



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Cabinet

12 January 2021

Report of: Councillor Dr Peter Moseley

Cabinet Member for Commercial
and Operations



Hackney Carriage and Private Hire Licensing Policy

Following a review of the Council's Hackney Carriage and Private Hire Licensing Policy and a 4-week public consultation, this report presents the final draft policy for consideration.

Report Author

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Corporate Priority:	Decision type:	Wards:
Competitiveness	Budget and Policy Framework	All Wards

Reviewed by:	Ian Yates, Assistant Director, Commercial and Operational	10 December 2020
Approved by:	Gary Smith, Strategic Director, Commercial and Operations	10 December 2020
Signed off by:	Councillor Dr Peter Moseley, Cabinet Member for Commercial and Operations	14 December 2020

Recommendation (s) to the decision maker (s)

1. Notes the results of the public consultation.
2. Approves the South Kesteven District Council Hackney Carriage and Private Hire Licensing Policy with effect from 1 April 2021, with the exception of reduction in vehicle age at first registration from 7 to 5 years which will take effect on 1 October 2021.

3. **Delegates to the Director of Commercial and Operations in consultation with the Cabinet Member for Commercial and Operations, to make minor amendments to the policy, such as legislative updates, which may become necessary from time to time to ensure its continued accuracy, but do not affect its direction or intent.**

1 The Background to the Report

- 1.1 Members of the Licensing Committee and Environment Overview and Scrutiny Committee undertook a workshop to review the existing policy. The draft revised policy was considered by the Environment Overview and Scrutiny Committee at their meeting of 23 June 2020, where it was agreed that public consultation should be undertaken.
- 1.2 On 21 July 2020 (prior to the draft policy being published for public consultation), the Department for Transport (DfT) unexpectedly published its Statutory Taxi and Private Hire Vehicle Standards. Licensing authorities were placed under a legal duty to have regard to the new statutory standards, with the expectation that the standards would be implemented in full unless there was a compelling reason not to.
- 1.3 In view of the new standards, the draft policy was duly revised to include requirements that were not already incorporated. A Non-Key Decision on 12 October 2020 confirmed these changes and agreed the commencement of a 4-week public consultation.
- 1.4 The significant proposed changes are summarised 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
 - Licensees to self-report following an arrest, charge or conviction within 48 hours
 - Utilisation of the national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as ‘NR3’)
 - Increase in the frequency of checks of Data Barring Service disclosures to 6 monthly

- Licensed Operators to submit a Data Barring service Basic Disclosure annually
- 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
 - Incorporating details of the Council’s whistleblowing policy

1.5 The 4-week public consultation has been undertaken, closing on 18 November 2020. The draft policy is at Appendix 1 with changes from the current policy highlighted in red.

2 Consultation and Feedback Received, Including Overview and Scrutiny

2.1 The public consultation focused on the hackney carriage and private hire trade alongside the general public and other relevant stakeholders, including the Authorities Licensing Committee.

2.2 157 replies were received from a range of respondents (some respondents selected more than one option):

- Residents: 101 responses
- Licence holders: 71 responses
- Vehicle owners: 54 responses
- Operators: 20 responses
- Other: 4 responses
- Other organisations: 2 responses

2.3 The consultation results have been analysed and the breakdown of responses to each question is shown below. Full detail is available in the consultation report at Appendix 2.

Proposal	Agreed	Disagreed	Not Answered
To reduce the maximum age of a vehicle when first licensed from 7 to 5 years old	43.6%	48.7%	7.7%
To extend the period during which a licence can be renewed – for vehicles that are accessible to the	53.4%	25.3%	21.3%

disabled or have hybrid, ultra-low or zero emissions from 10 years old to 12 years old			
To issue penalty points if drivers are found to be allowing their engine to idle unnecessarily whilst stationary on a hackney carriage rank or stand	57.3%	32.9%	9.8%
To introduce an externally provided English language test for applicants who cannot demonstrate a qualification taught and examined in English	86.1%	5.6%	8.3%
To require new applicants to complete and pass a child sexual exploitation and safeguarding test and to require all new and existing licence holders to subscribe to the DBS online update service	74.8%	14%	11.2%
To treat the use of electronic cigarettes and any other types of vaping devices for smoking in licensed vehicles the same as for smoking	82.6%	10.1%	7.3%
To prohibit the use of a licensed vehicle that have been categorised as being dangerous following an MOT, even if the current MOT has not yet expired	80.3%	6.6%	13.1%
To change the procedures in place in respect of a licensed vehicle that has been involved in an accident or written off	72.5%	6.9%	20.6%
To inform the council if CCTV has been installed in or removed from a licenced vehicle	60.3%	21.4%	18.3%

- 2.4 The consultation has shown broad support for the proposed changes. However, some concerns have been raised by vehicle owners/proprietors who may have to purchase a vehicle sooner than they had originally planned in order to meet the proposed reduction in vehicle age.
- 2.5 It is the Council's aspiration to improve vehicle emissions by hastening the move to meet Euro 6 emission standards. Under the current and proposed policy, owners must replace the vehicle when it reaches 10 years of age. Currently, an owner could purchase a 7-year-old vehicle and renew the licence for 3 years. This could result in a Euro 5 vehicle being licensed on 31 March 2021 and continuing to be re-licensed until 31 March 2024.
- 2.6 The proposal to reduce the vehicle age at first licence from 7 to 5 years will result in all newly licensed vehicles meeting Euro 6 standard immediately, the proportion of Euro 5 will decrease more quickly and the entire fleet will be Euro 6 compliant by April 2024 at the latest.
- 2.7 In the first 6 months of the new policy (April – October 2021), 21 vehicle owners will be required to replace their vehicle with a vehicle that is 2 years newer than they had planned for. There will be a financial impact on these owners in doing this.
- 2.8 To ease the impact and address the concerns raised by consultees, the Council could choose to delay the implementation of the vehicle age reduction by 6 months. This may result in a slightly slower decrease in the proportion of Euro 5 vehicles and delay the overall improvement of the fleet to Euro 6 by six months. However, it would allow existing

owners additional time to plan and budget at a time when Covid19 may have had an adverse impact on their businesses.

2.9 All other proposals are recommended to take effect from 1 April 2021.

3 Available Options Considered

- 3.1 The draft policy that was issued for consultation and the feedback from the consultation have both been reviewed in detail. Given the overall support, there are two options;
- 1) To proceed with the Council's Hackney Carriage and Private Hire Licensing Policy as issued for consultation, with the policy taking effect in full from 1 April 2021.
 - 2) To proceed with the Council's Hackney Carriage and Private Hire Licensing Policy as issued for consultation but delaying the implementation date for the proposal to reduce the age of vehicles at first licence to 1 October 2021. All other proposals would take effect from 1 April 2021.

4 Preferred Option

- 4.1 To proceed with the Council's Hackney Carriage and Private Hire Licensing Policy, incorporating a delay in the implementation date of the vehicle age reduction to 1 October 2021. With all other proposals taking effect from 1 April 2021.

5 Reasons for the Recommendation (s)

- 5.1 The development of the revised policy has been overseen by the Environment Overview and Scrutiny Committee with involvement from the Licensing Committee. Public consultation has been broadly supportive of the proposed changes, although some concerns were raised. Delaying the implementation date in relation to the reduction in vehicle age at first licensing will enable vehicle owners/operators to plan and take appropriate steps to comply with the requirement, whilst ensuring the overall policy is implemented.

6 Next Steps – Communication and Implementation of the Decision

- 6.1 If approved, all currently licenced drivers, operators and vehicle proprietors will be advised of the changes. The policy will be published on the Council's website.

7 Financial Implications

- 7.1 The costs associated with delivering the Licensing service are recovered through licensing fees which are reviewed annually by the Council. As there is currently 1 electric vehicle licensed, the proposed 50% reduction in fees for electric and zero emission vehicles (increased from 20% currently) is expected to have a minimal impact on budgets for 2021-22. The fees will be reviewed annually.

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.

- 8.2 Licensing authorities are under a legal duty, under section 177 of the Police and Crime Act 2017 to have regard to the new Statutory Standards. These standards have been incorporated into the new policy in full.
- 8.3 There is no legal requirement to undertake a public consultation, however, it is good practice for local authorities to consult about any significant proposed changes in licensing rules.

Legal Implications reviewed by: Mandy Braithwaite, Legal Executive

9 Equality and Safeguarding Implications

- 9.1 An equality impact assessment was undertaken as part of the 23 June 2020 report, this has been reviewed and has not identified any additional significant negative implications. See Appendix 3.

10 Risk and Mitigation

- 10.1 No significant risks have been identified.

11 Community Safety Implications

- 11.1 It is important that those using a hackney carriage or private hire vehicle do so safely. The licensing process and policy sets out to ensure that drivers and operators are “fit and proper” persons to hold licences and have undergone various checks, including criminal record checks and that they operate safe vehicles.

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

- 12.1 This policy supports the national drive to improve air quality. Reducing the age at which vehicles can first be licenced from seven to five years will improve emissions of the fleet.
- 12.2 The introduction of penalty points associated with unnecessary idling on ranks or stands provides an additional mechanism to support the reduction of vehicle emissions.
- 12.3 The policy encourages the use of zero and low emission vehicles, by reducing licence fees for such vehicles.

13 Other Implications (where significant)

- 13.1 No other significant implications have been identified.

14 Background Papers

- 14.1 [Report and Minutes of the Environment Overview and Scrutiny Committee, 23 June 2020](#)
- 14.2 [Non Key Decision, 12 October 2020](#)

15 Appendices

- 15.1 Appendix 1 – Final draft of South Kesteven District Council Hackney Carriage and Private Hire Licensing Policy 2020 (changes shown in red)
- 15.2 Appendix 2 – Report of the results of the public consultation of the draft South Kesteven District Council Hackney Carriage and Private Hire Licensing Policy 2020
- 15.3 Appendix 3 – Equality Impact Assessment

Report Timeline:

Date of Publication on Forward Plan (if required)

18 May 2020

	Previously Considered by: Environment Overview and Scrutiny Committee	23 June 2020
	Final Decision date	12 January 2021