

2 RECOMMENDATIONS

- 2.1 That the Committee determines whether the proposed Hackney Carriage and Private Hire Policy, as attached at Appendix A, should be agreed without modification or agreed with amendments.

3 BACKGROUND

- 3.1 The Department for Transport recommends that all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on hackney carriage and private hire licensing. The Council's Hackney Carriage and Private Hire Licensing Policy addresses the Council's primary aim in carrying out its hackney carriage/taxi and private hire licensing function to protect and promote public safety. The Council must ensure that licensed vehicles are fit for purpose and that licensed drivers are 'fit and proper' in accordance with the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976.
- 3.2 The current policy was written in 2014, is out of date as it does not meet the requirements of Statutory Guidance, Best Practice and legislation. The revised policy amalgamates the previous three individual policies and seeks to provide policy standards for all aspects of the hackney carriage/taxi and private hire trade.
- 3.3 The purpose of the policy is to:
- Ensure the safety of the public.
 - Ensure that licence holders are fit and proper and vehicles are safe and suitable.
 - Provide a robust, and legally compliant, decision-making framework which protects the Council should decisions be challenged in the Courts.
 - Provide information to the trade, elected members, officers and the wider public on how the Council administers hackney carriage/private hire licensing.

4 DISCUSSION

- 4.1 Currently the Council, through the Licensing Team, licences:
- 285 Hackney Carriage / Private Hire Drivers (dual licences)
 - Up to 100 Hackney Carriage Vehicles
 - 166 Private Hire Vehicles
 - 26 Private Hire Operators
- 4.2 The policy has been updated to reflect the licensing Authority's obligation to meet legislation, national guidance and best practice. The substantive changes to the policy are outlined below.
- 4.3 The Government's Modern Crime Prevention Strategy included a commitment to protect children and young people from the risk of child sexual abuse and exploitation by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. As a result, the Department for Transport has introduced Statutory Taxi and Private Hire

Vehicle Standards to replace relevant sections of the Best Practice Guidance that was issued in 2010. The introduction to the standards states - "There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to."

4.4 Main policy changes

- The policy introduces mandatory training for licence holders in safeguarding for children and vulnerable adults.
- Both safeguarding and disability awareness training are new to licence holders and applicant requirements. In order to ensure all relevant licence holders receive competent training, the Council will identify suitable courses. As such, due to procurement requirements, this requirement will become mandatory once the procurement process has been completed. It is anticipated that all relevant licence holders will complete training within a 12-month period.
- A suitability policy has been devised that outlines the convictions and offences that will preclude persons from receiving or renewing a licence.
- The suitability policy follows the statutory guidance from the Department of Transport as to who can receive a licence.
- An assessment of more than 50% of the driver licence holders against the draft Suitability Policy has revealed that 3 drivers will not meet the standards of the Suitability policy with one further driver requiring to provide further details of a caution issued by Police. Those, identified with convictions will not be able to keep their licence and upon implementation of the Policy will be unable to continue as a licence holder.
- The policy revises the Council's definition of 'fit and proper'.
- An enforcement policy has been provided, which incorporates a penalty points system. These have been devised to assist licence holders who do not meet their conditions and/or statutory obligations. Penalty points and enforcement action will be managed by the Licensing Team members.
- Driver licence conditions have been updated (Appendix 4).
- Conditions of licence for vehicles have been updated in Section 10.
- Operator conditions and policy standards have been updated (Appendix 5)
- The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 has amended the Equalities Act 2010 and places obligations on licence holders to assist disabled persons.
- The policy introduces mandatory training for licence holders in disability awareness.

- A new National Register of Revocations, Refusals and Suspensions was introduced to enable local authorities to better share information about refusals, revocations and suspensions of licence holders. Since April 2023, the use of the register is mandatory. The Council utilises this new register.
- The draft policy is attached as Appendix A

5 CONSULTATION

5.1 Initial consultation was conducted in late January until 28 February 2023 for a period of 5 weeks.

5.2 Seventy-six responses to this consultation were received from licence holders, members of the public and

5.3 The main comments from the first consultation related to the following main themes;

- Concerns relating to short consultation period.
Five licence holders considered the timeframe for consultation too short.
- Concerns relating to new hackney carriage/taxis required to be wheelchair accessible.
There were 25 negative comments from Licence Holders and 5 from members of the public, one from a Councillor and 2 responses from the Lister Hospital, one in favour and one against.
- Age policy for existing and new vehicles.
There were 162 negative comments regarding this part of the policy, asking the Council to consider the benefit of Euro 5 vehicles and petrol Euro 4 vehicles. These comments also expanded into the emissions output from vehicles and carbon dioxide emissions
- Penalty Points system
Licence Holders submitted ten objections
- Application process
Four licence holders objected to the language test and three to the extension of the Service's response timeframe).
- Idling
There were three objections to the enforcement of idling in particular situations.
- Operator licence non transferable
Three negative comments were received where an operator would move premises and this would lead to a new application.
- Door signs
Four private hire licence holders were concerned with the stickers and door signs attracting persons to the vehicle.

5.4 Of the above issues, a further consultation was organised to manage the short consultation period. The Service evaluated its approach following the consultation regarding increasing the numbers of wheelchair accessible vehicles and also reconsidered its approach to licenced vehicles age policy,

following advice from the Head of Climate Action at Stevenage Borough Council.

- 5.5 For the penalty points system, affected persons are able to complain via the Council's complaint procedure should they wish. In regard to idling, the Council will take a pragmatic approach having regard to the seasons and outdoor temperatures.
- 5.6 The timeframe for the application process has increased; this is primarily enable the team to handle a large number of renewals which arrive in bulk during June and July each year.
- 5.7 The draft policy has been adapted as a result of this consultation and a second consultation period organised. Following further analysis of evidence to form the policy standard for section 10.4 'Environmental considerations and environmental friendly fleet' was also revised. A second consultation was undertaken from 12 September to 14 November 2023. Accompanying the consultation was a document outlining all of the changes from the original policies (dated 2014) and from the first draft consultation document (dated March 2023); Appendix B.
- 5.8 Consultation for the policy review has been;
- To all licence holders
 - In the local paper, the Comet on 14 September and 19 October 2023
 - Within the Customer Service Centre at Stevenage Borough Council
 - On the Council's website
 - To stakeholders; see Appendix C
- 5.9 Two responses were received from the second consultation period.
- 5.10 Comments were received from a current licence holder and from the Licensed Private Hire Car Association (LPHCA). The LPHCA is a membership-based trade association that represents licensed private hire operators in the UK. One operator in the Stevenage borough area is represented by LPHCA currently.
- 5.11 Response to consultations – Respondent 1
- 5.12 The licence holder was concerned that the penalty points system at appendix 3A is not subject to a right of appeal;
- 'The fact that there is no right of appeal means that the officer issuing points is judge jury & executioner, a totally unreasonable situation. You as our 'supposed' employer should consider your obligation to your employee, Ei incumbit qui dicit, non qui negat'*
- The draft policy at A3a.9 advises that whilst there is no right of appeal, affected persons can lodge a formal complaint to the Council using the corporate Complaints Process. Comments regarding the Council being an employer are incorrect as the Council acts only as a Licensing Authority.

5.13 Response to consultations – Respondent 1

5.14 Comments from the Licenced Private Hire Car Association;

'We welcome review on Euro 5 and Age limits.'

'We are against Knowledge Tests, for PHVs, which the Law Commission 2014 review said are not necessary'.

The Law Commission review identified the removal of local licensing conditions in favour of national standards. The Law Commission did not see knowledge tests as necessary as the journey was pre-booked and therefore planned. The knowledge test in Stevenage incorporates local destinations, knowledge of the routes to ensure shortest distances chosen, legal understanding of being a licenced driver and knowledge of national driving standards in accordance with the Highway Code.

All drivers are licensed as dual drivers, which allows them to drive a hackney carriage or private hire vehicle and interchange as necessary. As such, all drivers undertake the knowledge tests.

'Driving tests are unnecessary.'

A driving test has been a licence requirement since at least 2014. Drivers upon application undertake this test. The Licensing Authority considers the driving test useful to applicants as they may be commencing professional driving for the first time and constructive appraisal of their driving style can be valuable to applicants and improve their driving performance, having specific regard for passenger and public safety.

'Size of seats not applicable to PHVs which can be pre booked'

Vehicles are licenced in relation to how many passengers a vehicle can be expected to carry. The size of the seat defines the maximum number of passengers.

'Idling is sometimes necessary, especially in winter to keep windows clear.'

It is accepted that idling will be required at particular times of year. A pragmatic approach will be applied to enforcing this condition.

'The less signage you put on a PHV the less it looks like a taxi.'

Following clarification, the response supports hackney carriages/taxis and private hire vehicles looking very different from each other. This is to prevent customers attempting to engage a private hire vehicle as they can be confused of the differences between them. The respondent supports minimal signage on private hire vehicles

'Livery is a nonsense and confuses the public, your policy looks good.'

'... It won't be easy to fit card machines into PHVs, often the operator can take card payments, so they are unnecessary, if there is to be a mandate for PHVs it should say have Card Payment capability, not a fitted machine.'

Technology has developed so that card readers are available to be powered through mobile phones and the touch pad via bluetooth or wifi to the mobile phone. It is not anticipated that card machines be fitted in the vehicles. The policy text is to be changed to as to read 'By 1 July 2024 all licensed hackney carriages/taxis and private hire vehicles must be supplied ...' The word 'fitted' to be removed and replaced with 'supplied'.

'CCTV should never be mandated.'

The policy does not require CCTV as a standard condition of licence.

'PHVs are better with pre-journey quoting and do not need meters as the price can be agreed pre booking.'

The Council does not require private hire vehicles to be fitted with a meter. Where they choose to use a meter, the Council requires that the tariff applied be set by the Licensing Authority where a pre-arranged fee has not been agreed.

6 FINAL AMENDMENTS TO THE DRAFT POLICY DOCUMENT

- 6.1 Further proof reading of the policy has identified minor anomalies. In order to rectify, please see the final amendments (Appendix D) to be made prior to the Policy becoming live.

7 REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

- 7.1 In order to effectively discharge the Council's taxi licensing legal obligations a policy framework is required. The current policy requires updating. The proposed new policy reflects changes to the statutory standards, provides clearer guidance on the taxi and private hire licensing process, and explains how the Council will make decisions in relation to the licensing of vehicles, drivers and operators. It also seeks to reduce the carbon emissions of the taxi fleet in the district.
- 7.2 To agree that General Purposes Committee adopts the revised Hackney Carriage and Private Hire Licensing Policy and supporting appendices provided with this paper.
- 7.3 To agree the Policy is implemented from 1 April 2024.

8 IMPLICATIONS

Financial Implications

- 8.1 There are no on-going financial implications arising directly from this report. The proposed changes to the Council's Taxi and Private Hire Licensing Policy will be met within existing budget.
- 8.2 As detailed in Section 4.4, those licence holders that will not meet the Suitability Policy will have their licences revoked. As such, they are able to appeal to the Magistrate's Court. Defending a revocation will give rise to costs to the Council.

Legal Implications

- 8.3 The revised policy provides a suitable framework for the Licensing Team to take formal action (prosecute), suspend, revoke a licence or refuse to issue or renew a licence. Through consultation and following adoption, all licence holders are aware and agree to the stance provided in the Policy.

Risk Implications

- 8.4 The Council is required to have a taxi and private hire licensing policy and any risks arising from the implementation of this policy and its revisions will be managed within the service area.

Policy Implications

As part of an overarching transport system that support Stevenage, this policy will contribute to the draft strategic priorities for Stevenage Borough Council of Transforming our Town, Thriving Neighbourhoods and Tackling Climate Change.

Environmental Implications

- 8.5 The removal of Euro 4 vehicles from the licensed fleet will have the benefit of significantly reducing carbon emissions and particulate emissions emitted by this part of the fleet.

Equalities and Diversity Implications

- 8.6 There are no negative implications derived from the policy.

Safeguarding Children Implications

- 8.7 The draft policy will provide a positive effect in that licence holders will have received competent training so as to be able to instigate action as necessary, during the course of their day to day duties.

BACKGROUND DOCUMENTS

1.1 All documents that have been used in compiling this report, that may be available to the public, i.e. they do not contain exempt information, should be listed here:

- BD1 Town Police Clauses Act 1847
- BD2 Local Government (Miscellaneous Provisions) Act 1976
- BD3 Statutory Guidance [Taxi and private hire vehicle licensing: best practice - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/taxi-and-private-hire-vehicle-licensing-best-practice)
- BD4 Best Practice Guidance [Taxi and private hire vehicle licensing: best practice - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/taxi-and-private-hire-vehicle-licensing-best-practice)
- BD5 Modern Crime Prevention Strategy [Modern crime prevention strategy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/442227/modern-crime-prevention-strategy.pdf)
- BD6 Taxis and Private Hire Vehicles (Disabled Persons) Act 2022
- BD7 Equalities Act 2010

APPENDICES

- A Hackney Carriage and Private Hire Licensing – Policy and conditions of Licence
- B Policy changes log
- C Stakeholders list
- D Final amendments log