



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**



Licensing Committee

16 February 2024

ENV876

Report of Councillor Phillip Knowles,
Cabinet Member for Corporate
Governance and Licensing

Hackney Carriage and Private Hire Licensing Policy – Review of Department of Transport Consultation Response

Report Author

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Purpose of Report

To consider the consultation response and revised guidance issued by the Department for Transport in November 2023 following the June 2022 consultation and agree any action to be taken to update the existing Hackney Carriage and Private Hire Licensing Policy 2021.

Recommendations

That the Licensing Committee

- 1) Confirms any amendments it wishes to recommend be made to the current Hackney Carriage and Private Hire Licensing Policy.
- 2) Confirms whether it would like the updated policy to be issued for public consultation and the duration of any such consultation.

Decision Information

Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	High performing Council
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, safeguarding, 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 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.

Completed by: Alison Hall-Wright, Deputy Director (Finance and ICT) and Deputy S151 Officer

Legal and Governance

- 1.2 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.

Completed by: Graham Watts, Assistant Director (Governance and Public Protection) and Monitoring Officer

Community Safety

- 1.3 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.

Completed by: Ayeisha Kirkham, Head of Public Protection

2. Background to the Report

- 2.1 The current Policy was adopted and became operational on 1 April 2021. 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.
- 2.2 The Department for Transport (“DfT”) issued a public consultation document, which the Licensing Committee considered on 10 May 2022 and approved the response submitted on behalf of South Kesteven District Council. In November 2023 the DfT’s consultation response document was issued.
- 2.3 The November 2023 DfT response document is non-statutory best practice guidance and complements the statutory standards.

3. Key Considerations

- 3.1 Licensing Authorities are 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 give due regard to the Statutory Taxi and Private Hire Vehicle Standards 2020 (updated 25 November 2022).
- 3.2 Any amendments to update the existing Policy which are recommended by the Licensing Committee will require approval by Full Council.
- 3.3 Attached at **Appendix 1** is a summary of the DfT consultation response and a review of the Council’s existing Hackney Carriage and Private Hire Licensing Policy 2021 (“the policy”) where inconsistencies have been identified. The Licensing Committee is invited to consider those aspects of the guidance highlighted in the document and consider recommending any amendments to the Policy to Full Council. This includes the following aspects of the current Policy:
 - Part 2 – Vehicles: Accessibility, Driver Safety, Vehicle Testing, Maximum Age of Vehicles, Environmental Considerations
 - Part 3 – Drivers: Licences, Certificate of Good Conduct
 - Part 8 – Fares: General
 - Appendix A – Vehicle Specification and Conditions of licence for Hackney Carriage and Private Hire Vehicles: Vehicle Plates, Roof Lights
 - Appendix C – Application Procedures: Driver Competency Test
 - Appendix E – Private Hire Driver Licence Conditions
 - Appendix J – Penalty Points Scheme
- 3.4 The Statutory Taxi and Private Hire Vehicle Standards 2020 (updated 25 November 2022) outlines in paragraph 3.4 (Consultation At The Local Level), that licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should

include not only the taxi and private hire vehicle trades but also groups likely to be the trades' customers.

- 3.5 Only where the consultation document says the Licensing Authority 'must' implement or do something is Licensing Committee required to implement a measure or procedure to comply with the 'must' directive.

4. Other Options Considered

- 4.1 To retain the Council's existing Policy, unamended.
- 4.2 To recommend amendments to the Council's existing Policy to Full Council for approval.

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. This process ensures the policy remains up to date.

6. Background Papers

- 6.1 [Consultation Response proposal - Tuesday, 10th May, 2022, 10.00 am | South Kesteven District Council](#)
- 6.2 [Department for Transport Consultation response \(Nov 2023\) - Taxi and private hire vehicle licensing - GOV.UK \(www.gov.uk\)](#)
- 6.3 [Department for Transport Statutory Taxi and Private Hire Vehicle Standards \(updated November 2022\) - \(www.gov.uk\)](#)
- 6.3 [South Kesteven District Council - Hackney Carriage and Private Hire Licensing Policy \(April 2021\)](#)

7. Appendices

- 7.1 Appendix 1 – Table showing a summary of those areas in the revised guidance which are inconsistent with the Council's existing Policy