

ADDENDUM

Licensing and Regulatory Committee | Thursday, 11 March 2021

Agenda Item 8: Review of Hackney Carriage & Private Hire Licensing Policy (March 2021)

1. Following the publication of the agenda and the above report. Further consultation responses have been received. There have now been 285 responses through the Council's website and eight emails received to date in relation to the four questions :

Provision of TFL style taxis	No - 265	Yes 20
A uniform colour for vehicles be provided to ensure taxis can be easily identified	No - 255	Yes - 30
Controls be put in place on vehicle emissions to ensure the Council meets its environmental agenda	No - 188	Yes - 41
Age Policy changes	No - 244	Yes - 41

2. Additionally, following a review of policy and consideration of comments.
 - Defer start of Age Policy to 1/4/2022 providing vehicle complies with vehicle emissions controls as these are set in Government Policy
 - Amend requirement for specific English Test to - Provide evidence of level 2 English with written and verbal skills.
 - An additional mandatory requirement has been received today 11/3/21 from Government, announcing that there will be a requirement on licensing authorities from April 2022 to work closely with HMRC. This will be added to the Policy.
 - New drivers will be directed to HMRC to undertake a HMRC Tax Check prior to application
 - Renewal drivers - OWBC will have to confirm with HMRC that the applicant has undertaken an HMRC tax check. Failure to receive an adequate response from HMRC within 28 days will lead to the licence being deemed to have expired
3. Attached below copy of correspondence received.
4. This week the Government has announced mandatory taxi check for certain licence types from April 2022.

In its [announcement](#), the Government said:

Licensing bodies will be required to signpost first-time applicants to HMRC guidance about their potential tax obligations and obtain confirmation that the applicant is aware of the guidance before considering the application. Where the application is not a first-time application (a renewed application) the licensing body must, before considering the application, obtain confirmation from HMRC that the applicant has completed a tax check.

An applicant will carry out a tax check by providing information to enable HMRC to satisfy itself that the applicant has complied with an obligation to notify their chargeability to tax, where such an obligation applied. The check will include a question about whether income from the licensed activity has been declared to HMRC, where the applicant was chargeable to tax. The check will be completed when HMRC is satisfied the applicant has provided all information requested.

Where an HMRC failure prevents the applicant from carrying out their tax check or the licensing body from meeting its requirement to obtain confirmation of the completion of the tax check, the requirement on the licensing body to obtain that confirmation will cease to apply.

In cases where the licensing body has been unable to obtain confirmation of completion of the tax check for 28 days other than because of an HMRC failure (for example, where an applicant refuses to complete a tax check and therefore HMRC cannot provide confirmation that they have completed one) amendments to section 17 of the Transport Act 1985 and paragraph 1 of Schedule 1 to the Scrap Metal Dealers Act 2013 will cause the extended licence to expire.

5. Operative details for conditionality will be contained in regulations.
6. The licenses that will be subject to conditionality are issued under
 - section 46 of the Town Police Clauses Act 1847;
 - section 8 of the Metropolitan Public Carriage Act 1869;
 - sections 9 and 13 of the Plymouth City Council Act 1975;
 - sections 51 and 55 of the Local Government (Miscellaneous Provisions) Act 1976;
 - sections 3 and 13 of the Private Hire Vehicles (London) Act 1998; and
 - section 2 of the Scrap Metal Dealers Act 2013.