



**OPEN
LICENSING AND APPEALS COMMITTEE**

Licensing and Appeals Committee – 5 December 2023

**REVIEW OF HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE LICENSING POLICY
2023 – PROGRESS REPORT**

Report of Director of Regulatory Services

Report Author and Contact Details

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Wards Affected

District Wide

Report Summary

To provide the Committee with an update on the review of the Council's Taxi and Private Hire Licensing Policy.

The Committee are informed of some additions/changes/recommendations to the draft policy document for consideration. These were received following the consultation exercise carried out since the last meeting.

The report seeks the Committee's approval of a final draft taxi and private hire licensing policy document for consideration for adoption at the January 2024 meeting of the full Council.

Recommendations

That a final Draft Taxi and Private Hire Licensing Policy is agreed and referred to full Council in January 2024, for consideration to approve, adopt and republish.

List of Appendices

Appendix 1

Draft Taxi and Private Hire Licensing Policy (proposed amendments are highlighted).

Background Papers

DfT Taxi and PHV Best Practice Guidance

<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance> (17 Nov 2023)

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)

DDDC Taxi and Private Hire Licensing Policy (May 2018)

Consideration of report by Council or other committee

A final Draft of the reviewed Taxi and Private Hire Licensing Policy document will be reported to the January 2024 meeting of full Council, for Members' consideration.

Council Approval Required

Council approval will be sought to adopt a final Draft of the Taxi and Private Hire Licensing Policy, with a view to republishing after the January 2024 meeting of full Council

Exempt from Press or Public

No

Review of Hackney Carriage (Taxi) and Private Hire Licensing Policy 2023 – Progress Report

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 and new applicants, of how licence applications will be dealt with and how once a licence has been granted a licence-holder will be monitored.

- 1.2 Whilst each application for a licence will always be considered on its own merits, officers and elected members must have regard to the Council's taxi licensing policy, in addition to related legislation, associated regulations and guidance from Government, when determining an application.
- 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.
- 1.4 Some members may recall that the Council introduced its first taxi and private hire licensing policy in February 2009. This has been reviewed several times since then, and a final revised version was approved and re-published by the 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.
- 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 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 Preparing the Draft Taxi and PHV Licensing Policy Document for Consultation

Members have been kept informed of the progress made in moving the review forward.

1.7 Statutory Taxi and Private Hire Vehicle Standards, issued by the Department for Transport (DfT)

The statutory guidance issued for the Taxi and (PHV) Private Hire Vehicle sector of the transport trade was pivotal in councils' review of their own standards. The guidance focussed on protecting children and vulnerable adults and included 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.

- 1.8 When preparing a revised Draft Policy document for consultation, the District Council's current Taxi Licensing Policy document was reviewed and revised taking account of the proposals in the National Standards.

1.9 The Department for Transport (DfT): Taxi and Private Hire Licensing Best Practice Guidance for Local Authorities (17 Nov 2023)

The Best Practice Guidance issued by the DfT in 2010 has also been under review for several years. It has now been updated and was re-published on 17 November 2023. This version replaces all previous versions.

- 1.10 It is suggested that the current review of the Council's Policy document is progressed as planned. Any further changes that may be necessary as a result of the new Guidance from the DfT should be addressed in 2024.
- 1.11 The objective of the government 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 a thriving trade.
- 1.12 Members will be aware from previous reports that the Council's own Taxi Licensing Policy and administrative procedures already complied with most of the requirements highlighted in the national standards guidance. The proposed final draft of the Policy will ensure that all of those standards are being met.

2 Key Issues

- 2.1 At the June meeting, a draft Policy document was agreed for consultation, and a consultation exercise on the proposed revisions to the policy took place between 1st September and 31st October 2023.
- 2.2 The consultation document was made available on the Council's website and views were invited from the stakeholders consulted in 2018 when the current policy was adopted, which included the taxi/PHV trade, SEN transport and the general public.
- 2.3 The responses received were mainly in respect of administrative amendments to the application procedures, in Appendices C and D of the document. The text detailing all the proposed changes has been highlighted in the document, for ease.
- 2.4 During discussions with some of the trade and other stakeholders, the Licensing Manager received comments that the Committee may wish to consider now or defer for future discussion.
 - The introduction of a 6-month vehicle licence option.

Currently all vehicle licences issued by the Council are for a 12-month period, with 2 vehicle inspections required during the year. So, where a vehicle licence is surrendered before the 6-month vehicle test is due, the fee for that test is refunded as the service is cost-recovery and we can only charge for the service provided.

Car Hire companies used by taxi drivers if their vehicle is involved in an accident or off the road for a period of time, currently licence a replacement vehicle for the 12-month period. However, because the hire car is usually only needed for 3-4 months maximum, we believe that some companies may remove the licence plates from the vehicle and re-licence it with another authority if a different driver needs a temporary replacement vehicle.

Most of these Hire Companies specialise in providing taxis and are not locally-based, so it is difficult getting them to attend the Council's Depot for the 6-month vehicle test required for the vehicle to remain licensed. This often results in missed appointments and unnecessary administration. It is at that point they decide to surrender the vehicle licence plate and a refund becomes necessary.

As Members will be aware we also issue vehicle licences to a company specialising in SEN (Special Education Needs) and Adult Care contracts with Derbyshire County Council (24 x 7 Ltd).

These vehicle licences are issued for 12 months, but the company replaces the vehicles when they reach 6 months old or have carried out 4,000 miles, whichever comes soonest. Administratively, it would assist the Licensing Team and the Operator if these vehicles were only licensed for a maximum of 6 months, as the process for a licence expiring is much simpler than processing a surrendered licence. The company licences around 80 vehicles with the Council, which means we are processing 150+ vehicle licences in the same year for the same customer. The only exception to the 6-month licences we issue for 24 x 7 Ltd are their minibuses and WAVs which are more difficult and expensive to replace so are licensed for the full 12 months and are also renewed at the end of the year.

- The shortage of Wheelchair fully accessible licensed vehicles

Several members of the public and a member of staff at a nursing home in the north of the district raised the issue of the lack of wheelchair fully accessible licensed vehicles in the area (WAVs). Currently we don't have any licensed WAVs, other than those we have licensed to carry out DCC SEN and Adult Social Care contracts only.

3 Options Considered and Recommended Proposal

If a final draft policy document is agreed by the Committee, it is recommended that this is referred to full Council before end of January 2024 for consideration to approve and republish.

The timetable for implementation of the revised Policy is recommended with effect from 1st February 2024. It is also recommended that the revised policy should be kept under close review during 2024 – with particular regard being paid to any recommendations contained in the DfT Best Practice Guidance released on 17 November 2023.

4 Policy Implications

- 4.1 The Council's Taxi and Private Hire Licensing Policy must be amended to address 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.
- 4.2 When a final Policy has been agreed and adopted it should be reviewed at least once every 5 years, taking account of any future revisions needed with the introduction of the DfT Best Practice Guidance issued on 17 November 2023.

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 This report provides the Committee with an update on the review of the Council's current Taxi and Private Hire Licensing Policy.
- 6.2 The District Council has a duty to consult, and to demonstrate that it has consulted in making decisions on how to undertake its functions and activities which affect the public. Failure to consult or demonstrate how consultation has influenced the decision-making process is an area where the District Council could face legal challenge.
- 6.3 As long as there is compliance with legislative requirements to make changes to the Policy, the legal risk of challenge of the decisions as recommended has been assessed as 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	27/11/2023
Director of Resources/ S.151 Officer	Gemma Hadfield	27/11/2023
Monitoring Officer	Helen Mitchell	27/11/2023