

# Licensing Committee



SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL



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Friday, 28 June 2024 at 10.00 am  
Council Chamber - South Kesteven House,  
St. Peter's Hill, Grantham. NG31 6PZ

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**Committee Members:** Councillor Pam Bosworth (Chairman)  
Councillor Elvis Stooke (Vice-Chairman)

Councillor Harrish Bisnauthsing, Councillor Helen Crawford, Councillor Steven Cunnington, Councillor Patsy Ellis, Councillor Paul Fellows, Councillor Jane Kingman, Councillor Philip Knowles, Councillor Robert Leadenham and Councillor Nikki Manterfield

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## Agenda

- 1. Apologies for absence**
- 2. Disclosure of interests**  
Members are asked to disclose any interests in matters for consideration at the meeting.
- 3. Minutes of the meeting held on 10 May 2024** (Pages 3 - 8)
- 4. Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847** (Pages 9 - 13)  
To provide an update following feedback relating to the implementation of the new Hackney Carriage and Private Hire Licensing Policy.
- 5. Any other business which the Chairman, by reason of special circumstances, decides is urgent.**

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# Minutes

Licensing Committee  
Friday, 10 May 2024



SOUTH  
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## Committee members present

Councillor Paul Fellows (Chairman)  
Councillor Harrish Bisnauthsing  
Councillor Steven Cunnington  
Councillor Jane Kingman  
Councillor Robert Leadenham  
Councillor Patsy Ellis

## Officers

Graham Watts, Assistant Director  
(Governance and Public Protection)  
Monitoring Officer  
Heather Green, Licensing Manager  
Mandy Braithwaite, Legal Advisor  
Lucy Bonshor, Democratic Officer

## Other Members

Cabinet Member for Corporate  
Governance & Licensing,  
Councillor Philip Knowles

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## Election of Chairman

The Democratic Officer informed the Committee that as both the Chairman and the Vice-Chairman had submitted their apologies for the meeting, a nomination for a chairman for the meeting was required from those Members present. Councillor Paul Fellows was proposed and seconded. There being no other nominations for Chairman, the Committee voted on the nomination before them and it was **AGREED** that Councillor Paul Fellows be appointed Chairman for this meeting only.

### 55. Apologies for absence

Apologies for absence were received from Councillor Pam Bosworth, Councillor Helen Crawford, Councillor Nikki Manterfield and Councillor Elvis Stooke.

### 56. Disclosure of interests

None disclosed.

**57. Minutes of the meeting held on 5 April 2024**

The minutes of the meeting held on 5 April 2024 were proposed, seconded and **AGREED**.

**58. Hackney Carriage and Private Hire Licensing Policy - SKDC Consultation Response**

The Cabinet Member for Corporate Governance and Licensing introduced the report which considered the response to the consultation on the Department of Transport's updated guidance. 205 responses had been received to the consultation. He thanked the Licensing Manager and her Team for the work that had been done on the Policy and with the consultation process. The Licensing Manager then presented the report.

The Department for Transport issued a public consultation document which the Licensing Committee considered at the meeting on 10 May 2022 and approved the response submitted on behalf of South Kesteven District Council. In November 2023 the Department for Transport issued their non-statutory best practice guidance.

At the Licensing Committee held on 16 February 2024 the Committee agreed that some of the items within the best practice guidance should be consulted on by the public. Consultation was carried out between 19 March 2024 and 16 April 2024.

Licensing Authorities were responsible for deciding their own policy and making decisions on individual licensing matters. Applying the relevant law and any other relevant considerations. Licensing Authorities must have due regard to the Statutory Taxi and Private Hire Vehicle Standards 2020 (updated 25 November 2022).

Appendix 1 to the report outlined the Licensing Committee decisions from 16 February 2024 together with those matters which were the subject of consultation. Appendix 2 was the consultation report and Appendix 3 was the consultation feedback. The Committee were tasked with considering the outstanding matters and whether or not to make recommendations to amend the Policy to Full Council.

One of the recommendations from the February meeting was in respect of vehicle check/walkaround and evidence of the check be retained as proof of completion and that this was added to the Policy without consultation. The Licensing Manager asked the Committee what retention period there should be for this documentation.

Members discussed the issue and it was proposed, seconded and **RECOMMENDED** that the documents be kept for 12 months.

### **Recommendation 1**

***That the vehicle check/walkaround evidence of proof be kept for 12 months.***

Each outstanding matter was discussed and voted on individually.

#### **6.4 Driver proficiency**

Licensing authorities should require taxi and private hire drivers to undertake training and/or assessment focussed on attitudes and behaviours. Such as IAM Roadsmart and the RoSPA, at first application and renewal.

#### **Proposed addition to Policy:**

*Drivers to undertake training and/or assessment focussed on attitudes and behaviours.*

Members felt that the addition of this item to the policy would help promote safer driving and more confidence in the driver by the public.

It was proposed, seconded and **RECOMMENDED** that the following be added to the Policy under section 6.4 Driver proficiency:

Drivers to undertake training and/or assessment focussed on attitudes and behaviours

### **Recommendation 2**

***Drivers to undertake training and/or assessment focussed on attitudes and behaviours.***

#### **6.13 Vehicle condition check**

Drivers are always legally responsible for the vehicles condition. A driver should undertake a walkaround check before the vehicle is used. Drivers should be required to retain the vehicle checklist as proof they have been undertaken.

#### **Proposed addition to the Policy:**

*Introduction of required daily vehicle checks (no consultation)  
Points to be given if not completed*

The issue of safety was again discussed by the Committee and both the issue of 3pt and 6pts discussed. Reference was made to motoring convictions which were often 3pts and it was therefore proposed, seconded and **RECOMMENDED** that 3pts be given if the vehicle check was not completed.

### **Recommendation 3**

***To be added to the Policy at 6.13 Vehicle Condition Check:***

***Introduction of required daily vehicle checks  
3pts to be given if not completed***

### **8.4 Vehicle age limits**

Licensing authorities should not impose age limits for vehicles, they should consider more targeted requirements to meet emissions objectives, safety ratings and increasing wheelchair accessible provision

**Proposed addition to Policy:**

*On first registration, vehicles should be registered after September 2015 (to ensure Euro 6 compliance)*

Members discussed both the age and also the mileage of vehicles. Clarification was asked for in relation to Euro 6 criteria to which the Licensing Manager replied. Comments were made in relation to the nitrous oxide produced and the age of vehicles increased the amount produced. It was confirmed that tests on taxis were carried out every six months. It was stated that as long as a vehicle was maintained correctly it should continue to perform well. On being asked whether they wanted to keep the lower or upper age of vehicles it was proposed, seconded and **RECOMMENDED** that the Euro 6 compliance be added to the Policy. Further discussion followed in relation to any upper age limit and the current difference between the different type of vehicles in order to simplify matters it was proposed, seconded and **RECOMMENDED** that an upper age limit of 15 years be added to the Policy for all types of vehicles.

### **Recommendation 4**

***That the following be added to the Policy at 8.4 Age of vehicles***

***On first registration, vehicles should be registered after September 2015 (to ensure Euro 6 compliance)***

***That the upper age limit of any type of vehicle be 15 years***

### **10.1 Legal Powers**

Licensing Authorities have the power to set maximum taxi fares for journeys within their area and most do so. There is no power to set fares for private hire vehicles. The setting of fares is an executive function, not a council function

**Proposed addition to Policy:**

*Introduction of maximum fare scale*

The Licensing Manager confirmed that there were no legal powers in relation to setting fares. Members gave various examples of the different fares that they had encountered and there was some disagreement between Members about whether or not a maximum fare scale should be introduced. Reference was made to market forces and although it was acknowledged that complaints were received in respect of fares, it was felt that the current wording in relation to fares “Part 8 – Fares, confirms that we have partially deregulated fares in that proprietors may set their own rates” remained unchanged, this was proposed, seconded and RECOMMENDED.

### **Recommendation 5**

***That no change was made to 10.1 Legal Powers in respect of fares and that the current wording remained.***

## **13. Flexible Transport Services**

The Department encourages licensing authority, as a matter of best practice to play their part in promoting flexible services to increase the availability of transport to the travelling public.

**Shared taxis and private hire vehicles** – advance bookings (separate fares, but lower than individual hirings) - The operator or person taking the booking takes the initiative to match up passengers for pre-booking – akin to Dial-a-Ride/Call Connect

**Shared taxis** - immediate hiring (Licensing Authorities can set up schemes whereby licensed taxis (not private hire) can be hired at separate fares by people at ranks or other locations designated.

**Taxi & private hire vehicle buses** – owners of taxis and private vehicles can apply for a ‘restricted public service vehicle operator licence’. The vehicle owner can then use it to provide a bus service for up to 8 passengers. The route must be registered with the Traffic Commissioner.

Members discussed each of the three parts separately and although a vote was taken on a recommendation the Cabinet Member felt that the Committee had not adequately answered the question asked and further discussion followed on each of the three areas.

In respect of the first part in relation to shared taxis and private hire vehicles. Members were in agreement with the Shared taxi and Private Hire vehicles and this was proposed and seconded for **RECOMMENDATION**. In respect of the Shared Taxi aspect Members felt that they needed more information and felt that at present they could not make a recommendation without more information. The issue in respect of Taxi & Private Hire Vehicle Buses was proposed, seconded and **RECOMMENDED** for inclusion in the Policy.

### **Recommendation 6**

***That the following be added to the Policy at 13 Flexible Transport Services:***

***Shared taxis and private hire vehicles – advance bookings (separate fares, but lower than individual hirings) - The operator or person taking the booking takes the initiative to match up passengers for pre-booking – akin to Dial-a-Ride/Call Connect.***

In respect of Shared taxi more information was required by the Committee before they could make a decision on this aspect.

***To be included within the Policy - Taxi & private hire vehicle buses – owners of taxis and private vehicles can apply for a ‘restricted public service vehicle operator licence’. The vehicle owner can then use it to provide a bus service for up to 8 passengers. The route must be registered with the Traffic Commissioner.***

- 59. Any other business which the Chairman, by reason of special circumstances, decides is urgent.**

The Chairman stated that the next scheduled meeting was 31 May 2024, however, this may be subject to change.

- 60. Close of meeting**

The meeting closed at 11:05.



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## Licensing Committee

Friday 28 June 2024

ENV 884

### LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 & TOWN POLICE CLAUSES ACT 1847

#### Report Author

Heather Green, Licensing Manager

 [licensing@southkesteven.gov.uk](mailto:licensing@southkesteven.gov.uk)

#### Purpose of Report

To provide an update following feedback relating to the implementation of the new Hackney Carriage and Private Hire Licensing Policy.

#### Recommendations

That the Licensing Committee considers the report and gives due consideration to any amendments to the existing Policy it may wish to recommend to Full Council for approval.

### Decision Information

Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Effective Council Sustainable South Kesteven Enabling Economic Opportunity
Which wards are impacted?	All wards

## 1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance and Procurement***

- 1.1 There are no specific financial implications associated with this report, however, in the event of the applicant making an appeal against a decision which was then subsequently upheld the council may incur additional legal costs.

### ***Legal and Governance***

- 1.2 There are no significant legal or governance implications arising from this report which are not already referenced in the body of the report. Any amendments to the Council's Hackney Carriage and Private Hire Licensing Policy require approval by Full Council.

### ***Community Safety***

- 1.3 Community Safety implications will be considered in accordance with Section 17 of the Crime and Disorder Act 1998.

## 2. Background to the Report

- 2.1 Following the issuing by the Department for Transport (DfT) of updated Taxi and Private Hire Guidance in November 2023, the updated Hackney Carriage and Private Hire Licensing Policy ("the new policy") has been updated and approved by Council on 23 May 2024.
- 2.2 The new policy was approved per the recommendations agreed by Licensing Committee on 10 May 2024 apart from the removal of the 15 year age maximum age cap on vehicle renewals. It was also agreed that the new policy would be effective from 1 June 2024 for all new applicants, but for existing drivers changes would be effective from their renewal date after 1 August 2024.

2.3 Following communication with all license holders to outline that the policy updates, the following six points reflect the main feedback received:

- 1) The overall cost of both the new requirements and renewals, leading to some licensing elsewhere/competitive disadvantage.
- 2) Agreement that the new tests should apply to new applicants, but why does it apply to existing drivers ?
- 3) Why an existing driver, without any complaints about their driving, should be required to undertake a driver proficiency test, when the DVLA do not require it for a driving licence ?
- 4) Why should someone who has lived in England all their life need to demonstrate they have a qualification or undertake an English test ?
- 5) Requests for compensation for those drivers who have invested in vehicles to match the previous age criteria.
- 6) The environmental impact and requirement for daily walkaround checks.

### **3. Key Considerations**

3.1 In response to the feedback, the following information has been given:

**1) The overall cost of both the new requirements and renewal, leading to some licensing elsewhere/competitive disadvantage.**

The application and renewal costs are based upon cost recovery, the authority does not make any money from the provision of Hackney Carriage or Private Hire Licensing. We are unable to comment on how other authorities are cheaper or how they calculate their costs / fees and charges.

The above inflation fee increase for 2024/25 was necessitated due to previous years increases being below inflation. The aim is always to keep price increases as low as possible, however with the inflationary increases throughout the previous two years has meant that the previous increases had not kept pace with the current costs.

The cost of the new tests are currently:

- Driver proficiency – Blue Lamp Trust, currently £87 (inclusive of VAT)
- Disability awareness test - Blue Lamp Trust £40 (inclusive of VAT) or Equo Training £35 + VAT
- English language test (if applicable) – £46.50

The training providers are suggestions, there are no provision arrangements in place. The fee is paid directly to the trainer, SKDC do not benefit financially.

Regarding licensing elsewhere, this would bring restrictions. To work within SKDC all vehicles must only operate on a prebooked basis, via an operator licensed by the area they licence under. They cannot operate as a hackney carriage (taxi) ie using ranks within SKDC or plying for trade within the district,

which could significantly hinder most hackney carriage owners operating model within the district.

**2) Agreement that the new tests should apply to new applicants, but why does it apply to existing drivers ?**

Previously we operated a system that did not apply retrospectively, which could be deemed inconsistent and discriminatory.

The updated DfT guidance specifically outlined that existing drivers should be reviewed. In 3.7 of the document it outlines that where changes to licensing requirements are implemented the same is likely to apply to those already in possession of a licence. It goes on to outline that a pragmatic approach to the changes should be taken and that time is given for training courses to be undertaken. It was considered that implementing the required changes from driver renewals after 1 August 2024 was such a pragmatic approach.

**3) Why an existing driver, without any complaints about their driving, should be required to undertake a driver proficiency test, when the DVLA do not require it for a driving licence ?**

The inclusion of the proficiency test follows the DfT guidance (6.4) which specifically refers to a Road Safety Statement issued in 2019 “The need to improve road safety does not end with the driving test; nor does it exclude those who drive or ride professionally or as part of their job”. It then goes on to state that Licensing Authorities should require taxi and private hire vehicle drivers to undertake training and/or assessment focused on attitudes and behaviours at first application and renewal.

**4) Why should someone who has lived in England all their life need to demonstrate they have a qualification or undertake an English test.**

Previously we operated a system that did not apply retrospectively, which could be deemed inconsistent and discriminatory.

Part 3, 3.4.2 of the new policy refers to English tests, confirming “Applicants who cannot demonstrate that they hold a qualification taught and examined in English (the subject of the qualification does not matter as long as it was taught in English) will also be required to undertake an English language skills test. Additional fees are payable”. An indicative, but not exhaustive, list of acceptable qualifications is outlined in 3.2.4.

**5) Requests for compensation for those drivers who have invested in vehicles to match the previous age criteria**

The change of vehicle age was considered by the Licensing Committee in light of numerous complaints from within the trade regarding the cost of replacing vehicles etc and along with the DfT guidance. This resulted in the change to Euro 6 being approved and there is no provision available regarding compensation.

## 6) **The environmental impact and requirement for daily walkaround checks.**

The DfT guidance (6.13) makes reference to how licensing authorities should require drivers to conduct a walkaround check as part of a drivers core duties as well as retain the proof it. It does not specify that the check should be completed on paper, it can be undertaken and stored electronically, therefore significantly reducing the environmental impact.

## **4. Other Options Considered**

- 4.1 The Licensing Committee may decide to take on board the feedback, but agree to leave the policy as currently implemented.
- 4.2 The Licensing Committee may wish to request that the policy be reviewed after an agreed period of time to understand whether the changes have had an impact on new and renewal applications.
- 4.3 The Licensing Committee may wish to provide recommendations to Council to amend all or some of the changes implemented.

## **5. Reasons for the Recommendations**

- 5.1 The policy supports the Council in fulfilling its statutory duties associated with the licensing of hackney carriage and private hire trades.

## **6. Consultation**

- 6.1 No consultation has taken place.

## **7. Background Papers**

- 7.1 [Taxi Policy June 2024.pdf \(southkesteven.gov.uk\)](#)
- 7.2 [Department for Transport Statutory Taxi and Private Hire Vehicle Standards](#)
- 7.3 [Taxi and Private Hire Vehicle Licensing Best Practice Guidance](#)
- 7.4 [Councillor Handbook: Taxi and PHV Licensing](#)

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