



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Environment Overview and Scrutiny Committee

23 June 2020

Report of: Councillor Dr Peter Moseley

Cabinet Member for Commercial
and Operations



Review of Hackney Carriage and Private Hire Licensing Policy

This report proposes a number of changes to the existing policy to reflect changes to guidance and recommendations from a Member workshop. The revised draft policy forms the basis for consultation with the hackney carriage and private hire trades and the public.

Report Author

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Corporate Priority:	Decision type:	Wards:
Competitiveness	Regulatory	All Wards

Reviewed by:	Ian Yates Assistant Director, Commercial and Operations	9 June 2020
Approved by:	Gary Smith Strategic Director, Commercial and Operations	9 June 2020
Signed off by:	Councillor Dr Peter Moseley, Cabinet Member for Commercial and Operations	12 June 2020

Recommendation (s) to the decision maker (s)

1. **Considers the draft Hackney Carriage and Private Hire Licensing Policy and agrees it, with or without amendments, as a basis for consultation.**
2. **Recommends to the Cabinet Member for Commercial and Operations that the draft Hackney Carriage and Private Hire Policy is suitable for consultation.**

1 The Background to the Report

- 1.1 The current policy was adopted on 1 April 2015. The Policy is fundamental to protecting public safety and keeping people from harm and provides the framework upon which the Authority delivers its statutory functions relating to hackney carriage and private hire licensing. The current policy has been reviewed to ensure it reflects current guidance and continues to be fit for purpose, whilst also promoting improvements which support environmental sustainability.
- 1.2 On 23 January 2020 members of the Licensing Committee and the Environment Overview and Scrutiny Committee held a joint workshop to consider 3 key areas of the Policy; environmental sustainability, driver knowledge and language proficiency, and the use of e-cigarettes and vaping devices.
- 1.3 Feedback from the workshop was provided to the Environment Overview and Scrutiny Committee by its Chair at their 25 February 2020 meeting. The revised draft policy which encompasses this feedback and other amendments with “track changes” is at Appendix 1.
- 1.4 The proposed changes considered by Members and other proposed changes are detailed below;
 - Environmental Sustainability (vehicle emissions)
 - Decrease the maximum vehicle age at first licence from 7 to 5 years
 - Extended the vehicle age limit from 10 to 12 years for ultra-low and zero emissions vehicles (also includes wheelchair accessible vehicles)
 - Introduce a 50% discount off the vehicle licence fee for electric and zero emissions vehicles (maintain 20% for ultra-low and wheelchair accessible vehicles)
 - Vehicle idling on a rank/stand to be included in the local penalty points scheme
 - Driver knowledge and language proficiency
 - Introduce an externally provided English language test for applicants who cannot demonstrate a qualification taught and examined in English
 - Determining a “fit and proper” person to hold a licence
 - Inclusion of details relating to eligibility to live and work in the UK
 - Requirement to undertake a 3-yearly refresher of the Safeguarding and Child Exploitation training
 - Requirement to subscribe to the Disclosure Barring Service Online Update Service throughout the currency of the licence
 - Update of the policy relating to the relevancy of convictions
 - General
 - Use of e-cigarettes, vaping or other similar devices in the vehicle to be treated the same as smoking in the local penalty points scheme
 - Alignment of the 6 monthly vehicle compliance test to reflect changes to MOT defect types and that if categorised as dangerous it must not be driven from the date of that test regardless of whether or not the previous certificate has expired
 - Requirements under the Equality Act 2010 in relation to the Authority’s published list of wheelchair accessible vehicles

- Holders of EC (European Community) or EEA (European Economic Area) driving licences must register their non-GB licence with the DVLA
- Procedure for the licensing of vehicles that have been involved in an accident or written off
- Requirement to notify the Authority if CCTV is fitted or removed
- Update to data sharing and handling of personal information

1.5 Whilst there is no legal duty placed on the Council to consult on this policy, it is good practice to do so and is in line with the Department for Transport's 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance' (March 2010).

1.6 It is proposed that a 4-week public consultation be undertaken which will focus on the hackney carriage and private hire trade alongside the general public and other relevant stakeholders, including the Authority's Licensing Committee.

2 Consultation and Feedback Received, Including Overview and Scrutiny

2.1 The Licensing Committee and the Environment Overview and Scrutiny Committee held a joint workshop in January 2020. The Environment Overview and Scrutiny Committee received an update and had the opportunity to comment further on 25 February 2020.

3 Available Options Considered

3.1 The legislation that controls the licensing of hackney carriage and private hire vehicles, drivers and operators, does not contain provisions that directly require the Authority to publish a hackney carriage and private hire licensing policy. However, without a policy, the Authority will fail in fulfilling elements of the Regulators' Code and Officers and Members of the Licensing Committee will find it difficult to make appropriate and consistent licensing decisions.

3.2 The Authority could continue with the existing policy without the proposed amendments, however, some minor updates will still be necessary to comply with national guidance.

4 Preferred Option

4.1 The adoption of a revised policy which protects the public and supports consistent and transparent decision making.

5 Reasons for the Recommendation (s)

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

6 Next Steps – Communication and Implementation of the Decision

6.1 Following agreement by the Cabinet Member for Commercial and Operations, the draft revised policy will be subject to a 4 week public consultation. Following consideration of any feedback, the final draft will be presented to Cabinet for approval.

7 Financial Implications

7.1 There are no direct financial implications associated with the recommendations in this report. The costs associated with delivering the Licensing service are recovered through licensing fees which are reviewed annually by the Council.

Financial Implications reviewed by: Alison Hall-Wright, Head of Finance

8 Legal and Governance Implications

- 8.1 Whilst each individual licensing application or enforcement decision will be judged on its own merits, a Policy ensures a transparent and consistent approach to licensing that will reduce the opportunity for challenge through the Courts. Any departure from the Policy should be based on material evidence and documented giving clear and compelling reasons.

Legal Implications reviewed by: Mandy Braithwaite, Legal Executive

9 Equality and Safeguarding Implications

- 9.1 An equality impact assessment has been undertaken and has not identified any significant negative implications. See Appendix 2.

10 Risk and Mitigation

- 10.1 No significant risks have been identified.

11 Community Safety Implications

- 11.1 It is important that someone using a hackney carriage or private hire vehicle can do so safely. The licensing process ensures that drivers and operators are “fit and proper” persons to hold licences and have undergone criminal record and other checks.

12 How will the recommendations support South Kesteven District Council’s declaration of a ‘climate emergency’?

- 12.1 There is significant national drive to improve air quality. Motor vehicle emissions are the primary cause of poor air quality and there continues to be a significant drive to improve air quality.
- 12.2 The draft policy proposes a reduction in the age of newly licensed vehicles from 7 to 5 years, this will result in a newer fleet with improved emissions to Euro 6 standards.
- 12.3 The introduction of local penalty points associated with unnecessary idling on ranks/stands provides an additional mechanism to support the reduction of vehicle emissions.
- 12.4 The draft policy encourages the use of zero and low emission vehicles by reducing the licence fee for such vehicles.

13 Other Implications (where significant)

- 13.1 No other significant implications have been identified.

14 Background Papers

- 14.1 None

15 Appendices

- 15.1 Appendix 1 – Draft revised Hackney Carriage and Private Hire Licensing Policy (with tracked changes)
- 15.2 Appendix 2 – Initial Equality Impact Assessment

Report Timeline:	Date of Publication on Forward Plan (if required)	18 May 2020
	Previously Considered by: Environment Overview and Scrutiny Committee	25 February 2020
	Final Decision date	To be confirmed