

Chichester District Council

General Licensing Committee

10th February 2021

Review of the Council's Hackney Carriage (Taxi) and Private Hire Licensing Policy and Conditions

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2. Executive Summary

A comprehensive review has been conducted of all current Hackney Carriage (Taxi) and Private Hire Licensing Policies, together with the Conditions associated with the Licensing of Drivers, Vehicles, and Operators. A proposed revised Policy has been produced which incorporates the latest National and local requirements, and this requires approval ahead of consultation with relevant parties.

3. Recommendations

- 3.1 **That Members consider, approve and adopt for immediate use the proposed revised Convictions Policy as shown at Appendix E of Appendix 1.**
- 3.2 **That Members consider and approve for consultation the proposed revised Policy and Conditions as shown at Appendix 1 together with supporting appendices.**

4. Background

- 4.1 The existing Policy and Conditions were formulated and adopted by the General Licensing Committee in 2012. It is essential that the Council continues to have a robust, fair, and clear Taxi and Private Hire Licensing framework that is fit for purpose. The Policy and Conditions must adequately consider and deal with any emerging issues and, ultimately, must meet the overriding objective of public safety. Therefore it has been necessary to conduct this comprehensive review.
- 4.2 The Licensing Conditions attached to the existing Policy are appended to the proposed revised Policy. In general, these have worked well in promoting public safety and maintaining standards, however these will subsequently need to be reviewed in light of any policy changes that are approved.

- 4.3 In July 2020, the Department for Transport (DfT) published the document entitled '*Statutory Taxi & Private Hire Vehicle Standards*' under section 177(1) of the Policing and Crime Act 2017. The focus of these Standards is on protecting children and vulnerable adults from harm, however naturally all passengers will benefit from any changes made as a result of the implementation of the Standards. The document sets out a framework of policies which Licensing Authorities must have regard to when exercising their functions. The DfT expects all recommendations within the Standards to be implemented unless there is a compelling local reason to not do so.
- 4.4 In April 2018, the Institute of Licensing (IoL) in partnership with Lawyers in Local Government (LLG), The National Association of Licensing and Enforcement Officers (NALEO), and the Local Government Association (LGA) published the document entitled '*Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades*'. This document contains specific guidance on the determination of an application in terms of whether an individual or company is, or remains, 'Fit and Proper'.
- 4.5 On the 19th January 2021 the Council adopted a Climate Emergency Detailed Action Plan: This contains the target of an annual 10% reduction in greenhouse gas emissions for the Chichester District from 2019 until 2025, this equating to a total 47% reduction in that time period. Therefore it is crucial that the local Taxi and Private Hire Licensing Policy and Conditions seek to support and deliver this commitment.

5. Outcomes to be achieved

- 5.1 The revised Policy and Conditions shown at Appendix 1 will ensure that not only do we comply with the DfT National Standards and best practice, which in turn promotes public safety, but will also assist the Council in delivering its recent commitment to reduce greenhouse gas emissions.

6. Proposal

- 6.1 The current Policy consists of six separate documents;

1. Driver & Vehicle General Policy
2. Private Hire Driver Policy
3. Private Hire Vehicle Policy
4. Private Hire Operator Policy
5. Hackney Carriage Vehicle Policy, and
6. Hackney Carriage Driver Policy

The above Policies are supported by a separate Convictions Policy and other associated documents. This format makes the current Policy difficult to navigate and understand, and on occasion can lead to misunderstandings where information appears contradictory or misleading. Therefore, the proposal is to have one clear document which contains specific sections relevant to all areas of Taxi and Private Hire Licensing, along with a number of supporting appendices.

- 6.2 In formulating the proposed revised Policy and supporting appendices, officers have considered the content of the DfT Standards, incorporating any new requirements. These new requirements extend to all aspects of Taxi and Private Hire Licensing including vehicles, drivers and operators.

- 6.3 The revised Policy also contains changes proposed by officers who have practical experience in administering and enforcing the current Taxi and Private Hire Licensing regimes. These changes are aimed at not only promoting public safety, but also to provide clarity in terms of the application processes. The new Policy also has elements within it which acknowledge HM Government's proposed *Green Industrial Revolution* (November 2020).
- 6.4 In order to assist Members in navigating the proposals within the new Policy, the following are some of the key changes:

Drivers

- Licence Holders must have an Enhanced Disclosure and Barring Service (DBS) Criminal Record check completed at a minimum of every six months (presently every three years). The current cost of subscription to the DBS update service is £13 per year, and making this a requirement will enable all necessary checks to be conducted with an overall reduced cost to the Licence Holder. **(Section 10 of the Policy)**
- Applicants and licence holders must undertake Child Sexual Abuse and Exploitation (CSAE) classroom-based training with an approved provider, together with subsequent refresher courses. New Applicants will be required to prove their command of the English Language through an oral extension to the current Knowledge Test. **(Section 10 of the Policy)**
- Applicants who have criminal and/or motoring conviction(s) will have their conviction history assessed against the express requirements within the proposed Convictions Policy. Where the relevant time period has not passed in relation to an offence, or the policy is such that a licence will not be issued, the application will be refused. With respect to existing licence holders, they too will have their situation considered against the new Convictions Policy, with each case being considered on its merits, and deviation from the Policy only occurring when there are exceptional, clear, and compelling reasons to do so, those reasons being recorded. **(Sections 6, 10 and 15 of the Policy)**
- Applicants and licence holders must be checked against the National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3). Any person who is refused or has had a licence revoked is placed on the database. Where an applicant or licence holder is found to be on the register, enquiries will be made with the relevant Licensing Authority which made the revocation or refusal. **(Section 8 of the Policy)**
- Whilst the proposed new Convictions Policy is largely the adoption of the requirements of the DfT Standards, it was felt necessary to confirm that a major traffic or vehicle-related offence includes the disqualification or revocation of a driver's DVLA entitlement to drive. **(Section 3.18 of the Convictions Policy)**

Vehicles

- An increase from three to five working days in the permitted time between an MOT Test and Fitness Test. Given the significant increase in the number of licensed vehicles in recent years, on occasion it has proved difficult for Chichester Contract Services (CCS) to accommodate bookings. The increase will not be detrimental to public safety, but will ease the pressure on CCS and applicants/licence holders. **(Section 21.3 of the Policy)**

- Currently, brand new vehicles are not subject to a Fitness Test conducted by CCS. As part of the Fitness Test, a vehicle is checked to ensure that all our Licensing requirements are fully met e.g. seating configuration is acceptable, visually it is in an acceptable state of repair, any installed meter is calibrated and functioning correctly, and that safety equipment and signage is present. New vehicles will be required to pass a Fitness Test. **(Section 21.3 of the Policy)**
- Licensed vehicles cover significant mileage (many upwards of 60,000 miles per year), but currently vehicles are only tested (MOT and Fitness Tests) annually until the age of five years, only then this reducing to every six months. The proposal is to require six-monthly testing for all vehicles from three years old. **(Section 21.3 of the Policy)**
- Applicants and licence holders are required to provide checks of their criminal conviction status. If not already separately providing an Enhanced DBS Certificate in relation to being a Licensed Driver, now a Basic DBS Certificate which is no more than 3 months old is required to be provided. **(Section 19 of the Policy)**
- Currently, vehicles proposed for licensing must either be compliant with the Euro IV emissions standard or have been previously licensed. The proposal is to require that vehicles the subject of a new vehicle licence application (irrespective of whether or not previously licensed) must comply with the current or immediately preceding Euro emissions standard (or any subsequent standard replacing it) and will only be licensed up to a maximum of ten years from date of first registration. Existing licensed vehicles will benefit from a five year transitional period which will allow licence holders time to prepare to replace their vehicle(s). **(Section 20 of the Policy)**

Operators

- Applicants and licence holders will be required to provide checks of their criminal conviction status. If not already separately providing an Enhanced DBS Certificate in relation to being a Licensed Driver, now a Basic DBS Certificate, which is no more than 3 months old, is required to be provided. For Operators which are Limited Companies or Partnerships, such Certification must be provided for every Director or Partner of the Company or Partnership. **(Section 37 of the Policy)**
- Licence holders will be required to conduct and evidence that Basic DBS Criminal Record checks have been conducted on booking & dispatch staff, and maintain a record of such checks for inspection by this Licensing Authority. **(Section 38 of the Policy)**

Consultation

- 6.5 The proposal is to consult extensively on the proposed revised Policy with those directly associated with Taxi and Private Hire Licensing matters. Following consultation, all responses will be collated, carefully considered and reviewed by officers. Once completed, a final Policy incorporating any necessary changes will be presented to the General Licensing Committee for further consideration.
- 6.6 All existing Licence Holders were sent an email on the 30th November 2020 advising them of the new DfT Standards with which we are required to comply. A link to the Standards was provided, and they were advised that imminently we would be embarking on reviewing our current practices and procedures so as to ensure our compliance. We also confirmed that as part of the review process, naturally there will be a consultation period for them as stakeholders.

6.7 Additionally, at the conclusion of the review process, it is likely that it will be necessary to review fees and charges associated with the administration and maintenance of the new practices and procedures. It is essential that fees and charges are correctly set and ensure the true cost of providing the service is recovered. The revised Policy proposes a refund mechanism for licence holders' that is fair and proportionate to the duration of the licence.

7. Alternatives Considered

No alternatives have been considered as we are under a duty to consider and apply the DfT Standards.

8. Resources and Legal Implications

The current staffing level of those involved in administering and maintaining the Taxi and Private Hire Licensing regimes is sufficient to undertake this review. However, one member of staff, funded from taxi and private hire licensing income is on a fixed-term contract ending 2nd February 2022. Chichester District Council Legal Services have supported officers, as and when necessary, with the proposed changes and process to be followed.

9. Consultation

As outlined above, consultation with stakeholders and others will take place.

10. Community Impact and Corporate Risks

None

11. Other Implications

	Yes	No
Crime and Disorder		✓
Biodiversity and Climate Change Mitigation		✓
Human Rights and Equality Impact		✓
Safeguarding and Early Help		✓
General Data Protection Regulations (GDPR)		✓
Health and Wellbeing		✓

12. Appendices

Appendix 1 Proposed Hackney Carriage and Private Hire Policy and Conditions 2021 and supporting appendices (A-K)

13. Background Papers

Department for Transport (DfT) publication 'Statutory Taxi & Private Hire Vehicle Standards' (July 2020)

Institute of Licensing (IoL) publication 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' (April 2018)