

Licensing Committee

Meeting Date: 6 February 2024

Issue Title: Draft Shared Hackney Carriage & Private Hire Licensing Policy 2024-2029

Report of: Executive Director - Place

Cabinet Portfolio: Regulatory

Key Decision: No

Confidentiality: Non-Exempt

Purpose of Report

1. To consider the draft Shared Hackney Carriage and Private Hire Licensing Policy 2024-2029 and approve it for public consultation.

Recommendation

2. Licensing Committee are recommended to:
 - approve the draft Shared Hackney Carriage and Private Hire Licensing Policy for consultation, as set out in Appendix 1, and
 - authorise the Executive Director – Place to make any necessary minor alterations and typographical corrections to the policy prior to publication for consultation.

Background

3. The current policy covering only Hart district was adopted by Licensing Committee in March 2021. Currently Basingstoke & Deane have a separate policy.
4. In Basingstoke & Deane only, purpose built vehicles which are Wheelchair Accessible Vehicles (WAV) can be registered as Hackney Carriage Vehicles. These are the 'black cab' type of vehicle. In Hart, normal saloon cars can be registered as Hackney Carriage Vehicles. It is not proposed to amend this. The approach to Private Hire Vehicles is the same across both Councils.
5. In line with other licensing policy documents, the draft Hackney Carriage and Private Hire Licensing Policy 2024-2029 is a shared policy covering both Hart and Basingstoke & Deane. The draft policy seeks to streamline the Shared Licensing Service and to ensure the consistency, efficiency and effectiveness across both Councils.
6. Following the adoption of the current policy, the following legislation has come into force or been amended and guidance relating to taxi and private hire vehicles has been updated:
 - Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022,
 - Taxis and Private Hire Vehicles (Disabled Persons) Act 2022,
 - Amendments to the Rehabilitation of Offenders Act 1974,
 - Statutory Taxi and Private Hire vehicle standards, updated 25 November 2022, and
 - Taxi and Private Hire Vehicle best practice guidance, updated November 2023.

7. The draft Shared Hackney Carriage and Private Hire Licensing Policy 2024-2029 is set out in Appendix 1. A summary of the changes proposed are detailed in Appendix 2.

Main Issues

8. The draft policy sets out the Council's approach to the administration of the Taxi and Private Hire licensing function under the Town Police Clauses Act 1847 and Local Government (Miscellaneous provisions) Act 1976 in respect of the licensing of hackney carriage and private hire vehicles, drivers and operators.
9. The Policy sets out the Council's position in respect of the criteria of vehicles, drivers and operators to protect and promote public safety and provide a high standard of vehicles within the licensed fleet. It also ensures licensed drivers have the knowledge and skills to undertake their role safely whilst providing high standards of service to those who live, work and travel within the district.
10. It supports licensing officers in their day-to-day role in ensuring the Council's licensing aims within this policy are met and ensuring good minimum standards are maintained protecting the reputation of the Council.
11. It also supports members when making decisions against revocations and suspensions of licences and supports the Council's position in relation to decisions that are appealed in the Magistrates or higher courts.
12. The policy should be reviewed periodically (statutory guidance suggests at least every five years) to ensure it reflects current best practice and legislation, and other changes such as in technology, and vehicle specifications. A review should also be considered where specific issues arise in the council's area or there are significant changes to legislation or guidance.
13. The draft policy takes into account the new legislation and updated statutory vehicle standards and best practice guidance set out in paragraph 4 above.

Age of vehicles

14. It is proposed that Private Hire Vehicles (PHV) for general private hire use must be newer than 3 years of age at first licence and can be relicensed until the vehicle is 10 years old at date of licence renewal. Applications to extend licences past 10 years will only be considered on an exceptional circumstance basis.
15. It is proposed that the 'saloon car' type of Hackney Carriage Vehicles (HCV) must be newer than 3 years of age at first licence and can be relicensed until the vehicle is 10 years old at date of licence renewal. Applications to extend licences past 10 years will only be considered on an exceptional circumstance basis.
16. Any 'purpose-built' Wheelchair Accessible Hackney Carriage Vehicles (WAV) must be newer than 5 years of age at first licence and can be relicensed until the vehicle is 12 years old at the date of renewal and subject to the vehicle meeting the Council's testing specification and appearance requirements. Applications to extend WAV licences past 12 years (15 years for ultra-low or zero emission vehicles) will only be considered on an exceptional circumstance basis.
17. There is a proposal to replace the current MOT certificate and Tick Test in Hart to a Certificate of Compliance test which is the approach used in Basingstoke. The draft policy proposes this change should be implemented on by 31

September 2024. This will streamline the process across the shared service and require all vehicle to maintain a set standard. The Certificate of Compliance test would need to be undertaken at an appointed garage. The testing requirements are set out in Appendix 3.

Convictions for drivers

18. There is a proposal to amend the policy in respect of convictions to reflect the amendments to the Rehabilitation of Offenders Act 1974 in relation to protected cautions.

Other amendments

19. There is a proposal to require all PHVs to display 'No booking no ride' stickers, except those with exemption plates. This will promote public safety and ensure consistency with PHVs in Basingstoke and Deane which are required to display these stickers.
20. It is proposed to remove the Designated Vehicle list in line with DfT guidance and in line with the provisions of the Equality Act 2010.
21. It is proposed that license holders will need to refresh their safeguarding training every 3 years to ensure their knowledge remains current. This reflects a recommendation from the section 11 audit for safeguarding. It is also proposed that license holders will need to refresh their disabled person training every 3 years.
22. It is proposed to update the policy regarding the passing of information by the Council to the National Register of Taxi Licence Refusals, Suspensions and Revocations (NR3). All Licensing authorities are now required to undertake checks for previous licensing offences at other councils via the NR3 system.
23. There are further changes outlined in the Summary of Changes document (in addition to those highlighted above) in Appendix 2, which are reflected in the draft policy and these include:
 - layout and design,
 - public liability insurance,
 - penalty points,
 - PHV, vehicle and operator conditions,
 - DAT test,
 - application processing for new drivers,
 - timescale for renewal applications,
 - environmental considerations,
 - appeals and committees,
 - age and experience, and
 - driver badged and identification.

Consultation

24. Prior to the adoption of the new shared policy, both Council must consult with those who will be affected by the new policy. This will include taxi and private hire licence holders, responsible authorities and the public. The draft policy will also be published on the Councils' website
25. It is proposed that the draft policy will be consulted upon for a period of 8 weeks.

Recommendations

26. It is recommended that members approve the inclusion of the amended age of licensed vehicles in the draft policy for consultation to bring the vehicle age policy more in line with that adopted by Basingstoke and Deane Borough Council. Also to approve the additional changes to the document so it reflects current advice and legislation.

Alternative Options Considered and Rejected

27. By not consulting on the revised draft policy, the current policy will continue to apply which does not take into account the legislation and guidance changes since it was adopted and may result in potential difficulties and inconsistencies in decision making. The application process will also remain less efficient and transparent for all parties.

Corporate Governance Considerations

Relevance to the Corporate Plan

28. The Hart Corporate Plan 2023-2027 has three focus areas:
- Planet - make all areas directly under the control of the Council carbon neutral by 2035 and make Hart a carbon neutral district by 2040,
 - People – fair treatment for all, help for those in need, and a sustainable economy that makes Hart a great place to live, work and enjoy, and
 - Place - delivering warmer, better homes in sustainable locations that people can afford to live in.
29. This will be underpinned by providing a resilient and financially sound Council.

Service Plan

- Is the proposal identified in the Service Plan? No
- Is the proposal being funded from current budgets? Yes
- Have staffing resources already been identified and set aside for this proposal?
Yes

Legal and Constitutional Issues

30. The Shared Taxi and Private Hire Licensing Policy provides the framework in which the licensing function is administered and sets out the Council's approach to assist with consistent decision-making.
31. In accordance with section 177(4) of the Policing and Crime Act 2017, licensing authorities must have regard to the Statutory taxi and private hire vehicle standards published by the DfT in 2020 and updated in November 2022, Taxi and private hire vehicle licensing: best practice guidance updated in November 2023 and all recent legislative provisions, including the Taxis and Private Hire Vehicles Tax and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 and the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022.
32. The Council is also required to publish its consideration of the measures contained in the Statutory taxi and private hire vehicle standards, and its policy stemming from this.

Financial and Resource Implications

33. There are no financial implications identified within this report.

Risk Management

34. There are no risk management implications identified within this report.

Equalities

35. When considering these proposals members have a responsibility to ensure they give due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not.

36. There are no equality implications arising from the recommendations.

Climate Change Implications

37. There are a number of policy amendments that seek to decarbonise the licenced taxi trade.

Action

38. If the Licensing Committee approve the recommendation, the draft Hackney Carriage and Private Hire policy will be consulted upon for a period of 8 weeks.

39. The policy will return to Licensing Committee in July 2023 following Consultation for adoption.

Appendices

Appendix 1 – Draft Hackney Carriage & Private Hire Licensing Policy 2024 - 2029

Draft policy on the Council's approach to the administration of the Taxi and Private Hire licensing function under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976

Appendix 2 – Summary of changes document

Appendix 3 – Certificate of Compliance (Authorised Garages Inspection) form