressed as part of the review.</p>
Recommendation(s):	<p>A. That the Hackney Carriage & Private Hire Licensing Policy ("the Policy") (as set out at Appendix 1) and any additional comments up to the date of the meeting be considered;</p> <p>B. That the Policy (as set out at Appendix 1) be approved; and</p> <p>C. That delegated authority be given to the Head of Law & Democracy, following consultation with the Chair, to consider any consultation responses received between the date of the meeting and the close of consultation at mid-day on 16 March 2021 and make any consequent amendments to the Policy accordingly.</p>
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	<p>David Gill (Head of Law & Democracy / Monitoring Officer) (0116) 257 2626 david.gill@oadby-wigston.gov.uk</p> <p>Tony Cawthorne (Regulatory Services Manager) (0116) 257 2670 tony.cawthorne@oadby-wigston.gov.uk</p> <p>Tracey Aldwinckle (Senior Licensing / COVID-19 Enforcement Officer) (0116) 257 2689 tracey.aldwinckle@oadby-wigston.gov.uk</p>
Corporate Objectives:	Building, Protecting and Empowering Communities (CO1) Providing Excellent Services (CO3)
Vision and Values:	"A Stronger Borough Together" (Vision) Accountability (V1)

	Customer Focus (V5)
Report Implications:-	
Legal:	Section 177 of the Policing and Crime Act 2017 provides that the Secretary of State may issue guidance to public authorities as to how their licensing functions under taxi and private hire vehicle legislation may be exercised so as to protect children, and vulnerable individuals who are 18 or over, from harm. The Secretary of State is also empowered to revise this guidance and must publish any guidance or revision of it. Any public authority which has licensing functions under taxi and private hire vehicle legislation must have regard to the guidance issued under this section. If this is not done, the Policy could be challenged by judicial review, but as the Council's decision-making process is believed to be lawful, a challenge is considered unlikely.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	No corporate risks identified. The Department for Transport's Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (2010) has been fully considered in drafting the proposed conditions and amendments which all relate to and further the promotion of public, driver or passenger safety.
Equalities and Equalities Assessment (EA):	The Government undertook a comprehensive impact assessment in the formation of the Statutory Taxi and Private Hire Vehicle Standards which have been included as a background paper for reference.
Human Rights:	There may be implications under Articles 1 and 8 of the Protocol No. 1 to the European Convention on Human Rights regarding the right of respect for the peaceful enjoyment of possessions and a person's private and family life and home, the latter of which includes the right to work. However, these issues have been taken into account in the Government's impact assessment which has deemed that the new standards are a proportionate and necessary means of achieving the legitimate aim(s) contemplated by the legislative framework.
Health and Safety:	There are no implications directly arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	<ul style="list-style-type: none"> • Fire Service • Health Authority • Home Office • Police • Trading Standards • OWBC – Planning, Environmental Health and Health & Safety • All Taxi Operators within the Borough • All Private Hire and Hackney Carriage Drivers

	<ul style="list-style-type: none"> • General Public
Background Papers:	<ul style="list-style-type: none"> • Impact Assessment: Statutory Taxi & Private Hire Vehicle Standards (June 2020) • Taxi & Private Hire Vehicle Licensing: Best Practice Guidance (March 2010) • Hackney Carriage & Private Hire Licensing Policy (August 2018) • Statutory Taxi & Private Hire Vehicle Standards (July 2020)
Appendices:	<ol style="list-style-type: none"> 1. Hackney Carriage & Private Hire Licensing Policy (March 2021) 2. Consultation Responses (up to 3 March 2021)

1. Background

- 1.1 The Local Government (Miscellaneous Provisions) Act 1976 (LG(MP)A) gives the local authority the following discretionary powers in relation to hackney carriage licences:
- 1.1.1 Section 47(1) states, a district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 (Town Police Clauses Act 1847) such conditions as a district council may consider reasonably necessary;
- 1.1.2 Section 47(2) states, without prejudice to the generality of the foregoing subsection, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage;
- 1.1.3 Section 47(3) states that any person aggrieved by any conditions attached to such licence may appeal to a Magistrates court; and
- 1.1.4 Under Section 48(2), a district council may attach to the grant of a licence under this section such conditions as they may consider reasonable necessary including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.
- 1.2 The last review of the Policy was carried out in 2016 with a new policy and set of conditions being approved in August 2018.
- 1.3 In reviewing the current Policy, account has been taken of the current edition of the Department of Transport's Statutory Taxi & Private Hire Vehicle Standards (July 2020).

2. Statutory Amendments

- 2.1 With reference to the section 177 of the Policing and Crime Act 2017 and the Guidance Issued by the Secretary of State thereunder, the statutory amendments relate to:
- 2.1.1 English verbal and written proficiency - there is a requirement for all drivers on first application and renewal to provide proof of their proficiency in English, where English is not their first language.
- 2.1.2 The Council has identified a 1-day certificated Course along with other authorities which comply with this requirement. The course is an English Language Test which will be required and proof submitted with an application.
- 2.1.3 The specific course is an ISE I Secure English Language Test (SELT) at CEFR level.

- 2.1.4 Mandatory requirement for regular Safeguarding and County Lines training to be undertaken.
- 2.1.5 DBS checks will require applicants to subscribe to the updating service and provide the Council to access the records.
- 2.1.6 The “fit and proper person” tests has been updated and the offences restricting the ability of persons to operate within the taxi industry have been tightened.
- 2.1.7 Persons who work for operators will be required to undertake a DBS through the operator’s licence and a register of operatives is required to be sent to the Council and maintained.
- 2.1.8 Provision of CCTV and applicable use within taxis is addressed.
- 2.1.9 The Council is not currently advocating the comprehensive installation of CCTV cameras within this Policy amendment However, the policy does permit the use of CCTV should drivers or operators wish to install it.

3. Local Amendments

- 3.1. The Committee on the 5 March 2020 discussed the issue of the review and requested in addition to the mandatory issues that further consultation take place on:
 - The use of TFL ‘London-style’ black taxis be explored;
 - A uniform colour for vehicles be provided to ensure taxis can be easily identified;
 - Controls be put in place on vehicle emissions to ensure the Council meets its environmental agenda; and
 - Address the provision of wheelchair vehicles within the Council’s fleet.

4. Response to Consultation

- 4.1 As of the date of publication of this report, 3 March 2021, the Council had received 282 consultation responses. A summary of these responses is as set out at **Appendix 2**.
- 4.2 The Policy has been amended to take into account the statutory amendments accordingly.
- 4.3 Having regard to the consultation responses on the local amendments, it is proposed that:
 - 4.3.1 No further restrictions are imposed on the type of vehicles licenced by the Council.
 - 4.3.2 No standardised colour is imposed for the vehicle fleet.
 - 4.3.3 The policy on the age of vehicles is incrementally introduced as follows:
 - Vehicles of 10-years of age on first application will be allowed in immaculate condition from 1 April 2021. The age shall reduce by one year every subsequent anniversary of the Policy.
 - 9 years – 1 April 2022
 - 8 years – 1 April 2023
 - 7 years – 1 April 2024
 - 6 years – 1 April 2025
 - Electric vehicles will be allowed if in exceptional conditional will be allowed up to

the age.

4.3.4 Wheelchair accessible vehicle in immaculate condition will be permitted up to a maximum of 10-years of age.

4.4 Additional information will be provided on any consultations received from the date the report was published up until the date of the meeting.

4.5 Delegation is sought for any consultation responses received from the date of the meeting up until the closure of the consultation at mid-day on 16 March 2021 to be dealt with by the Head of Law & Democracy in consultation with the Chair of the Committee.