SOUTH KESTEVEN DISTRICT COUNCIL

Council

Thursday, 23 May 2024

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

Update of Hackney Carriage and Private Hire Licensing Policy

Report Author

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Purpose of Report

To provide Full Council with the opportunity to consider recommendations from the Council's Licensing Committee regarding proposed amendments to the Hackney Carriage and Private Hire Licensing Policy.

Recommendations

That Full Council:

1. **Approves an amendment to the Council's Hackney Carriage and Private Hire Licensing Policy relating to vehicle age whereby vehicles are required to be Euro 6 compliant at first registration with all vehicles (including hybrid, electric, wheelchair accessible) to be licenced up to a maximum age of 15 years.**
2. **Approves those other amendments to the Council's Hackney Carriage and Private Hire Licensing Policy recommended by the Licensing Committee as set out in the report at Appendix 1.**
3. **Confirms whether the review of existing licences includes applying the new application requirements to existing drivers at renewal.**

Decision Information	
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Effective 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: Richard Wyles, Deputy Chief Executive and 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.

1.3 Any changes to the Council's Hackney Carriage and Private Hire Licensing Policy must be approved by Full Council.

Completed by: Graham Watts, Monitoring Officer

Diversity and Inclusion

1.4 An Equality Impact Assessment has been undertaken, with Carol Drury acting as the Equality Ally.

Completed by: Heather Green, Licensing Manager

Community Safety

1.5 Department for Transport Guidance details minimum licensing standards which contain specific and detailed implications with respect to crime and disorder. South Kesteven District Council has a duty to ensure that the taxi and private hire vehicle service that the public has access to within the district, is safe for the public.

Completed by: Ayeisha Kirkham, Head of Public Protection

2. Background to the Report

2.1 The current Hackney Carriage and Private Hire Licensing 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 entitled Taxi and Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities in England, 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 issued their non-statutory best practice guidance.

2.3 The Licensing Committee considered the DfT best practice guidance on 16 February 2024, highlighting items they recommended should be changed with or without the requirement for public consultation. Of those items where the Licensing Committee agreed proposed amendments should be subject to public consultation, the consultation commenced on 19 March 2024 and concluded on 16 April 2024.

2.4 The Licensing Committee considered the feedback from the SKDC consultation on 10 May 2024 and agreed to recommend a number of amendments to the Policy based upon those items consulted upon.

2.5 This report therefore sets out amendments to the current Policy recommended by the Licensing Committee, some of which were deemed as not requiring public consultation and some having been through a public consultation process.

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). Key areas for Members to consider when reaching a decision.

3.2 A comprehensive table of the amendments recommended for approval by the Licensing Committee are detailed in Appendix 1. These are split between those which have not been subject to consultation, together with those proposed amendments which have been consulted upon.

3.3 An amended Hackney Carriage and Private Hire Licensing Policy, taking into account the recommendations from the Licensing Committee, is attached in Appendix 2 – with the proposed amendments in red, for ease of recognition. The amendments in purple relate to changes required if the review of existing licences includes applying the new application requirements to existing drivers at renewal. This is outlined in recommendation 3 of this report which the Council is requested to give due consideration to.

4. Other Options Considered

4.1 To retain the Council's existing Policy, unamended.

4.2 To approve all the amendments recommended by Licensing Committee.

4.3 To only approve some of the amendments recommended.

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. Specify the reason for the recommendations.

6. Consultation

6.1 A four week consultation was undertaken, as approved by the Licensing Committee relating to the following areas:

- **Driver proficiency** – to undertake training and/or assessment focussed on attitudes and behaviours.
- **Vehicle condition check** – to agree the number of penalty points if not completed.
- **Vehicle age limits** – to gauge feedback on proposal to amend the existing restriction to vehicles being registered after September 2015 (to ensure Euro 6 compliance).
- **Setting fare scales** – to gauge feedback as to whether to amend the current partially de-regulated fare scale to a maximum fare scale.
- **Flexible Transport Services** – to gauge interest.

7. Background Papers

7.1 Taxi and Private Hire Vehicle Licensing Best Practice for Licensing Authorities in England (November 2023)

7.2 Department for Transport Statutory Taxi and Private Hire Vehicle Standards (updated November 2022) - (www.gov.uk)

7.3 South Kesteven District Council - Hackney Carriage and Private Hire Licensing Policy (April 2021)

7.4 Licensing Committee Report ENV876 & meeting minutes

7.5 Licensing Committee Report ENV882 (Consultation feedback)

8. Appendices

8.1 Appendix 1 - Updates recommended for approval by Licensing Committee without and following consultation.

8.2 Appendix 2 – Updated Hackney Carriage and Private Hire Licensing Policy (draft).

8.3 Appendix 3 – Equality Impact Assessment.