

Chichester District Council

General Licensing Committee

12th October 2022

Revised Hackney Carriage (Taxi) and Private Hire Policy 2022

1. Contacts

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

2. Executive Summary

A new Hackney Carriage and Private Hire Policy (the 'policy') was adopted by the Council in July 2021. Implementation of the policy over the last 14 months has highlighted a number of elements which require minor amendment. In addition, some new statutory requirements have come into effect which should be referenced and incorporated into the policy. An updated policy incorporating the necessary changes has been prepared and is attached as an appendix.

3. Recommendations

- 3.1 **That Members consider, approve, and adopt for immediate use the revised Hackney Carriage and Private Hire Policy 2022 as shown at Appendix 1.**

4. Background

- 4.1 The Council's current Hackney Carriage and Private Hire Policy was adopted on 20 July 2021. The policy sets out very clearly the expectations that the Council has with respect to all forms of hackney carriage and private hire licensing (driver, vehicle, and operator) and to date has served the Council well.
- 4.2 However, in light of implementing the policy over the past 14 months, Officers have identified that a number of areas require minor amendment. It is expected that these changes will have a positive effect in terms of both interpretation by applicants and implementation by Officers. In addition, several new statutory requirements have come into effect which are necessary and appropriate to refer to and include within the policy.
- 4.3 It is not believed that any of the proposed amendments constitute significant policy changes, however they are considered necessary in order to keep the policy up to date which is beneficial to the Council, current licence holders, and future applicants.
- 4.4 It is important to note that the current policy has not been the subject of any legal challenge or complaint.

5. Outcomes to be achieved

- 5.1 The revised policy will ensure that not only is there a continuation of a policy fit for the Chichester district, but one that continues to promote the overriding objective of public safety.

6. Proposal

- 6.1 The proposed policy amendments are all shown as 'track-changes', however for ease and to assist, provided below is a summary:

Section 5 Private Hire Operator's Licence - (page 7 of revised policy)

It has been reinforced to reflect case law that in order to accept and process bookings as an operator licensed by this Licensing Authority, that the physical location where an Operator accepts and processes such a booking, must be within the Chichester district.

Section 6 – Requirements relating to both Hackney Carriage and Private Hire Drivers (page 10 of revised policy)

From the 4 April 2022, it became a statutory requirement under the Finance Act 2021 for all applicants to either provide a HMRC Tax Check Share Code or, if not previously licensed, confirm in writing that they are aware of their tax responsibilities.

Section 7 – Entitlement to Live and Work in the United Kingdom (page 10 of revised policy)

Simple update to reflect the new streamlined process of undertaking statutory right to work checks with the Home Office using a right to work share code.

Section 12 – Knowledge Test (page 14 of revised policy)

Confirmation that a Knowledge Test pass certificate remains valid for one year from the pass date.

Section 13.1 - Driving Standards Assessment (page 14 of revised policy)

Inclusion of holders of a current Public Service Vehicle Licence as being individuals who may already have reached the required driving standard.

Section 14 – Medical Fitness/ D4 Medical Examination (page 15 of revised policy)

As has always been the case, an applicant or licence holder's medical must always be undertaken by a GP at the practice with which the applicant/ licence holder is registered, and who also has access to the applicant's full medical history.

Section 20 - Vehicle Specification, Age, Appearance, and Environmental Impact (page 19 of revised policy)

This Licensing Authority seeks to confirm its historic and current position in that it will not licence, nor allow a vehicle to continue to benefit from being licensed by another Licensing Authority, commonly referred to as 'dual plating'.

Section 20.4 – Tinting of windows (page 21 of the revised policy)

Amendment to aid the interpretation and understanding of what constitutes an acceptable 'tint' for glazing.

Section 21.3.2 – Renewal Vehicle Applications (page 23 of revised policy)

Confirmation that in respect of MOT Test Pass Certificates, these must not have been issued more than one calendar month before a complete and correct renewal application is submitted.

Section 24.2 – First Aid Kit (page 25 of revised policy)

For the avoidance of doubt, it has been confirmed that items in a First Aid kit must be in date.

Section 25 – Closed-circuit Television (CCTV) in Licensed Vehicles (page 26 of revised policy)

It has been clarified exactly where CCTV signage is to be displayed on a licensed vehicle.

Section 28 – Hackney Carriage Taximeters (page 28 of revised policy)

Confirmation of the Licensing Authority’s expectation that written receipts will be provided upon request by a passenger.

Section 36 - Private Hire Operators’ Conduct & co-operation with Authorised Officers and Police; ‘Fit and Proper Person’ (page 32 of revised policy)

Confirmation of new HMRC and Home Office requirements identical to those referred to at Section 6 and 7 above.

7. Alternatives Considered

7.1 Whilst it is believed that the proposed changes will have a positive effect for all interested parties, of course an alternative is to continue with the current policy.

8. Resources and Legal Implications

None

9. Consultation

9.1 As referred to above, given the nature of the proposed amendments it is not believed necessary on this occasion to consult with any other interested parties such as existing licence holders. Nonetheless all license holders will be notified of the updates, if approved.

10. Community Impact and Corporate Risks

None

11. Other Implications

Are there any implications for the following?		
	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		✓
Other (please specify)		✓

12. Appendix

13. Background Papers

None