

Chichester District Council

Cabinet

6 July 2021

The Council's proposed Hackney Carriage and Private Hire Licensing Policy and Conditions 2021

1. Contacts

Report Authors:

David Knowles-Ley, Licensing Manager Tel: 01243 534743
Email: dknowles-ley@chichester.gov.uk

Jon Munday, Licensing Support Assistant Tel: 01243 521090
Email: jmunday@chichester.gov.uk

Cabinet Member:

Councillor Alan Sutton – Cabinet Member for Housing, Communications, Licensing and Events
Telephone: 01798 342452 E-mail: asutton@chichester.gov.uk

2. Executive Summary

To provide Members with an overview of the consultation responses received in relation to the Council's Draft Hackney Carriage and Private Hire Licensing Policy and Conditions 2021. To seek approval of the subsequently revised proposed Policy.

3. Recommendation to Council

- 3.1 That the revised proposed Hackney Carriage (Taxi) and Private Hire Licensing Policy 2021 at Appendix C be approved, subject to any further amendments made by the General Licensing Committee and/or Cabinet.

4. Background

- 4.1 The Council's 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 current and emerging issues and, ultimately, must meet the overriding objective of public safety. To that end it has been necessary to conduct a comprehensive review.

- 4.2 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 their implementation. The document sets out a framework of policies to which Licensing Authorities must have regard 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.

5. Outcomes to be achieved

- 5.1 The revised proposed Policy and Conditions shown at Appendix C will ensure that not only will the Council continue to comply with its duty to administer and enforce the various provisions relating to Taxi and Private Hire Licensing, but it will also comply with the DfT National Standards, along with assisting the Council in delivering its recent commitment to reduce greenhouse gas emissions.

6. Proposal

- 6.1 In order that the Council fulfils its various statutory duties, it must have a clear licensing framework which is fit for purpose and adequately addresses all current and emerging issues. Such a Policy is essential to both the Council and those who apply for or hold a licence.
- 6.2 It is proposed that the revised Policy be adopted for a period of five (5) years, although kept under review throughout, and reviewed at an earlier time if deemed necessary.
- 6.3. Should the revised Policy be adopted, it will be necessary for the various Conditions attached to driver, vehicle and operator licences to be reviewed and updated to reflect any policy changes: Officers will attend to this as soon as possible after adoption of any revised Policy.
- 6.4 It is essential that Conditions attached to all licences remain appropriate and achieve the overriding objective of public safety. Therefore, Officers will keep Conditions under review and, where it is necessary to update any, such revision will then be reported to the General Licensing Committee.

7. Alternatives Considered

- 7.1 No alternatives are available as the proposed revised Policy relates directly to the Council discharging its statutory duty to both administer and enforce the various statutory provisions relating to driver, vehicle, and operator licensing. The Council must have due regard to the DfT Standards, and the proposed Policy will align this Authority's practices and procedures with these.

8. Resources and Legal Implications

It is expected that the proposed revised Policy will have a positive effect on all parties involved in the licensing regime: It will clearly set out the Council's position on Taxi and Private Hire Licensing matters.

9. Consultation

9.1 A nine (9) week public consultation exercise was undertaken between 1 March 2021 and 2 May 2021 which engaged a wide range of interested parties:

- All holders of a current driver, vehicle or operator's licence;
- all Divisional Managers at Chichester District Council;
- Environmental Protection Team and Chichester Contract Services at Chichester District Council;
- West Sussex County Council (both Highway and Education teams);
- Department for Transport;
- Sussex Police;
- members of the East and West Sussex Licensing Liaison Group (this includes all Councils within both counties);
- Havant Borough Council, Portsmouth City Council, and Southampton City Council.
- National Association of Licensing and Enforcement Officers (NALEO);
- Driver and Vehicle Standards Agency (DVSA);
- current approved providers of the Driving Standards Agency driving assessment (Blue Lamp Trust, Sussex Taxi Training, and Castle School of Motoring);
- Chichester Access Group.

9.2 All consultees were advised of the consultation period and provided with a link to the draft Policy which was displayed on the Council's website.

9.3 A total of 13 written responses were received, 2 of which were from the same respondent: Included at Appendix A are copies of all responses.

9.4 All responses were recorded on the 'Register and Summary of Responses' document at Appendix B. All responses have been carefully considered by Officers and any appropriate changes believed necessary have been incorporated into the proposed revised Policy.

9.5 During the consultation period Officers also reviewed the draft Policy. A number of proposed additional amendments have been suggested and included within the proposed revised Policy, and these are summarised below:

- (i) Illegally-altered (e.g. 'Clocked') vehicles, i.e. something which calls into question the history of the vehicle, have been presented for Licensing, but there is no legislation to rebuff these, the only recourse being to require confirmation from the vehicle insurer of their being aware of the fact. Proposal to refuse applications where it appears that a vehicle has been illegally altered. **(Paragraph 20 of proposed policy)**
- (ii) Hackney Carriage Vehicles are required to have a min. 2mm tread on tyres, and no remoulds/ re-cuts. The proposal is to extend this same standard to Private Hire Vehicles with an additional requirement re tyre condition and prohibition of foreign objects in the tread. **(Paragraph 20.3 of proposed policy)**

- (iii) Passengers carried in a Hackney Carriage Vehicle are required to be visible from outside. The proposal is to extend this same standard to Private Hire Vehicles unless exception granted (e.g. for a stretched limo) with the written permission of the Licensing Authority. **(Paragraph 20.4 of proposed policy)**
- (iv) Currently there is no control in relation to the use of trailers, roof-boxes and roof-racks on a Licensed Vehicle, this being a safety concern. A general prohibition is to be applied in respect of trailers, roof-boxes, and roof-racks unless exception granted with the written permission of the Licensing Authority. **(Paragraph 20.5 of proposed policy)**
- (v) Registration marks must always comply with all legal requirements of spacing, font, and size. Additionally, where a personalised registration mark is to be applied to an already-licensed vehicle, then this process must be carefully managed to ensure that the Licence Plate always reflects the correct registration mark. The need to follow the Licensing Authority's instructions to change a registration mark is explained. **(Paragraph 20.6 of proposed policy)**

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 A Consultation Responses.
- Appendix B Register and Summary of Responses.
- Appendix C Proposed Hackney Carriage and Private Hire Policy and Conditions 2021.

13. Background Papers

[Department for Transport \(DfT\) publication 'Statutory Taxi & Private Hire Vehicle Standards' \(July 2020\).](#)

Appendices (A-K) referred to within the Proposed Hackney Carriage and Private Hire Policy and Conditions 2021 were previously presented to General Licensing Committee at the 10th February 2021 meeting. These remain unchanged.

[BACKGROUND PAPERS\Appendix A - Hackney Carriage and Private Hire Vehicles - National Inspection Standards - August 2012.pdf](#)

[BACKGROUND PAPERS\Appendix B - Conditions relating to the Construction and Licensing of Hackney Carriages - December 2012.pdf](#)

[BACKGROUND PAPERS\Appendix C - Hackney Carriage Byelaws \(v2\) \(10.02.21\).pdf](#)

[BACKGROUND PAPERS\Appendix D - Fees \(v1\) \(27.01.2021\).pdf](#)

[BACKGROUND PAPERS\Appendix E - Convictions Policy \(v1\) \(10.02.2021\).pdf](#)

[BACKGROUND PAPERS\Appendix F - Knowledge Test \(v2\) \(10.02.2021\).pdf](#)

[BACKGROUND PAPERS\Appendix G - Guidelines for Private Hire Vehicle Safety Partition Screens \(v2\) \(24.06.2020\).pdf](#)

[BACKGROUND PAPERS\Appendix H - Seating Configurations.pdf](#)

[BACKGROUND PAPERS\Appendix I - Private Hire Driver Licence Conditions \(v2\) \(10.02.2021\).pdf](#)

[BACKGROUND PAPERS\Appendix J - Private Hire Vehicle Licence Conditions \(v2\) \(10.02.2021\).pdf](#)

[BACKGROUND PAPERS\Appendix K - Private Hire Operators Licence Conditions \(v2\) \(10.02.2021\).pdf](#)