



SOUTH
KESTEVEN
DISTRICT
COUNCIL

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

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Does the report contain any exempt or confidential information not for publication?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](#)