

PLANNING AND LICENSING COMMITTEE

14 March 2023

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY 2023 CONSULTATION

Report of the Strategic Director of Places

Strategic Aim:	All	
Exempt Information	No	
Cabinet Member(s) Responsible:	Cllr Rosemary Powell, Deputy Leader and Portfolio Holder for Planning, Highways and Transport	
Contact Officer(s):	Angie Culleton, Head of Public Realm	aculleton@rutland.gov.uk
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Ward Councillors	All	

DECISION RECOMMENDATIONS

That the Committee:

1. Notes the proposal to consult on the draft hackney carriage and private hire licensing policy with key stakeholders, the outcome of which will be reported back to the Committee at the next available meeting in Summer 2023.

1 PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to propose consultation with key stakeholders on the draft taxi licensing policy. The new policy will provide guidance and information regarding the general approach taken by Rutland County Council, when administering its functions within the legislative framework of The Town and Police Clauses Act 1847 and the provisions within The Local Government (Miscellaneous Provisions) Act 1976. A draft of the proposed policy is attached at Appendix A and will be subject to change following the consultation.
- 1.2 The legislation places a duty on the council as the licensing authority for licensing hackney carriage and private hire vehicles, drivers of those vehicles and operators of those vehicles. The Council, as the licensing authority, understands the importance and responsibility it has in ensuring that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required, and

that drivers are fit and proper to undertake the role. The proposed policy will address these responsibilities.

2 DRAFT POLICY OUTLINE

- 2.1 The draft policy under consideration for adoption is proposed for consultation and is provided at Appendix A. The policy has 7 sections which provide an overview of the licensing regime and sets out the roles and responsibilities of applicants, licence holders, the Trade, drivers and operators.
- 2.2 Section 2 provides for the general provisions for hackney carriages and private hire vehicles and outlines the general requirements, appearance, age, insurance, safety equipment, CCTV in licensed vehicles, maintenance and testing of vehicles and other aspects.
- 2.3 Section 3 provides for the general provisions for hackney carriage and private hire drivers, including suitability of drivers, the application process, convictions, cautions and related matters, DVLA, medical requirements, driver requirements, offences, monitoring
- 2.4 Section 4 to 7 address operator suitability, safeguarding, enforcement and fees and charges.

3 IMPROVEMENTS PROPOSED & FUTURE CONSULTATION

- 3.1 Within the proposed policy there are changes proposed, some with transitional periods and items which may be considered further during the policy period which may require consultation at a future date;
- 3.2 **Vehicle Testing Requirements:** The council has set conditions applicable to the testing requirements, internal and external specifications, of the vehicles it will licence, which can be found on the appendices of the policy, These appendices provide detail on vehicle specification, design, vehicle age limits, types of vehicles etc. that may be licensed.
- 3.3 There are various age restrictions and testing requirements applicable for vehicles it will licence. There are conditions regarding the maximum age a vehicle will be initially licensed, the age at which six monthly tests are required, and the age at which a vehicle will be de-licensed, and they are different for private hire, hackney carriages, speciality, and limousine vehicles.
- 3.4 To allow the trade a transition period, existing licensed vehicles will continue to be licensed for a further 2 years after this policy takes effect, providing the vehicle still meets all other required standards. After this time, all vehicles must meet all required standards.
- 3.5 **CCTV in licensed vehicles:** The installation of CCTV in licensed vehicles is not imposed as a condition. Whilst the council understands the benefits to the trade, as well as to passengers, and encourages its use in licensed vehicles, it is left to the judgement of the proprietors, drivers, and operators to determine. The inclusion of CCTV as a condition of the licence will be considered further during the policy period and any change would be subject to future consultation.
- 3.6 **Appointed Vehicle Testing station:** Licensed vehicles provide a service to the

public and have more usage, wear, and tear, it is appropriate to subject these vehicles to a more stringent and enhanced test than the standard MOT test. Prior to licensing any vehicle, it must have passed this enhanced test. An appointed vehicle testing station is proposed to be determined within Rutland County to undertake licensed vehicle testing.

- 3.7 **Driver Training:** All new and renewal driver (and operator) applicants will be required to undertake mandatory safeguarding and Safeguarding and County-Lines training, as prescribed by the licensing authority prior to making an application. Existing drivers and operators will also be required to undertake mandatory training. A licence will not be renewed if the training has not been completed within an appropriate timeframe. Licensed drivers are required to attend refresher training every three years and provide proof of pass attendance with their renewal application.
- 3.8 **Fees, Charges and Refunds:** The licence fees applied by this council are set on a cost recovery basis. They are regularly reviewed, and any increase or reduction will be published and consulted upon as required by the legislation.

4 **CONSULTATION**

- 4.1 It is proposed to consult with stakeholders prior to the adoption of the proposed policy and the policy and appendices will be kept under review and revised as appropriate and in any event, not less than every five years. The council expects licence holders to comply with its terms and conditions.
- 4.2 The proposed consultation will take place from 15th May 2023 to end of June 2023, with those listed in paragraph 5.3, below. All consultation responses will be given due consideration when determining the final policy. The draft policy under consultation will be made freely available on the council's website and main council buildings. There will be a public notice in the local newspaper advising of the consultation and period.
- 4.3 Consultation is proposed with the following:
- Rutland County Council Hackney Carriage Representatives
 - Taxi and private hire drivers and proprietors
 - Rutland County Council private hire operators
 - Rutland County Council Councillors
 - Parish Councillors
 - Passenger Transport
 - Local Children's Safeguarding
 - Police Chief Constable
 - Chamber of Commerce
 - Groups representing disabled people

- Campaign for Better Transport
- Neighbouring Licensing (Local) Authorities
- General public
- (And other bodies and groups that the Licensing Authority consider appropriate)

4.4 All responses to the consultation will be reported to the Planning and Licensing Committee for consideration at the next available meeting in Summer 2023, then the final policy will be recommended to full council to adopt the policy.

5 ALTERNATIVE OPTIONS

5.1 Alternatively, the Council could continue without a formal policy, however, this is not best practise.

6 FINANCIAL IMPLICATIONS

6.1 There are no financial implications associated with the consultation, however, depending on the outcome of the consultation there may be costs associated with implementation of the policy, such as Council support for driver training.

6.2 Consideration will be given to full cost recovery through future increases in licensing fees and charges, providing that these are allowable.

7 LEGAL AND GOVERNANCE CONSIDERATIONS

7.1 The Department for Transport's (DfT) statutory standards and best practise suggest that the Council publish a single licensing statement or policy for taxi and Private Hire Vehicle (PHV) licensing that brings together all its procedures in one place.

7.2 The recent audit of the Taxi Licensing Service recommended that the Council should publish such a licensing statement or policy for taxi and PHV licensing. A single, unified policy that is reviewed on a regular basis will provide clarity for drivers and operators, as well as strengthening the Council's position if there is a challenge against a decision in court. The DfT recommends policies should be reviewed every five years but that interim reviews should also be considered where significant issues arise.

7.3 It is important to take account of the views of the trade, customers, and other stakeholders when establishing the policy.

8 DATA PROTECTION IMPLICATIONS

8.1 A Data Protection Impact Assessments (DPIA) has been completed. Risks/issues were identified and have been addressed in the following ways;

8.1.1 Minimal personal data will be collected and this will be optional,

8.1.2 Refreshed GDPR training will be provided for staff processing data and staff access to personal data will be limited. A copy of the DPIA can be obtained from (EFrikha@rutland.gov.uk).

9 EQUALITY IMPACT ASSESSMENT

- 9.1 An Equality Impact Assessment (EqIA) has been completed. No adverse or other significant issues were found. A copy of the EqIA can be obtained from (EFrikha@rutland.gov.uk).

10 COMMUNITY SAFETY IMPLICATIONS

- 10.1 Taxi and private hire vehicles play a valuable role in transporting vulnerable members of the community such as children and those with disabilities or additional needs.
- 10.2 The policy presents an opportunity for the Council to set out expectations and to ensure that the standards required by operators are met. The successful implementation of the policy should have a positive impact on community safety and assist in the detection and reduction of crime.

11 HEALTH AND WELLBEING IMPLICATIONS

- 11.1 There are no health and well-being implications in regard to the proposal to consult on the draft policy.

12 ORGANISATIONAL IMPLICATIONS

- 12.1 There are no implications for the consultation.

13 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 13.1 The new policy will provide guidance and information regarding the general approach taken by Rutland County Council, when administering its functions within the legislative framework of The Town and Police Clauses Act 1847 and the provisions within The Local Government (Miscellaneous Provisions) Act 1976.
- 13.2 It is important to take account of the views of the trade, customers, and other stakeholders when establishing the policy and therefore a consultation is proposed as set out in section for 6 weeks, the outcome of which will be brought back to the Committee for consideration.
- 13.3 The proposed policy for Hackney Carriage and Private Hire Licensing brings together all procedures in one place and provides guidance and information on determining the 'fit and proper' person test, licence conditions and vehicle standards. The draft policy is proposed for consultation and is provided at Appendix A.

14 BACKGROUND PAPERS

- 14.1 There are no additional background papers.

15 APPENDICES

- 15.1 Appendix A: Draft Hackney Carriage and Private Hire Licensing policy 2023

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.