



OPEN REPORT LICENSING AND APPEALS COMMITTEE

Licensing and Appeals Committee – 4 April 2024

REFERRED ITEM

REVIEW / APPROVAL OF FINAL DRAFT HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE LICENSING POLICY 2023

Report of Director of Place and Economy

Report Author and Contact Details

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Wards Affected

District Wide

Report Summary

The report seeks Council approval of the final draft Taxi and Private Hire Licensing Policy, for adoption and re-publishing with effect from 1st May 2024.

Recommendations

- 1) That the Draft Taxi and Private Hire Licensing Policy detailed in Appendix 1 of the report, be approved for adoption and republishing, with effect from 1st May 2024.
- 2) That future reviews and approval of the final Taxi and Private Hire Licensing Policy document are delegated to the Licensing and Appeals Committee, unless major changes are proposed when it would be necessary for the final draft Policy to be referred to full Council.

List of Appendices

Appendix 1 - Draft Taxi and Private Hire Licensing Policy (proposed amendments are highlighted in the document)

Appendix 2 - Summary of the amendments referenced in Appendix 1.

Background Papers

DfT Taxi and PHV Best Practice Guidance (17 Nov 2023)

<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>

Equalities Act - Statutory Guidance - section 167 list of designated wheelchair accessible vehicles

<https://www.gov.uk/government/publications/access-to-taxis-and-private-hire-vehicles-for-disabled-users/access-to-taxis-and-private-hire-vehicles-for-disabled-users--2#section-167-list-of-designated-wheelchair-accessible-vehicles--statutory-guidance-for-llas>

Statutory Taxi and Private Hire Vehicle Standards (Nov 2022)

<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

Safeguarding and Road Safety Act 2022

<https://www.gov.uk/government/publications/taxis-and-private-hire-vehicles-safeguarding-and-road-safety-act-2022>

Department for Transport (DfT) Statutory Taxi & Private Hire Vehicle Standards – July 2020.

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

Equality Impact Assessment - DDDC Taxi and Private Hire Licensing Policy (2022)

Consideration of report by Council or other committee

Yes

Council Approval Required

Yes. The final version of the Taxi and Private Hire Licensing Policy will need to be approved by full Council, so it can be adopted and republished for a maximum period of 5 years.

Exempt from Press or Public

No

Review of Hackney Carriage (Taxi) and Private Hire Licensing Policy 2023 – Approval of Draft Taxi and Private Hire Licensing Policy for adoption and republishing

1. Taxi and Private Hire Licensing

The over-riding aim for Derbyshire Dales District Council ('the Council') when carrying out its functions relating to the licensing of Hackney (Taxi) or Private Hire Drivers, Vehicle Proprietors and Operators, is the protection of the public and others who use or have an interest in licensed Taxi and Private Hire services.

- 1.1 This is achieved by having in place a robust Taxi and Private Hire Licensing Policy which sets out the various standards and procedures to be followed in administering Taxi and Private Hire Licensing across the district. The policy provides an overview to the general public, existing licence-holders, new applicants for licences, and other stakeholders of how licence applications will be dealt with, and how once a licence has been granted a licence-holder will be monitored, and licence conditions enforced.
- 1.2 Whilst each application for a licence will always be considered on its own merits, when determining a licence application, officers and elected members must have regard to the Council's taxi and private hire licensing policy, in addition to related legislation, associated regulations and guidance from Government.
- 1.3 The Council will only depart from its policy where it is considered appropriate to do so. This will normally be where there are exceptional circumstances which warrant a different decision and consideration.

For example: an exemption to a particular policy requirement, such as the type, or age, of vehicle to be licensed; this is particularly relevant if someone wishes to licence a vintage or novelty vehicle, or to bring an older vehicle into service if there are insufficient of that type to fulfil demand – for example, a fully wheelchair accessible vehicle, which can be expensive to buy or in short supply.

- 1.4 The Council introduced its first taxi and private hire licensing policy in February 2009. The policy has been reviewed several times, with the current version being approved for re-publishing by full Council in May 2018. It was intended that the policy would be fully reviewed and re-published every 5 years, or sooner if there was significant reason. This current review of the Policy was started over 2 years ago.
- 1.5 The introduction of the Statutory Taxi and Private Hire Vehicle Standards by the Department for Transport (DfT) in 2020/21 was a major prompt for all Councils to review and update their policies to achieve a country-wide consistent approach to managing the regulation of taxi and private hire licensing.
- 1.6 Members of the Licensing and Appeals Committee have been kept regularly informed of the progress made in moving the review of the Policy forward.
- 1.7 Statutory Taxi and Private Hire Vehicle Standards, issued by the Department for Transport (DfT) and the Department for Transport (DfT): Taxi and Private Hire Licensing Best Practice Guidance for Local Authorities (17 Nov 2023)

The statutory guidance issued for the Taxi and (PHV) Private Hire Vehicle sector of the transport trade was pivotal in councils' reviews of their own standards. The guidance focussed on protecting children and vulnerable adults and includes extensive advice on checking the suitability of individuals and operators to be licensed. It also contained measures to replace relevant sections of the Best Practice Guidance issued by the DfT in 2010, which at the time was the only government guidance to licensing authorities, until the national standards/guidance was issued in 2020. (Note: the DfT has since reviewed the 2010 Guidance, and this was republished in November 2023).

- 1.8 The District Council's current Taxi Licensing Policy document has been reviewed and the proposed revisions do take the National Standards into account.
- 1.9 At the December 2023 meeting of the Licensing and Appeals Committee members were informed that the Best Practice Guidance issued by the DfT had now been updated. It was suggested that the current review of the Council's Policy document should be progressed as planned, and any further changes required because of the new Guidance from the DfT could to be addressed in a later review.
- 1.10 The Committee was advised that the Government's objective is to work with licensing authorities to promote the regulation of the taxi and private hire vehicle sector in such a way that enables the provision of safe, accessible, available, and affordable services that meet the wide range of passenger needs by having a thriving trade.
- 1.11 Members are advised how the Council's current Taxi Licensing Policy and administrative procedures already comply with most of the requirements highlighted in the national standards guidance. It is considered that the proposed policy document in Appendix 1 will ensure that all of those standards will be met. For a summary of the changes made to the policy document, please see Appendix 2.

2 Key Issues

- 2.1 A draft Policy document was agreed for consultation by the Licensing and Appeals Committee in June 2023. A consultation exercise took place between 1st September and 31st October 2023. Responses received to the consultation related mainly to administrative amendments needed to the application procedures in Appendices C and D of the document.
- 2.2 Other amendments made to the document included safeguarding improvements. Responses received were reported to the December meeting of the Licensing and Appeals Committee, when it was resolved that a final draft policy was referred to full Council for approval to adopt and republish.
- 2.3 The Licensing and Appeal Committee revised the Officer recommendation to approve and adopt the draft Taxi and Private Hire Licensing Policy subject to the following amendments being made to the Policy:
 1. That the requirement for an enhanced DBS check for owners/part owners of licensed vehicles be incorporated at Appendix C to the draft policy document.
 2. That the introduction of an option to licence vehicles for a period of 6 months in exceptional circumstances be incorporated into the draft policy document.
- 2.4 The 2 additional revisions have been made to the final draft of the document which is produced in Appendix 1.

3 Options Considered and Recommended Proposal

- 3.1 If this final draft policy document is approved, it is recommended that the Policy is approved for adoption and republishing with effect from 1st May 2024, or as soon as is practicable after the Council meeting.
- 3.2 It is recommended that the revised policy should be kept under close review during 2024/2025, paying particular regard to any recommendations contained in the DfT Best Practice Guidance released on 17 November 2023.
- 3.3 It is considered that this Policy is now well-established and any revisions/amendments to it are mainly operational/administrative or dictated by local issues or national guidance. It is recommended that future reviews and approval of the final Policy document should be considered by the Licensing and Appeals Committee, unless there are major issues/corporate changes proposed when it would be necessary for final approval for adoption and re-publishing to be referred to full Council.

4 Policy Implications

- 4.1 The Council's Taxi and Private Hire Licensing Policy must be amended to ensure all of the requirements of The Department for Transport's (DfT) Statutory Taxi and Private Hire Vehicle Standards, and The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022, are covered.
- 4.2 When a final Policy has been agreed and adopted it is recommended that it should be reviewed at least once every 5 years.

5 Financial and Resource Implications

- 5.1 There are no costs associated with implementing the revisions to the Policy. The financial risk arising from this report is low.

6 Legal Advice and Implications

- 6.1 The report seeks Council approval of the final draft Taxi and Private Hire Licensing Policy, for adoption and re-publishing with effect from 1st May 2024.
- 6.2 The Council's Policy in this matter underpins the decision-making process and ensures that our administration of this function has a robust basis. Ensuring that the Policy is up to date enables the Council to manage the risks of delivering this service for the Communities served, for those involved in the trade and for the Council as an organisation.
- 6.2 The recommendation requests that the revised Policy is adopted by Council; should parts of the industry believe that the Council's Taxi Licensing Policy is not sound it would be open to them to undertake judicial review proceedings. The proposed Policy has been produced in accordance with the provisions and powers conferred by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions Act 1976), as amended, which places a duty on the Council to carry out its licensing functions in respect of hackney carriage and private hire vehicle licensing. The Council has also consulted upon the proposed changes to the Policy and amended the Policy to reflect the comments received where appropriate. Therefore, the legal risk is considered medium to low.

7 Equalities Implications

- 7.1 In reviewing its Taxi and Private Hire Licensing Policy the Council will comply with its duties under the Equality Act 2010. It will also comply with the requirements under the Taxis and Private Hire Vehicles (Disabled Persons) Act.

8 Climate Change Implications

- 8.1 There are no direct climate change implications arising from this report.

9 Risk Management

- 9.1 The District Council has a statutory responsibility to undertake the duties outlined in the report.

Report Authorisation

Approvals obtained from:

	Named Officer	Date
Chief Executive	Paul Wilson	25/03/2024
Director of Resources/ S.151 Officer	Karen Henriksen	22/03/2024
Monitoring Officer	Helen Mitchell	25/03/2024

