

Harborough District Council

Report to *Regulatory Committee* Meeting of 13th February 2024



Title:	REVIEW OF TAXI & PRIVATE HIRE DRIVER AND VEHICLE POLICY
Status:	Public
Key Decision:	N/A
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Portfolio Holder:	Cllr Darren Woodiwiss - Environmental & Climate Change
Appendices:	Appendix A – Draft Hackney & Private Hire Driver and vehicle policy.

Executive Summary

The Department for Transport recommend that the Council review their Taxi & Private Hire Policy at least every five years, consulting the public on a draft policy and revising the policy as appropriate.

The policy has been reviewed and updated to include legislative changes and to bring the policy up to date.

Appendix A shows the result of the review with the proposed amendments to the policy highlighted in red.

Recommendations

That the Regulatory Committee:

- 1. Notes the outcome of the review of the Hackney and Private Hire Driver and Vehicle Policy**
- 2. Endorses the commencement of the public consultation for a period of 12 weeks.**
- 3. That the Head of Regulatory Services, in consultation with the Chairman and Vice-Chairman of the Regulatory Committee, is given delegated authority to consider any consultation responses received.**
- 4. Subject to the outcome of 3 above, refer the final Hackney & Private Hire Driver & Vehicle Policy attached as Appendix A, to Council for approval and adoption.**

Reasons for Recommendations

It is recommended that an amended taxi policy is adopted following consultation to ensure the Council is up to date, transparent and consistent. It is also recommended that a twelve-week consultation is undertaken to ensure that the taxi trade and other interested parties have the opportunity to provide feedback.

1. Purpose of Report

- 1.1 To consider the Council's Revised Hackney & Private Hire Driver and Vehicle Policy (the policy) under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 for public consultation and subject to any consultation responses be recommended to Council for approval.
- 1.2 The Council has a statutory duty to ensure the proper administration of taxi licensing legislation in the district. Taxi services are an important part of the local economy and therefore fulfilling this statutory duty contributes to the Council's priority to ensure the district has an enterprising economy with strong and vibrant local centres. The primary purpose of the licensing regime is to promote public safety and therefore the Council's work to licence taxi drivers, vehicles and operators also supports the commitment to work with partners to reduce crime and antisocial behaviour. Further, the proposed revisions to the licensing policy include measures to reduce the carbon emissions of the taxi fleet in support of the Council's commitment to protect the environment and to help achieve net zero targets.

2. Details

- 2.1 Harborough District Council (the "Council") has a duty under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 to carry out its functions as the Licensing Authority. The Department for Transport (DFT) has national responsibility for hackney carriage and private hire legislation in England & Wales. The DFT has produced statutory standards for taxis and private hire vehicles which set out standards which can be considered good practice in this area of licensing, although it recognises that individual licensing authorities should produce their own policies in relation to specific licensing matters. The DFT has also set statutory standards for private hire operators. These standards have been taken into consideration in preparing this policy.
- 2.2 As a Licensing Authority the Council is entitled, but not required, to adopt a policy on taxi licensing. The last full review of the policy took place in 2016 and the final policy was adopted in November 2016. The policy is viewed as being an integral part of the decision-making process enabling consistency and transparency. It is there to guide the licensing authority, but each case must still be considered on its own merits.
- 2.3 The Council recognises the important role that Hackney Carriages and Private Hire vehicles play in enabling people to travel safely around the district, whilst playing a visible role in portraying a positive image of Harborough District Council. Whilst customers expect safety when using licensed vehicles, it is also beneficial to ensure that customer experiences are positive as this will help the industry and the local economy thrive.
- 2.4 Currently the Council, through the Licensing Team, licences:
- 99 Dual Drivers (Hackney/Private Hire)
 - 10 Private Hire Driver
 - 84 Hackney Carriage Vehicles (2 of which are WAV's)

- 20 Private Hire Vehicles
- 11 Private Hire Operators

2.5 As part of the review, subject to approval of the revised policy by the committee, consultation will take place with stakeholders, interested parties and the community for a period of twelve weeks. Consideration will be given to any representation received during the consultation and the revised policy will be referred to Council for approval.

2.6 The proposed amendments are set out in red in the document in Appendix A.

2.7 The key changes to the policy include;

- Change in vehicle specifications.
- Introduction of daily vehicle check list.
- “Advanced Bookings Only” signage on private hire vehicles.
- 25% discount on vehicle licence fees for hybrid/electric and wheelchair accessible vehicles.
- Medicals can only be undertaken by doctors who have full access to the applicants medical records.
- Licenced drivers must subscribe to the DBS update service.
- HMRC tax check codes.
- The use of the National Register of Revocations and Refusals register (NR3).

2.8 In drawing up its policy, Harborough District Council has also taken into consideration;

- The Regulation of taxis and private hire vehicles: understanding the impact on competition April 2017
- Guidance on the Rehabilitation of Offenders Act 1974 – March 2014
- DBS Filtering Guide Nov 2020
- Regulators’ Code 2014
- The Department for Transport “ Statutory Taxi & Private Hire Vehicle Standards: Best Practice Guidance” updated Nov 2022
- The Department for Transport Taxi and Private Hire Vehicles Licensing – Best Practice Guidance for Licensing Authorities in England – 2022 consultation version
- Immigration Act 2016
- The Institute of Licensing’s Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades – April 2018
- Working together to Safeguard Children - July 2018
- Policing & Crime Act 2017
- Crime and Disorder act 1998
- Environmental Protection Act 1990
- Equalities Act 2010
- Road Traffic Acts
- Human Rights Act 1998

3. Implications of Decisions

3.1 Corporate Priorities

Creating a sustainable environment to protect future generations.

Encouragement of electric and low emission vehicles have an important role to play in the Council's climate emergency aspirations and both are addressed within the draft policy. There are no negative implications arising from the recommendations contained within this report in terms of meeting the Council's climate change obligations.

Supporting businesses and residents to deliver a prosperous local economy.

The Council recognises the important role that Hackney Carriages and Private Hire vehicles play in enabling people to travel safely around the district, whilst playing a visible role in portraying a positive image of Harborough District Council. Whilst customers expect safety when using licensed vehicles, it is also beneficial to ensure that customer experiences are positive as this will help the industry and the local economy thrive.

3.2 Financial

- 3.2.1 The relevant legislation specifies what costs can be recovered in respect of licensing fees; the licensing authority sets fees on this basis to cover all recoverable costs of administering the regime.
- 3.2.2 If the reduction in licence fees (a proposed 25% discount) for hybrid/electric vehicles and Wheelchair Accessible Vehicles (WAVS) is agreed this will have an implication on budget but it is predicted that this will be minimal due to the higher costs involved in purchasing these vehicles meaning they are not a viable option to the trade.
- 3.2.3 Currently 2 WAVS are licenced by the Council and around 5 Hybrid/Electrical vehicles. A sudden rise in applications due to the introduction of this discount is not anticipated, however there is a need to promote the use of these types of vehicles.

Using the current licence fees the following would be charged;

Type of licence	Standard Fee	Discounted Fee
New Vehicle	£280.00	£210.00
Renewal	£265.00	£198.75

If the licenced qualifying vehicles all renewed at the discounted rate this would be an annual budget loss of £463.75.

3.3 Legal

- 3.3.1 Since the last policy was adopted there have been changes in respect of a number of requirements including: immigration and right to work checks, tax checks, safeguarding best practice, Equalities Act 2010, and the introduction of the national standards from the Department of Transport on Statutory Taxi and Private Hire Vehicle Standards.
- 3.3.2 In 2022 a new National Register of Revocations and Refusals was introduced to enable local authorities to better share information about refusals or revocations of taxi driver or private hire vehicle driver's licences. The Council utilises this new register.

3.4 Environmental Implications including contributions to achieving a net zero carbon Council by 2030

- 3.4.1 Proposed revisions to the licensing policy include measures to reduce the carbon emissions of the taxi fleet in support of the council's commitment to protect the environment and to help achieve net zero targets.

3.5 Risk Management

3.5.1 The Council has chosen to adopt a taxi and private hire licensing policy and any risks arising from the implementation of this policy and its revisions will be managed within the service area.

3.6 Equalities Impact

3.6.1 An Equalities Impact Assessment has been completed as part of this proposal, identifying a positive impact in regard to equalities and climate implications. All of the Council's proposals, changes and decisions take careful consideration of the Council's commitments to equalities and inclusion as set out in our equalities framework, keeping those principles at the core of all we do.

3.7 Data Protection

3.7.1 None.

4. Summary of Consultation and Outcome

4.1 It is proposed that the amended policy will be subject to public consultation for a period of 12 weeks. The consultation will take place through the Council website and information being sent to all of the taxi licenced trade in the district to notify them of the consultation process. In addition key stakeholders will also be notified of the consultation process.

5. Alternative Options Considered

The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Not review the policy. It is a requirement that the policy is reviewed at least every five years, so this option is rejected.

Option 2: Re-issue the policy with no changes. This option was rejected since revisions of the policy were considered necessary to consider changes in policy and guidance and commitments provided.

6. Background papers

DFT Statutory taxi and private hire vehicle standards [Statutory taxi and private hire vehicle standards - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards)