



Committee: LICENSING COMMITTEE
Date: THURSDAY, 7 APRIL 2022
Venue: MORECAMBE TOWN HALL
Time: 1.00 P.M.

A G E N D A

1. **Apologies for Absence**

2. **Minutes**

Minutes of meeting held on 3rd February 2022 (previously circulated).

3. **Items of Urgent Business authorised by the Chair**

4. **Declarations of Interest**

To receive declarations by Councillors of interests in respect of items on this Agenda.

Councillors are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Councillors should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Councillors are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

Matters for Decision

Exclusion of the Press and Public

5. **Exempt Item**

The Committee is recommended to pass the following recommendation in relation to the following item:

"That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the ground that it could involve the possible disclosure of exempt information, as defined in paragraph 1 of Schedule 12A of that Act."

Councillors are reminded that, whilst the following item has been marked as exempt, it is for the Committee to decide whether or not to consider it in private or in public. In making the decision, Councillors should consider the relevant paragraph of Schedule 12A of the Local Government Act 1972, and also whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In considering their discretion, Councillors should also be mindful of the advice of Council officers.

6. **EXISTING DUAL DRIVERS LICENCE HOLDER** (Pages 4 - 21)

Report of the Licensing Officer.

The press and public will be re-admitted to the meeting at this point.

7. **Annual Report - Licensing Service** (Pages 22 - 30)

Report of the Licensing Manager.

8. **Progress update re implementation of Department for Transport Statutory Taxi and Private Hire Vehicle Standards** (Pages 31 - 86)

Report of the Licensing Manager.

9. **Hackney Carriage Fare Review 2022** (Pages 87 - 150)

Report of the Licensing Manager.

10. **Hackney Carriage Specification - Roof-sign requirements** (Pages 151 - 159)

Report of the Licencing Manager.

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Colin Hartley (Chair), Mel Guilding (Vice-Chair), Paul Anderton, Mandy Bannon, Gerry Blaikie, Roger Cleet, Roger Dennison, Andrew Gardiner, Abi Mills and Jean Parr

(ii) Queries regarding this Agenda

Please contact Sarah Moorghen, Democratic Services - email smoorghen@lancaster.gov.uk.

(iii) Changes to Membership, or apologies

Please contact Democratic Support, telephone 582170, or alternatively email democracy@lancaster.gov.uk.

KIERAN KEANE,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on 30th March 2022.

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of the Local Government Act 1972.

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LICENSING COMMITTEE**Annual Report – Licensing Service
7 April 2022****Report of Licensing Manager****PURPOSE OF REPORT**

To provide an annual report to members of Licensing Committee on private hire/hackney carriage related matters, including volume of applications, complaints, and enforcement activity.

This report is public.

RECOMMENDATIONS

- (1) That members note the contents of the report.

1.0 Introduction

- 1.1 At the meeting of Licensing Committee on 3rd February 2022 members approved the Private Hire and Hackney Carriage Licensing Policy. Point 3.13 of the policy states the following in terms of reporting on Licensing Authority performance.

Licensing Officers will provide an annual report to the Licensing Committee outlining the number of private hire/ hackney carriage related applications received, the determination of those applications, and highlighting the number of applications where the decisions were made not in accordance with the Councils policy.

The report will also provide details of the number of complaints received in respect of drivers/ vehicles and operators and an overview of the nature of complaints and how the complaints were dealt with.

The annual report will also include an overview of any legal cases and appeals.

- 1.2 It is intended that in future years the report will be brought before members annually, in February, providing data from the previous calendar year. (1st January– 31st December)
- 1.3 Attached at **Appendix 1** is a summary of the collated information for 1st January– 31st December 2021.

2.0 Applications

2.1 The Licensing service deals with a variety of Hackney Carriage and Private Hire applications, many of which are determined by Officers under delegated powers. Members are only party to decision-making in certain circumstances, it is therefore important to highlight the volume of applications received, the outcomes and highlight any exceptional cases. This will assist when reviewing application standards and the hackney carriage and private hire licensing policy.

2.2 The table below shows the type of licences currently issued by Lancaster City Council and administered by the Licensing service; it equates currently to 788 active hackney carriage and private hire related licences in the Lancaster district.

Type Of Licence	Total no. active licences	Duration (licence length)
Private Hire Drivers	35	1 or 3 Years
Hackney Carriage Drivers	27	1 or 3 Years
Dual Licensed Drivers (HC and PH)	376	1 or 3 Years
Private Hire Vehicles	195	4/6/12 Months
Hackney Carriages	108	4/6/12 Months
Private Hire Operators	47	1 or 5 Years

2.3 The number of new drivers' (16), vehicles (15) and operator (4) licences issued in the calendar year has been low. This is mainly due to the pandemic and licence holders finding other employment opportunities.

2.4 Licences are subject to renewals, if a matter arises upon application to renew a driver's licence that may call into question the driver's fitness, e.g. a relevant conviction or motoring offence; this decision is delegated to Licensing Committee. If the renewal application meets the required standard, officers administer and issue the licence. A total of 105 drivers renewed their licence in 2021. (Hackney carriage, private-hire and dual)

On 4 occasions during that time members were required to determine driver renewal applications. In 3 of these cases the licences were refused and on 1 occasion members departed from Council policy (as permitted) and the licence was granted.

2.5 The one licence granted by Licensing Committee that departed from Policy involved a driver, who had no previous compliance/enforcement issues and had been convicted of a motoring offence (using a hand-held mobile device whilst driving) whilst in his licensed vehicle. The driver appeared before members and provided mitigating reasons for the offence and provided evidence in support of his case. The driver appeared remorseful, members noted the severity of the incident that led to the conviction yet departed from the policy stance on the matter and granted the licence renewal, determining that the driver remained a fit and proper person.

2.5 Vehicle licences are renewed at 4/6/12 monthly periods depending on the age of the vehicle, therefore each of the 303 licenced vehicles have renewed their licence at least once within the 12-month period. Vehicles are tested prior to licensing by the Councils Vehicle Maintenance Unit. The total number of vehicle tests carried out, including retests, tests following an accident and standard testing in relation to age of vehicle is 685.

3.0 Summary of Complaints

3.1 57 complaints have been reported and investigated by the licensing service between 1st January 2021 and 31st December 2021. Unfortunately, the system that the Licensing team record all complaints on is unable to break the total number of complaints down into categories of licence types or nature of complaints.

3.2 Complaints usually relate to one or more of the following:

- Driver or Operator Conduct
- Vehicle Safety
- Driving Standards
- Overcharging/Long Routes
- Cleanliness
- Lack of Customer Care

Complaints in the last 12 months have included allegations of poor driving standard, unauthorised vehicle signage, no availability of wheelchair accessible vehicle, driver asking inappropriate, personal questions, unclean driver and vehicle, drivers who have not assisted elderly passengers, that have acted impatiently or without empathy.

3.3 When the licensing service receives a complaint, it is allocated to an investigating officer. That officer then collates all relevant information, which can include obtaining CCTV, statements from witnesses, liaison with Police and checking booking records etc. Part of the process is to also inspect the internal client records of the licensed driver/operator. This may show the complaint as a one-off incident or highlight a pattern of behaviour which is of concern. It is those cases that are presented to Licensing Committee.

3.4 Licence holders are notified of any complaint made against them and given the opportunity to respond to any allegation made, in addition, witnesses are often sought; in the majority of reported complaints, it is one parties word against another and difficult to prove/disprove any wrongdoing. That is the importance of up to date, thorough record-keeping, so trends or pattern of behaviour can be identified, and the appropriate course of action swiftly taken.

3.5 As part of the updated licence conditions for Private hire operators (PHO), they must adopt, implement, review, and update their customer service and complaints policy which includes managing the conduct of drivers and the timeframe for responding to complaints. Listed in the conditions are specific requirements in relation to the handling of complaints and the operator responsibilities. At least every 6 months, the PHO must submit the complaint log to the licensing service.

This will assist the Licensing Authority in ensuring all relevant matters are recorded on the client (driver) records and discussed with the operator to ensure complaints are handled in a consistent, fair manner.

4.0 Enforcement/Compliance Activity

4.1 The licensing team undertake a variety of enforcement duties, of both a proactive and reactive manner. Activity is carried out by Council Officers but can involve other agencies such as the local Police, DVSA and Lancashire County Council.

The main purpose of licensing enforcement is to:

- Secure the health, safety and welfare of members of the public who either make use of the licensed activity or who are affected by it in some way.
- Deal immediately with serious risks.
- Promote and achieve sustained compliance with the law.

4.2 The total number of inspections carried out on licensed vehicles is 57. 15 of those vehicles inspected have been satisfactory. 42 vehicles have been issued with defect notices which gives the vehicle proprietor a fixed period of time to ensure repair to the vehicle is made. Defects have included, bodywork damage, incorrect signage/positioning of licence plates and cleanliness of vehicle. The number of vehicles suspended is 3 and they were all due to not having a valid insurance certificate in place.

4.3 Due to the pandemic, lockdowns and other service prioritises it has proved difficult to carry out proactive enforcement and compliance activity in the last 12 months. Licensing Officers are slowly reintroducing face to face inspections of licensed vehicles and drivers, in addition, the 3 largest private hire operators were visited late February to discuss emerging topics, including recruitment, fares and to give operators an opportunity to discuss the updated licence conditions and ask questions on how it will impact their business come 1st April 2022 (date of implementation).

5.0 Appeals and Hearings

5.1 In 2021, 4 drivers had their licence revoked. On 2 occasions drivers appeared before Licensing Committee to have their suitability in terms of fitness and propriety reviewed. This was in light of a complaint(s) made to the service and consideration of historic matters.

5.2 Members will be aware that any driver aggrieved by the decision of the Licensing Authority can appeal to the Magistrates Court within 21 days of receiving the decision notice. There is an appeal ongoing with one of the drivers who had his licence revoked.

5.3 The other two cases were items of an urgent nature, so the licences were revoked with immediate effect at an Officer level. As members will be aware, urgent items which present a serious risk to the safety of the public are dealt with by the Chairman of Licensing Committee and Chief Executive (or Director of Service). In these circumstances a decision is taken and reported back to members at the next scheduled Licensing Committee meeting. For members information, the immediate revocations related to an alleged incident of inappropriate touching/behaviour and a drink-driving arrest.

5.4 Members will be aware that any driver aggrieved by the decision of the Licensing Authority can appeal to the Magistrates Court within 21 days of receiving the decision notice. No appeals have been lodged in respect of immediate revocations.

5.5 It would be unusual for vehicle or operator licences to be the subject of a hearing or appeal. Members would only hear matters in relation to vehicles if an application fell outside of the relevant vehicle specification or application procedures. e.g. Removal of plates/signage request/Tuk-tuk licensing etc

6.0 Licensing Workplan

6.1 The Licensing workplan (2022) provides an overview of planned project work for the year, it does not deal with the day-to-day routine activities of the team which would have to take priority over planned reviews and developments. The work plan contains project work, service and policy reviews that have been identified over the last few years as areas that will need scrutiny and review.

6.2 The work plan for the service did highlight a number of key tasks to be actioned in the next 12 months in relation to hackney carriage and private hire licensing, all with varying priority status.

- **Recruitment of new drivers to the licensed trade.**

Funding options have been secured, with new applicants eligible for 100% of the total costs being covered from covid recovery funds, allocated specifically for this purpose. (11 new driver applications have been received since January 2022)

All drivers who allowed their licence to expire throughout the pandemic have been contacted and offered a fast-track application the terms of which will be decided on a case-by-case basis.

- **Hackney carriage and private hire licensing policy adoption and implementation.**

The policy was adopted by Licensing Committee at its previous meeting (February 2022), Licensing staff are working on an action plan to ensure all measures are in place for the date of implementation (1st April 2022)

The licensed trade and those groups impacted by the changes are being notified directly and assistance is being provided to aide understanding.

- **Review of Hackney Carriage Rank Provision**

It is necessary that stand locations, signs and lines are reviewed to ensure they meet the needs of the local trade. This will require input from partners including the Highways Authority. As works are ongoing around the gyratory of traffic in Lancaster town centre, it would be beneficial to await that piece of work before reviewing the stand provisions. Additionally, thought will be required regarding locations in Morecambe due to Eden Project North being granted planning permission and the availability of licensed vehicles for visitors to the area.

- **Hackney Carriage Fare Review 2022**

Item on the agenda.

- **Review of Licensing Fees**

The City Council is responsible for setting fees associated with carrying out the hackney carriage and private hire licensing function. It is the intention that the licensing service is self-financing but not income generating. If at the end of the financial year there is a budget surplus, the surplus will be carried forward and built into the following year's budget process. Similarly, if there is a budget deficit that will normally be taken forward into the following year's budget process with the intention of achieving a cost neutral budget.

Fees will be reviewed once the Hackney Carriage Fare Review has been completed and the new fare tariff in operation.

7.0 Conclusion

- 7.1 There are 788 active hackney carriage and private hire licences operating in the Lancaster district. The Licensing service are responsible for the administration, compliance and enforcement associated within the relevant licensing regime and legislation for each of those licences.
- 7.2 The pandemic has brought about many challenges for the licensed trade, many drivers with a wealth of knowledge and experience are choosing to leave the trade and find alternative employment. The City Council is assisting with recruitment through covid recovery funding, this should alleviate some barriers for new applicants and drivers who have chosen to allow their licence to expire.
- 7.3 The hackney carriage and private hire policy, with an implementation date of 1st April 2022 provides clarity for applicants, officers and members on application procedures and policy matters. Every effort is being made to ensure the licensed trade are aware of the changes that may affect them.
- 7.4 Progress is being made with the 2022 licensing workplan, each item will be prioritised based on local need and resources within the department and each item reported to Licensing Committee at the appropriate time.

**CONCLUSION OF IMPACT ASSESSMENT
(Including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):**

None identified

LEGAL IMPLICATIONS

None identified

FINANCIAL IMPLICATIONS

None identified

OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces

None identified

SECTION 151 OFFICER'S COMMENTS

The report is for noting, no comments required.

MONITORING OFFICER'S COMMENTS

The report is for noting, no comments required.

BACKGROUND PAPERS

Contact Officer: Miss Jennifer Curtis

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Information to be included in annual report

Number of Licensing applications determined

Type of application	Licence granted		Licence refused	
	Application within policy	Application outside of policy	Application within policy	Application outside of policy
PH driver new	1	0	0	0
PH driver renewal	16	0	0	0
HC driver new	0	0	0	0
HC driver renewal	3	0	0	0
Dual driver new	15	0	0	0
Dual driver renewal	105	1	3	0
PH vehicle new	15	0	0	0
PH vehicle renewal	115	0	0	0
HC vehicle new	0 (Capped)	0	0	0
HC vehicle renewal	108	0	0	0
PH Operator new	4	0	0	0
PH Operator renewal	24	0	0	0

Number of compliance visits/ inspections

Licence	Numbers undertaken		
	Satisfactory	Verbal/ written warning	Formal action
PH Drivers	0	0	0
HC Drivers	0	0	0
Dual driver	0	0	0
PHV (vehicle test)*	432	0	0
HCV (vehicle test)*	253	0	0
PHV inspection**	12	0	27
HCV inspection**	3	0	15
PHO	0	0	0

PHV/ HCV test * denotes vehicle test as part of licence application process at VMU

PHV/HCV inspection** denotes reactive inspection undertaken by licensing officers during the course of the licence

Use of suspension and revocation provisions

Licence	Suspension		Revocation	
	Immediate	Delayed	Immediate	Delayed
PH driver	0	0	0	0
HC driver	0	0	0	1
Dual licensed driver	0	0	2	1
PHV	3	0	0	0
HCV	0	0	0	0
PHO	0	0	0	0

Complaints – Total Number 57

(data relates to complaint closed out during the particular period – otherwise action numbers never align)

Licence	Complaints			
	Driver or operator conduct/ Vehicle safety	Driving standards	Overcharging / long routes etc	Cleanliness
PH driver	-	-	-	-
HC driver	-	-	-	-
Dual licensed driver	-	-	-	-
PHV	-	x	x	-
HCV	-	x	x	-
PHO	-	x	-	-

X denotes not applicable

LICENSING COMMITTEE**Progress update re implementation of Department for
Transport Statutory Taxi and Private Hire Vehicle
Standards****7 April 2022****Report of Licensing Manager****PURPOSE OF REPORT**

To provide the Committee with an update on progress regarding the implementation of standards outlined in the Department for Transport (DfT) "Statutory Taxi and Private Hire Vehicle Standards",

The report is public

RECOMMENDATIONS,

- (1) That the Committee note the report and updated action plan attached at Appendix 2.
- (2) That officers be advised of any additional actions required by the Committee in terms of compliance with the DfT Statutory Taxi and Private Hire Vehicle Standards

1.0 Report

- 1.1 The Committee has previously considered reports in relation to the Department for Transport (DfT) "Statutory Taxi and Private Hire Vehicle Standards". Officers have provided updates on progress in respect of compliance with the standards. The standards are attached at **Appendix 1**.
- 1.2 As members will be aware an additional part-time staff resource was used to develop a comprehensive taxi policy, the aim of the policy was to bring together licensing practice and procedure and where necessary further develop these to reflect the standards aspired to in the DfT Statutory Standards document.
- 1.3 The Private Hire and Hackney Carriage Licensing Policy was adopted by members at the February meeting of Licensing Committee, with many requirements of the DfT standards being met through the policy.
- 1.4 Attached at Appendix 2 is the action plan outlining the progress made from 8 October 2020, 18 March 2021 to current position.

**CONCLUSION OF IMPACT ASSESSMENT
(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):**

There are no impact assessments associated with this report, any amendments to existing policies will be subject to relevant impact assessments

LEGAL IMPLICATIONS

The Statutory Taxi and Private Hire Vehicle Standards are not legislation. However, para 1.3 of the Standards states- The Department (for Transport) expects these recommendations to be implemented unless there is compelling local reason not to

The document makes it clear that the standards have been developed as a result of past failings of licensing regimes and makes reference to both Jay and Casey reports and lists several local authorities where taxi licensing policy and practice had failed to offer the necessary protection to children.

The duty is a "have regard" duty. This means that the Council must take the standards into account and must give clear reasons for departing from them

FINANCIAL IMPLICATIONS

There are no financial implications in respect to this report.

OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces

SECTION 151 OFFICER'S COMMENTS

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MONITORING OFFICER'S COMMENTS

BACKGROUND PAPERS

Report to licensing Committee 27 August 2020, 8 October 2020

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Department
for Transport

Statutory Taxi & Private Hire Vehicle Standards

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1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from Greater Manchester and Merseyside suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the Crime Survey for England and Wales.
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the Care Act 2014, which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
 - (b) is experiencing, or is at risk of, abuse or neglect, and
 - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. 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.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.

- 1.5 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the Working Together to Safeguard Children statutory guidance.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term 'taxi' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 2.1 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 2.2 The Government set out in the Modern Crime Prevention Strategy the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the Jay and Casey reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,

holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.6 The document sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. **In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.** The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

3. Administering the Licensing Regime

Licensing polices

- 3.1 The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.
- 3.2 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the report by Dame Louise Casey CB of February 2015 on safeguarding failings.

"It will be evident from this report that in many cases the activities of perpetrators take place in spheres which are regulated by the Council – taxis have been the focus of particular concern. Persistent and rigorous enforcement of the regulatory functions available to the council, including the placing of conditions on private hire taxi operator licences where appropriate, would send a strong signal that the trade is being monitored and would curtail the activities of opportunistic perpetrators whereby taxi drivers have solicited children to provide sex in return for cigarettes, alcohol or a fare free ride."

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

"Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction."

- 3.4 Rotherham Metropolitan Borough Council ('Rotherham Council') provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 3.5 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. **Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.**

Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when the police believe a licensee presents a risk to the travelling public they use their Common Law Police Disclosure powers (see paragraphs 4.9 - 4.11) to advise them.
- 3.7 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.

Whistleblowing

- 3.8 It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. **Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.**

A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.

- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the report concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.** If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for employees and employers.

Consultation at the local level

- 3.12 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades’ customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women’s groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy’s activities.
- 3.13 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and **licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.** Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

Changing licensing policy and requirements

- 3.14 **Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 3.15 Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.

4. Gathering and Sharing Information

- 4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

The Disclosure and Barring Service

- 4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.
- 4.3 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).
- 4.4 It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.

The Disclosure and Barring Service Update Service

- 4.5 Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.
- 4.6 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.
- 4.7 Licensing authorities are able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the [DBS](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 4.10 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 4.11 This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. **Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.**

Licensee self-reporting

- 4.12 Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not

however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

- 4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

Referrals to the Disclosure and Barring Service and the Police

- 4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the DBS.

- 4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the 'harm test'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

- 4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is available.

Working with the Police

- 4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, **action taken by the licensing authority as a result of information received should be fed-back to the police**. Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. **Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority**. Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.
- 4.21 The LGA's Councillors' Handbook on taxi and private hire vehicle licensing advises that those responsible for licensing should "*communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.*". While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). **Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.**

- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published guidance to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

Multi-agency Safeguarding Hub (MASH)

- 4.26 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 The Home Office report on Multi Agency Working and Information Sharing recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 Inquiry into Child Sexual Exploitation in Gangs and Groups found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.

- 4.28 All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

Complaints against licensees

- 4.29 Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.
- 4.30 Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.
- 4.31 To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaint to the authority should be displayed in all licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.
- 4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.
- 4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an 'independent witness' to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

Overseas convictions

- 4.34 The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more
- 4.35 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the [Home Office guidance](#).
- 4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

5. Decision Making

Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

Training decision makers

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
 - any implications of the Human Rights Act should be considered.
 - the rules of natural justice should be observed.
 - decisions must be reasonable and proportionate.
 - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
 - decision makers must avoid bias (or even the appearance of bias) and predetermination.
 - data protection legislation.

- 5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

The regulatory structure

- 5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.
- 5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:
- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
 - Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.
- 5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.
- 5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.
- 5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close

connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

- 5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. Regardless of which approach is adopted, **all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence**. It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

Fit and proper test

- 5.12 Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

- 5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.

- 5.14 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Criminal convictions and rehabilitation

- 5.15 In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. In order to achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

- 5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.
- 5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.

6. Driver Licensing

Criminality checks for drivers

- 6.1 Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants. The DfT's 2019 survey of taxi and private hire vehicle licensing authorities shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal.
- 6.2 All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.
- 6.3 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the Safeguarding Vulnerable Groups Act 2006. It is an offence to knowingly allow a barred individual to work in regulated activity. The guidance on home-to-school travel and transport issued by the Department for Education should be considered alongside this document. Please see guidance on driver DBS eligibility and how to apply.

Safeguarding awareness

- 6.5 Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

6.6 All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – *‘Together, we can tackle child abuse’* which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

‘County lines’ exploitation

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;

- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided material to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

Language proficiency

6.14 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.

7. Vehicle Licensing

7.1 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

Criminality checks for vehicle proprietors

7.2 Enhanced DBS and barred list checks are not available for vehicle licensing. **Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.

7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.

7.4 A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

7.5 Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where and applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

In-vehicle visual and audio recording – CCTV

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime;
- reducing the fear of crime;
- assisting the police in investigating incidents of crime;
- assisting insurance companies in investigating motor vehicle accidents.

7.9 All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the Crime Survey for England and Wales only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or

drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

- 7.13 Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).

Stretched Limousines

- 7.14 Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.
- 7.15 Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

8. Private Hire Vehicle Operator Licensing

8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

Criminality checks for private hire vehicle operators

- 8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.
- 8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately
- 8.4 Refusal to license in individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.
- 8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective

private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

Booking and dispatch staff

- 8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 8.8 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. **Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.**
- 8.9 Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a 'responsible organisation' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
- 8.10 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.

8.12 Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

Record keeping

8.13 Section 56 of the Local Government (Miscellaneous Provisions) Act 1976 requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

8.14 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

8.15 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

Use of passenger carrying vehicles (PCV) licensed drivers

8.16 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such**

as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.

- 8.17 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

9. Enforcing the Licensing Regime

9.1 Implementing an effective framework for licensing authorities to ensure that as full a range of information made available to suitably trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire vehicle sector. These steps will help prevent the licensing of those that are not deemed 'fit and proper' but does not ensure that those already licensed continue to display the behaviours and standards expected.

Joint authorisation of enforcement officers

9.2 Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the LGA Councillors' handbook.

Setting expectations and monitoring

9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.

9.4 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

Suspension and revocation of driver licences

9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

(a) that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (b) any other reasonable cause

- 9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. Guidance for licensing authorities to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.
- 9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.
- 9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.
- 9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.
- 9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

Information included	Type of check			
	Basic check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions ¹	Yes	Yes	Yes	Yes
Spent convictions ²	No	Yes	Yes	Yes
Spent cautions ^{1&2}	No	Yes	Yes	Yes
Additional police Information ³	No	No	Yes	Yes
Barred list(s) Information ⁴	No	No	No	Yes

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

Annex – CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office 'Surveillance Camera Code of Practice' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the Protection of Freedoms Act 2012, licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its 'Passport to Compliance' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a code of practice which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a self-assessment tool to assist operators to ensure compliance with the principles set out in the Surveillance Camera Code of Practice. The SCC also operate a certification scheme; authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The Data Protection Act 2018 regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access

and to erasure. The ICO has provided detailed guidance on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in guidance that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

When using a private hire vehicle, passengers should always:

- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.

DfT Statutory Taxi and Private Hire Vehicle Standards Lancaster City Councils Position

DfT standard	Actions identified in the report of 8 October 2020	Progress report 18 March 2021	Progress Report 17 March 2022
1. Introduction	No specific actions at this stage.		
2. Consideration of the Standards			
2.2. Educating the public on safe usage of taxis and private hire	To work with other local authorities, hospitality sector, public transport providers, college and universities and the taxi trade to develop an educational message on the safe use of taxis and private hire vehicles. (annex in DfT standards Staying safe – Guidance for Passengers)	The continuation of the pandemic and workload has limited the opportunities for the development of this work A preliminary survey was commenced in Jan 2021 and is ongoing to identify the level of public understanding regarding the different types of licensed vehicles and how they operate. A proposed draft taxi licensing policy has been developed and will be considered as a separate agenda item, the proposed draft taxi policy includes provision of passenger information leaflets and public information charters to be displayed in licensed vehicles. Further amends may be required following consultation on the proposed draft taxi policy	Passenger information leaflets and public information charter have been adopted as part of the Private Hire and Hackney Carriage Licensing Policy. It is a requirement that the leaflets and information be provided in all licensed vehicles.
2.8 Requires the Council to publish consideration of the	This will primarily be delivered via the Committee process. The recommendation contained within	As per comment on 8 October.	As per comment on 18 March 2021

standards and policies and delivery plans that stem from the standards	this report is that regular progress reports are provided to the Committee. These will be public documents and available to the DfT.		
3. Administering the Licensing Regime			
3.1 Recommends that licensing authorities produce and make available a comprehensive taxi licensing Policy document	This is supported. It is recognised that this has been done in a number of local authorities and ensures that all parties are aware of the standards, policies and procedures in place. It is envisaged that such a document would be finalised at the end of the review process when all relevant policies/ procedures/ standards have been reviewed.	In November 2019 The Committee approved a Licensing workplan, for 2020, progress on the workplan was hampered by the pandemic. The workplan identified the need to review hackney carriage and private hire licensing conditions, this work has now been progressed, and incorporated within the proposed draft taxi policy, which is included as a separate agenda item for this meeting	Hackney Carriage and Private Hire Licensing Policy adopted by Licensing Committee 3 February 2022.
3.2-3.5 The primary and overriding objective of the policy referred to (3.1 of the standards) must be to protect the public	<p>This is accepted; however officers also consider that the review of policy and procedures should include consideration of driver safety.</p> <p>It is accepted that policies should be reviewed in accordance with the time periods stated in the standards , however advice and guidance should be sought from relevant agencies (including the DfT) as to how reviews can be fully effective when licences are issued for 3 and 5 year periods and conditions can</p>	<p>In producing the proposed draft taxi policy officers have been very much aware of the DFT requirement that public safety must be the overriding objective.</p> <p>However, officers have also ensured that driver safety is a relevant consideration within the proposed draft taxi policy.</p>	As per comment on 18 March 2021

	only be imposed on the grant of a licence		
3.6 Use of Common Law Police Disclosure powers	Data sharing agreements are in place with Lancashire Constabulary. These will be reviewed to ensure that they are up to date.	Officers are working to obtain the most recent version and review as necessary, a corporate view may be required.	7.9/7.10 of Policy deals with DBS/Police/NR3 referrals. In addition, a system is in place with local Police to ensure information regarding an arrest or charge of a licensed individual can be dealt with swiftly and information shared securely.
3.8-3.11 Licensing Authorities to have a whistle blowing policy.	A review of the Councils whistleblowing policy will be undertaken to ensure the policy meets the requirements of the DfT standards.	Officers have had regard to the Councils Raising Concerns Policy (Whistleblowing) in the development of the proposed draft taxi policy. A specific section (3.8) is included in the draft policy on whistleblowing	Hackney Carriage and Private Hire Licensing Policy adopted by Licensing Committee 3 February 2022, including relevant whistleblowing section. (3.8)
3.12-3.13 Consultation at local level	Consultation on proposed changes will be undertaken in accordance with the standards and the Govt "Code of Practice on Consultation" 2008. However consultation will need to have regard to the unique circumstances presented by the pandemic, eg, accessibility, conflicting demands on peoples time etc	A separate agenda item deals with the proposed draft taxi policy and provides details as to the recommended consultation process in respect of the proposed draft policy	Direct consultation was undertaken with the trade via email and letter with groups of licence holders contacted to highlight changes that may affect them/their business. Interested parties including safeguarding leads/disability groups/neighbouring authorities were contacted directly and the Councils social media platforms utilised to encourage feedback on proposals. This is not an exhaustive list of consultees; further details can be obtained from Licensing Committee reports.

			Section 3.12 of the policy deals with how consultations will be managed in the future.
3.14-3.15 Changing licensing policy and requirements	This requirement has become standard practice amongst authorities who have undertaken detailed reviews of taxi policies and standards including Rochdale and Rotherham Councils. Appropriate reviews would be undertaken once the policy changes have been implemented	Not relevant at this stage	Review of policy to take place every 5 years, although kept under constant review in light of changes to guidance/legislation etc Layout of the policy allows for changes to sections/appendices easily through the Licensing Committee process.
4. Gathering and Sharing Information			
4.2-4.8 Disclosure and Barring service	The Council is largely compliant with the DfT standards outlined. The multiple status check facility is not currently utilised, but this will be considered as part of the review.		DBS update service and 6 monthly checks of drivers has been adopted as part of the policy. Introduction of basic DBS for private hire operators and recommended for base staff included in policy. Implementation date 1 st April 2022.
4.9- 4.11 Common law Police disclosures	Arrangements are in place and appear to work well, but these will be reviewed to ensure that they are effective and efficient.		Hackney Carriage and Private Hire Licensing Policy adopted by Licensing Committee 3 February 2022 7.9/7.10 of Policy deals with DBS/Police/NR3 referrals. In addition a system is in place with local Police to ensure information regarding an arrest or charge of a

			licensed individual can be dealt with swiftly and information shared securely.
4.12- 4.13 Licensee self-reporting	This is an area that had already been identified as needing review via a review of taxi/ private hire licensing conditions, code of conduct identified in the Licensing Workplan approved by the Committee in November 2019.	The proposed draft taxi policy has strengthened the requirement for licencees self-reporting of conduct matters. Previously requirements were that licence holders had to notify the Council of convictions within 7 days. The proposed draft taxi policy has amended the notification period to 48 hours (in line with DfT statutory standards) and also requires that a wider range of conduct issues such as cautions, fixed penalty notices etc have to be notified to the Council	Hackney Carriage and Private Hire Licensing Policy adopted by Licensing Committee 3 February 2022, including reviewing self-reporting periods (now 48hrs) and strengthening licence conditions to ensure applicants and current licensees are aware of their responsibilities.
4.14- 4.16 Referrals to the DBS and Police	Procedures will need to be formalised and adopted in terms of referring relevant decisions to refuse or revoke a licence to the DBS. This work will be undertaken as a priority and reported to the Committee at the next update on this matter.	This requirement has been built into the proposed draft policy. Discussions are ongoing with DBS to ensure referrals are made as per their requirements. Officers are in the process of activating an online referral account as this is the preferred method of communication.	Hackney Carriage and Private Hire Licensing Policy adopted by Licensing Committee 3 February 2022 7.9/7.10 of Policy deals with DBS/Police/NR3 referrals.
4.17-4.19 Working with the Police	Processes will need to be formalised in terms of notifying the police of action taken following receipt of intelligence from the police or any revocation/ refusal on public safety grounds. This work will be undertaken as a priority and reported to the Committee at the next update on this matter.	This happens regularly; however it has been identified that the current practice requires formalising by way of written procedure. Officers to establish most appropriate course/department of Lancashire Constabulary to liaise with. This requirement has been built into the proposed draft policy.	In addition a system is in place with local Police to ensure information regarding an arrest or charge of a licensed individual can be dealt with swiftly and information shared securely. Both parties are aware and utilise the written procedure.

4.20-4.25 Sharing information with other licensing authorities	Applicants/ licensees are already required to disclose if they have previously had licences refused, revoked or suspended by another authority. In January 2020 the Licensing committee supported sign up to the NR3 register, progress has been delayed due to covid. As a priority Licensing officers will review systems in place in terms of recording refusals / revocations and suspensions and report to the Committee at the next update on this matter.	The Cabinet member with responsibility for licensing approved licensing to sign up to the NR3 register. Officers now have access and have been trained in use of the register, completing searches and requesting those who LCC refuse/revoke. Application forms and privacy notices will require updating to reflect this amendment – will report update at next Committee.	Sign up complete, Staff trained in navigating system, checking register made part of applications procedure and application forms. Any refusals or revocation are fed into the system once appeal period has elapsed.
4.26-4.28 Multi agency safeguarding hub (MASH)	The Council will review arrangements in place with partnership agencies to ensure decisions are made having fullest knowledge in respect of safeguarding issues.		The pandemic has halted may opportunities for multi-agency working, slowly as restriction are removed more structured, formal, opportunities should arise once more. No further progress to report.
4.29- 4.33 Complaints about licensees	The Council will review if taxi/private hire complaints recording system to ensure it meets the requirements of the DFT standards including, recording of complaints, trends analysis, complaint categories and trigger actions,	An informal review has recently taken place in respect of complaints received in 2019 /2020. The purpose of this was to identify the % of complaints where CCTV installed in the vehicle may have assisted investigations. The proposed draft taxi policy addresses complaints and introduces a annually reporting	Hackney Carriage and Private Hire Licensing Policy adopted by Licensing Committee 3 February 2022 Annual reporting of complaints and analysis adopted as part of the policy.

	information on how to make a complaint.	process to the committee and new requirements on operators to record complaints and to provide records of complaints to the licensing office on a regular basis. In addition, there is a requirement on all licencees to report serious complaints/ safeguarding concerns to the licensing team. A team training session has been completed to ensure all users of the system which records complaints, is done so consistently by all Officers.	
4.34-4.36 Overseas convictions	The Council will ensure that the Licensing Policy (ref para 3.1) documents the procedure/policy in respect of foreign convictions/ certificates of good conduct.	This is detailed in the proposed draft taxi policy at section 4.4. drivers, 5.3. vehicle licence holders and 6.3 private hire operators, and requires the applicants for each type of licence to provide a certificate of good character if they have been outside the UK for more than 3 months in line with information detailed in the DfT standards	Hackney Carriage and Private Hire Licensing Policy adopted by Licensing Committee 3 February 2022. 4.4 drivers, 5.4 vehicle licence holders and private hire operators 6.3.
5. Decision Making			
5.1-5.2 Administration	The administration of the Licensing Framework is compliant with that detailed in this part of the DfT standards.		
5.3-5.5. Training decision makers	Training is undertaken on a regular basis; however, this will be reviewed to ensure all relevant officers and members are fully trained in the relevant subject areas and that all such training is documented.	The commitment re officer and member training is detailed in the proposed draft taxi policy at section 3.3	Hackney Carriage and Private Hire Licensing Policy adopted by Licensing Committee 3 February 2022. Section 3.3.

<p>5.6-5.11 The regulatory structure</p>	<p>The review of the regulatory structure will need to include legal and licensing officers. It is noted that the standards advocate a sub-committee or Panel drawn from a wider regulatory committee to determine individual taxi applications/ reviews. This does not reflect current practice; it may be appropriate to review current arrangements as part of the next review of the Councils Constitution.</p>		<p>No further progress to report.</p>
<p>5.12-5.14 Fit and proper test</p>	<p>This is a tried and tested consideration within the Council in relation to taxi/ private hire driver and operator applications. the approach taken will be fully documented and explained within the final taxi licensing policy. (ref para 3.1)</p>	<p>As outlined on in the report of the 8 October this is already enshrined within custom and practice. The following proposals within the proposed draft policy strengthen and support existing practice</p> <ol style="list-style-type: none"> 1. Requirement for enhanced licensee self-reporting of conduct matters 2. The strengthening of requirements in respect of reporting safeguarding concerns 3. The requirements on private hire operators to log complaints and provide the log to the licensing team on a 6-monthly basis 4. The requirement on licensed drivers to report all road traffic accidents/ incidents – as mechanism for monitoring driving standards 	<p>Hackney Carriage and Private Hire Licensing Policy adopted by Licensing Committee 3 February 2022, strengthening and supporting the policies already in place,</p> <p>Points 1 to 5 point adopted.</p>

		5. Amendment to the medical requirements so that they are fully aligned to the DVSA group 2 standard	
5.15-5.17 Criminal convictions and rehabilitation	The Council has already formally adopted the policy document referred to in para 5.16 of the standard, this will be reviewed against the Annex – Assessment of previous Convictions contained within the DfT Standards – This will be undertaken as a priority and reported to Committee at the next update on this matter.	A review has been undertaken of the current conviction policy has been undertaken against the criteria detailed in the DfT standards. The existing conviction policy advocates that the same consideration should be given to driver, vehicle and private hire operators in respect of consideration of any convictions. The DfT statutory standards highlight circumstances where convictions relevant to a licensed driver may not be relevant to a private hire operator e.g some motoring convictions. This has been reflected in Appendix A of the proposed draft taxi licensing policy	Hackney Carriage and Private Hire Licensing Policy adopted by Licensing Committee 3 February 2022. Appendix A - Guidelines on the relevance of Convictions, Cautions, and Conduct.
6. Driver Licensing			
6.1- 6.4 Criminality checks for drivers	The Council is compliant with section 6.1-6.3 of the DfT Standards. Para 6.4 would be a matter for consideration by Lancashire County Council.		
6.5-6.7 Safeguarding awareness	Safeguarding awareness training and assessment is undertaken by all driver applicants as part of the “fit and proper” standard. The training forms part of the City and Guilds	Officers are satisfied the current qualification required by new applicants meets the requirements as set out in 6.5-6.7.	No further progress to report.

	<p>qualification and includes formal assessments.</p> <p>As part of the overall review of licensing policies and procedures, the driver training programme will be reviewed to ensure it includes all subject areas that promote passenger, public and driver safety.</p>		
6.8-6.13 County lines exploitation	As detailed above driver training programmes are to be reviewed to ensure all areas relevant to passenger, public and driver safety are included in driver training and assessment.	The safeguarding presentation that is delivered to applicants at Lancaster and Morecambe College has been reviewed. Council and Police Officers have updated the content to reflect updated local priorities	No further progress to report.
6.14-6.15 Language proficiency	The Council has recently reviewed its basic skills and driver knowledge test and is confident that it meets DfT standards.		No further progress to report.
7. Vehicle Licensing			
7.2-7.6 Criminality checks for vehicle proprietors	The Council does not currently require a basic DBS disclosure for vehicle proprietors. The Policy will be amended to reflect this. The majority of licensed vehicle proprietors are also licensed drivers and are therefore already subject to the enhanced DBS disclosure.	The proposed draft taxi policy requires vehicle licence holders to provide a basic DBS disclosure and a statutory declaration. This requirement is dispensed with if the applicant is already a licensed driver. A licensed driver is automatically subject to an enhanced DBS disclosure	<p>Hackney Carriage and Private Hire Licensing Policy adopted by Licensing Committee 3 February 2022. Proposals as set out.</p> <p>Implementation date 1st April 2022.</p>
7.7-7.13 CCTV	The relevant considerations regarding the mandating of CCTV in licensed vehicles is detailed in the standards.	Licensing officers have undertaken a review of complaints received 2019 and 2020 to see whether CCTV in licensed vehicles would have assisted in the investigation of complaints received. It is estimated that 40% of	Considered as part of policy consultation, keep complaints under review and if trend leads to increase in viability then consideration to mandate CCTV will be brought back to Licensing Committee.

	<p>The standards do not refer to protection that CCTV may offer the driver as well as the passengers. The Council will review complaints received together with the guidance framework included as an annex within the standards.</p> <p>The Council will consult with authorities who have mandated the use of CCTV, Rossendale being the most local to Lancaster, and utilise relevant information to assist decision making. The Council was also represented at a recent Institute of Licensing working group meeting to look at use of CCTV within licensed vehicles.</p>	<p>complaint investigations may have been assisted by the availability of CCTV. The nos of complaints analysed was approximately 80.</p> <p>Informal discussions with colleagues at Rossendale have revealed that the taxi trade is happy with CCTV being in licensed vehicles and feel protected by its presence, both in terms of personal protection from bad behaviour and false allegations from customers.</p> <p>At a recent meeting of Lancaster taxi working group, a trade representative expressed a view that CCTV would provide protection to taxi drivers, but the cost of effective CCTV was prohibitive.</p> <p>The DfT standards are clear that public safety has to be the overriding objective of taxi licensing. Officers have conducted some preliminary calculations as to what fare increases would cover the cost of CCTV in licensed vehicles</p>	
7.14-7.15 Stretched limousines	The Council has not recently been approached regarding applications to licence stretch limousines as private hire vehicles. A policy on this issue will be included within the	The proposed draft taxi policy outlines the Councils position in respect of the licensing of stretch limousines. This is detailed in section 5.11. of the proposed taxi policy	Hackney Carriage and Private Hire Licensing Policy adopted by Licensing Committee 3 February 2022.

	finalised taxi policy. (ref para 3.1 of the standards)		
8. Private Hire Vehicle Operator Licensing			
8.2-8.6 Criminality checks	<p>The Council currently requires a basic disclosure for all private hire operators on submission of an application. The DfT standards require this to be done on an annual basis. This will be amended as a priority and reported to the Committee at the next update on this matter.</p> <p>It is acknowledged that the majority of private hire operators are also licensed drivers and are therefore subject to enhanced DBS disclosures.</p>	<p>The proposed draft taxi policy includes a condition to be imposed on the grant of a private hire operator's licence (see proposed draft policy Appendix P) requiring private hire operators to provide an annual DBS certificate to the licensing office. Private hire conditions can only be imposed on the grant of a licence and therefore it is recognised that it will take some time until this requirement is imposed upon all private hire operators, but as noted in the report of 8 October the majority of private hire operators are also licensed drivers and are therefore subject to enhanced levels of DBS checks.</p>	<p>Hackney Carriage and Private Hire Licensing Policy adopted by Licensing Committee 3 February 2022.</p> <p>Implementation date 1st April 2022.</p> <p>The 3 largest private hire operators in the district have been visited and encouraged to implement the updates conditions at their earliest opportunity.</p>
8.7-8.12 Booking and dispatch staff	<p>The Licensing unit had already identified in the Nov 2019 workplan a need to update and review its private hire operator licence conditions. It is envisaged that revised private hire operator conditions will address all the matters highlighted in this section of the standards document.</p>	<p>The proposed draft taxi policy includes at Appendix P a revised set of private hire operator licence conditions. The proposed conditions seek to provide additional public protection measures including operators being required to</p> <ol style="list-style-type: none"> 1. Require criminality checks for booking and dispatch staff (including those not employed by the operator) 2. Have and implement a documented safeguarding policy 	<p>Hackney Carriage and Private Hire Licensing Policy adopted by Licensing Committee 3 February 2022.</p> <p>Template documents are to be provided to all private hire operators to assist with the updates.</p>

		3. Provide appropriate training for all staff	
8.13- 8.15 Record keeping	Much of this information is already recorded but will be updated as part of the review of licence condition.	The proposed draft taxi policy includes at Appendix P a revised set of private hire operator licence conditions, these include a number of new and additional requirements in relation to record keeping. Once again, the basis for such records is the protection of public safety	Hackney Carriage and Private Hire Licensing Policy adopted by Licensing Committee 3 February 2022. Template documents are to be provided to all private hire operators to assist with the updates.
8.16-8.17 Use of passenger carrying vehicles (PCV)	The requirements of the standards are not currently addressed in private hire operator licence conditions, this will be reviewed.	The proposed draft taxi policy makes provision at Appendix P for specific requirements in relation to PCV vehicles (minibuses ie greater than 8 passenger seats)	Hackney Carriage and Private Hire Licensing Policy adopted by Licensing Committee 3 February 2022.
9. Enforcing the licensing regime			
9.2 Joint authorisation of licensing officers	This part of the standard is something that will require joint consideration with other local authorities, involving both members and officers forums.	The issue of joint enforcement of local authority officers has not been pursued as part of the proposed draft taxi policy. The reasons for this are detailed in the agenda item report relative to the proposed draft taxi policy, but in principle relates to there not currently being a significant problem with vehicles licensed in other areas working within the Lancaster City Council boundary	No further progress to report – will be kept under review.
9.3-9.4 Setting expectations and monitoring	These elements will be detailed within the taxi/ private hire policy. The publicity in respect of complaint processes has been detailed earlier (4.29-4.33) and will be documented within the taxi/ private hire policy. (ref 3.1)	The proposed draft taxi policy does not advocate a points base approach to enforcement, this is something that will be reconsidered at the first review of the policy. The emphasis has been on the prompt development of an overarching policy.	No further progress to report – will be kept under review. A newsflash was sent to the licensed trade mid-Feb that outlined the key changes that were to affect

		<p>It is envisaged that following approval of the taxi policy meetings/ forums will be held for the taxi trade to explain the requirements of the policy.</p> <p>The public information charters to be displayed in all licensed vehicles details the conduct expected of passengers and provides information on keeping safe as well as detailing how to make a complaint/ compliment.</p>	<p>renewals and provided a link to the policy and appendices.</p> <p>Renewal letters have also been amended to aide understanding of the changes to application standards and procedure.</p>
9.5-9.10 Suspension and revocation of drivers' licences	<p>The information detailed in the standards, replicates the considerations of the Council when considering suspensions and revocations. The legal provisions in respect of such provisions are longstanding and utilised appropriately, evidenced by the lack of decisions being overturned in appeals.</p>	<p>The proposed draft taxi policy includes a chapter (Ch7) on the Councils approach to enforcement and rights of appeal against decisions made by the Council</p>	<p>Hackney Carriage and Private Hire Licensing Policy adopted by Licensing Committee 3 February 2022.</p>

Licensing Committee**Hackney Carriage Fare Review 2022****7 April 2022****Report of Licensing Manager****PURPOSE OF REPORT**

Following the recommendation of Cabinet set out in this report, Members of Licensing Committee are asked to consider consultation responses from the licensed trade regarding hackney carriage tariff options and consider the frequency and mechanism for fare setting in future years.

Members of the Licensing Committee are required to refer their findings for decision to the next Cabinet meeting.

This report is public

RECOMMENDATIONS

- (1) **It is recommended that members consider the consultation responses and tariff options and determine the fare tariff for 2022/23, and;**
- (2) **Consider the frequency and mechanism for hackney carriage fare setting in future years, and;**
- (3) **Refer their conclusion and recommendation to the next Cabinet meeting for approval.**

1.0 Introduction

- 1.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 makes provision for the Council to fix the rates of fares within the district for time, distance and all other charges in connection with the hire of a hackney carriage. The table of fares is attached to the inside of a hackney carriage; this allows members of the public to view all charges when hiring a vehicle
- 1.2 The current table of fares is attached at **Appendix 1**.
- 1.3 The setting of fares is an Executive function as it is not one that is listed in the Local Authorities (Function and Responsibilities) (England) Regulations 2000 and therefore falls to the Cabinet to make the decision. In its capacity as an advisory Committee to Cabinet, the Licensing Committee are required to refer any decision to Cabinet for approval.

2.0 Background

- 2.1 At a previous meeting of the Licensing Committee (6th January 2022), members of Committee proposed an amended tariff to Cabinet for decision, with the subsequent advertisement and adoption process to follow.
- 2.2 The recommendation considered by Cabinet at its meeting on 8th February 2022 was to apply an uplift to flag fall across 3 tariffs, by a suggested amount of 50p and apply 10p uplift to waiting charges.
- 2.3 A copy of the report considered and minutes relating to the Cabinet meeting are attached at **Appendix 2**.
- 2.4 In considering the proposals Cabinet made the following recommendation.
- (1) That Cabinet notes the proposal to apply uplift to flag fall across 3 tariffs by 50p and apply 10p uplift to waiting charges but does not approve advertisement of the updated table of fares at this time.
 - (2) That Cabinet asks officers to carry out an immediate informal consultation exercise with hackney carriage drivers to gather feedback on options for increasing fares, taking into account the need to increase the rate earned per mile, and the policy position on RPI.
 - (3) That Cabinet refers the matter back to Licensing Committee for reconsideration following the consultation exercise, including consideration of any proposals arising from hackney carriage drivers.
 - (4) That Cabinet asks that a further report on the Hackney Carriage Fare Review be brought back to April 12th Cabinet for decision.
- 2.4 The reasoning for the decision and recommendation was given as follows.

The pandemic has brought about many challenges for the licensed trade, with many choosing not to renew licenses and seek alternative employment. The licensing service are working with internal and external partners to support the trade and encourage new applicants into the profession through funding. It is therefore important the fares represent the living wage locally. In addition, any uplift would need to be balanced in terms of public expectation, anything too great would face criticism and potentially result in less work for the hackney carriage trade. The decision enables officers to undertake an immediate consultation exercise to ensure the fare review is fair and sustainable.

3.0 Consultation

- 3.1 Following the Cabinet recommendation Licensing Officers set out a 3–step plan to ensure the views of the wider trade could be considered as part of the consultation process.

Step 1 involved compiling an online survey for the licensed trade to complete. An email was sent to all hackney carriage/private hire licence holders (department mailing list).

Step 2 provided support from the covid safety team, who attended hackney carriage stands, encouraged completion of the online survey and asked for general feedback.

The licensing team also attended the offices of the 3 largest private hire operations to discuss fares, receive trade insight and again encourage completion of the survey.

Step 3 was not undertaken, as uptake was high from steps 1 and 2. The intention was to facilitate an open session for licensees to attend to provide their views on the tariff options.

- 3.2 The licensing service often hear from a small minority of drivers, historically consultation and engagement from the trade has been low. It was the intention of the online survey to reach the wider licensed trade and obtain views of the majority.

Attached at **Appendix 3** are the survey questions, they could be summarised as follows.

- Should there be an increase to the tariff at this time
- What any potential increase should be applied to i.e Flag fall, rolling rate or both?
- Frequency of future fare reviews
- Whether to apply Retail price index (RPI) as methodology
- How we apply marginal increases, rounding up/down etc
- Future engagement

In addition to the questions, 3 tariff options were presented with a brief overview of how that option would represent 1,2,3,4,5,10 and 20-mile journeys in terms of cost and % increase against the current fare.

The tariff options and cost analysis are attached at **Appendix 4**

- 3.3 A total number of 149 responses were received to the survey.
- 3.4 Following a discussion with Cllr Dave Brookes the Cabinet member with the responsibility for Licensing and Director of Service, Mark Davies some clarity was provided in terms of interpretation of the recommendation from Cabinet. As the approved methodology to apply retail price index (RPI) was adopted in November 2014, it was agreed that a baseline RPI calculation should be undertaken, and a tariff 4 option be introduced. Option 4 represents what the tariff would be if RPI had been applied since the policy introduction in 2014 across the full tariff table including flag fall and rolling rate.

It was therefore necessary to present the 4th Option to the trade as a follow-up survey.

- 3.5 From the initial survey responses it was identified that tariff 2 was the trade preferred option, the questions in the follow-up survey asked for a direct preference between the options 2 and 4.

The follow-up survey questions are attached at **Appendix 5**.

- 3.6 A total of 92 responses were received to the follow-up survey.
- 3.7 Full consultation responses are attached at **Appendix 6 and 7**.
- 3.8 The consultation survey was made available online from 15th February 2022 - 8th March 2022.
Responses were received from a cross section of the licensed private hire and hackney carriage trade, with the majority (145) being licensed drivers. For

completeness and maximum trade consultation it was considered important to include all sectors of the trade in the consultation exercise and Private hire operators and drivers were also sent the questionnaire. Private hire operators align their fares with the Council approved hackney fare tariff and many hackney carriage proprietors also work for private hire operators. 31 Private hire operators responded to the consultation.

- 3.9 96.6% of the 149 respondents want an increase to the current tariff with 90.6% wanting any increase to apply to both flag-fall and the rolling rate.

Note – Flag-fall is the amount the passenger pays upon starting a journey, rolling rate is the incremental charge in relation to distance travelled.

- 3.10 63.2% felt a review of the tariff should be undertaken annually and 23.6% felt every 2 years was most appropriate. 69% believed that retail price index (RPI) should be used in future years when calculating any tariff increases. 86.6% thought that future increases should be applied to flag-fall and rolling rate.

- 3.11 In previous years when RPI has been used to calculate increases to the hackney carriage tariff it has resulted in penny increases to the flag-fall and rolling rate, something that the trade has objected to. This is due to the need to carry loose change/pennies. 80% of respondents said that any increase should be rounded up to the nearest 10p.

If the committee chose to apply the exact increase when RPI is applied instead of rounding up or down, each driver would then be given the option to determine whether to carry the loose change or determine whether to round-down any fare to the nearest 5/10p.

Note – Drivers could not round-up a fare, it is illegal to charge more than a metred fare for a journey.

- 3.12 The tariff options set out in **Appendix 4** can be described as follow.

Tariff 1 – Uplift of 50p to flag-fall across 3 tariffs and apply 10p uplift to waiting charges

Tariff 2 – Increase to flag fall, rolling rate and amend yardage applied (as proposed by a licensed driver)

Tariff 3 – Applying Retail Price Index (RPI) at the current rate 7.8%

82.3% of respondents preferred option 2.

- 3.13 As referenced at 3.4, a further tariff option was compiled, and further consultation introduced. This survey was made available from 1st March 2022 – 8th March 2022.

Tariff 4 – Applying baseline Retail Price Index (RPI) at 22.25% as the calculated increase from 2014

84.8% of the 92 respondents preferred option 2.

- 3.14 **Appendix 8** is a table of the cost of 2-mile journeys, across Lancashire and Cumbrian Authorities. It may be helpful to note the comparisons with neighbouring authorities.

4.0 Options and Options Analysis (including risk assessment)

	Option 1: Uplift of 50p to flagfall across 3 tariffs and apply 10p uplift to waiting charges	Option 2: Increase to flag fall, rolling rate and amend yardage applied	Option 3: Applying Retail Price Index (RPI) at the current rate 7.8%	Option 4: Applying baseline Retail Price Index (RPI) at 22.25%
Advantages	Passengers are aware of the maximum increase to journey at the start	Helps the trade offset rising fuel/insurance costs Widely supported by the trade (82%)	Minimal uplift for public across the tariff and less of an impact on passengers.	Represents baseline position, sets out what the tariff would look like if policy to apply RPI had been applied in full and consistently since adoption of the policy in Nov 2104. (noting there have been attempts to find a suitable alternative to RPI on a number of occasions)
Disadvantages	No increase to rolling rate – minimal uplift for trade Trade unresponsive of this tariff	Increase for public too great, uplifting flag-fall, rolling rate and waiting times. Amending yardage may confuse or alarm passengers as metre will change every 1/10 mile May result in declining passenger numbers although no feedback from the public available at this time because it hasn't been advertised)	Applying 7.8% does not represent true RPI rate as changes monthly; consistent approach needed. eg, use Nov RPI rate. Drivers need to carry pennies or round down fares unless agreement to round up/down	Increase for public too great uplifting flag-fall, rolling rate and waiting times Drivers need to carry pennies or round down fares Most expensive for first 2-mile when comparing with Lancashire/Cumbrian authorities May result in declining passengers
Risks	Tariff does not represent rising fuel/insurance costs Drivers may leave the trade to find alternative employment	Public use alternative public transport	Tariff does not represent rising fuel/insurance costs	Public use alternative public transport

- 4.1 Members are requested to consider all findings from the survey and make recommendations based on any of the 4 options with or without modification to Cabinet for decision. In addition to the flag-fall, rolling rate and waiting times members may wish to amend soiling charges and additional passenger/luggage charges if they feel this is appropriate.
- 4.2 Members are also asked to determine the intended methodology and frequency of hackney carriage fare reviews in future years and make recommendations to Cabinet.

5. Trade engagement

- 5.1 There has been an exceptional response to the survey, and it has proved useful to gauge the opinion of licence holders using the method of consultation outlined. Feedback from the survey suggests that any future engagement should be via email with 89% of respondents stating that was their preferred contact method. Internal mailing lists will be updated with data collected from the survey.
- 5.2 The taxi working party remains the proactive group tasked with discussing/finding resolutions to matters affecting the local trade. Officers believe it would be helpful to update the taxi working party cohort and approach the trade for additional representatives to attend and represent the views of the hackney carriage and private hire trades. However, it is felt this would need to be managed to keep numbers to a working maximum to allow the group to function effectively. The work of the group could be shared via e-mail with the wider trade to help ensure continued engagement and drivers/operators are kept informed of policy changes and consultations. An annual or biannual liaison event could be arranged to invite the trade to attend and hear from the taxi group as well as to share their views.

6.0 Conclusion

- 6.1 Officers have followed the recommendation from Cabinet in undertaking an immediate informal consultation with the local licensed trade. In addition to the specified hackney carriage drivers, private hire drivers and operators were included in the consultation as decisions taken may inadvertently affect the wider trade.
- 6.2 The response received, in comparison with other consultation exercises facilitated by the licensing service has been exceptional. With 485 individual licence holders in the district (Drivers and Operators) the number of responses equates to under a third of licensees completing the survey, but this is considered to be a significant and representative response.
- 6.3 The responses from the survey would suggest that **option 2** is the preferred tariff of the licensed trade. This tariff would result in an increase to flag fall, rolling rate and amend yardage applied. Additionally, the soiling charge would be raised to a maximum of £100. In monetary terms, the costs of smaller journeys would be subject to a minor uplift with journeys over 5 miles being subject to a 10-15% increase. The time and a half/double time rates on this tariff would see fares raised between 10-24%.
- 6.4 As this is an Executive decision the Licensing Committee is not the decision-making body so must refer this to Cabinet for their approval.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

[Click here and type conclusion of impact assesment]

FINANCIAL IMPLICATIONS

There are no direct financial implications to the Council as a result of this report.

SECTION 151 OFFICER'S COMMENTS

Not applicable

LEGAL IMPLICATIONS

Pursuant to Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, the advertising requirements are as follows:-

1. Putting a notice in the local paper
2. Notice must specify a date, not less than 14 days from the date that the notice is published to allow for objections and is the date, if no objections are made, that the revised fare will come into force.
3. If objections are made, and not withdrawn the Council must consider those objections and the fares then will come into effect (modified or unmodified) within 2 months of the original date.

MONITORING OFFICER'S COMMENTS

Not applicable

BACKGROUND PAPERS

Licensing Committee report and minutes
6/01/21

Contact Officer: Jennifer Curtis

Telephone: 01524 582732

E-mail: jcurtis@lancaster.gov.uk

Ref: JC/Fares2022/23



Hackney carriage number -



HACKNEY CARRIAGE TABLE OF FARES

(with effect from 01/11/2019)

Tariff 1

For hirings commenced between 07:01hrs and 23:59hrs	
If the distance does not exceed 660 yards for the whole distance:	£2.80
For each of the subsequent 310 yards or uncompleted part thereof:	30p
Waiting Time: For each period of 40 seconds or uncompleted part thereof	10p

Tariff 2

For hirings commenced between: midnight and 07:00hrs For hirings commenced between: 19:00hrs and midnight on the 24th December For hirings commenced between: 19:00hrs and midnight on the 31st December For hirings commencing on any Bank Holiday or Public Holiday	
If the distance does not exceed 660 yards for the whole distance:	£4.00
For each subsequent 220 yards or uncompleted part thereof:	30p
Waiting time: For each period of 40 seconds or uncompleted part thereof	10p

Tariff 3

For hirings commenced between: 00:01hrs 25th December and 07:00 27th December For hirings commenced between 00.01 1st January and 07.00 2nd January	
If the distance does not exceed 880 yards for the whole distance:	£5.20
For each subsequent 220 yards or uncompleted part thereof:	40p
Waiting time: For each period of 40 seconds or uncompleted part thereof	10p

Additional Charges

For each passenger in excess of one (for the purpose two children aged 11 or under to count as one passenger for the whole distance)	20p
For each perambulator or article of luggage carried outside the passenger compartment of the vehicle	20p
SOILING CHARGE: A charge may be requested if the passenger(s) soils the vehicle.	Maximum Charge: £75.00

The driver may ask **if agreed by the customer**, an agreed amount in advance of the journey.

The driver if paid, must give a receipt for this. The amount must be proportionate to the metered fare.

A booking fee up to a maximum of £4.00 maybe charged where:

- a) The Hackney carriage is booked in advance; and
- b)
 - I. The Customer shall be told the cost of the booking fee at the time that the booking is taken and the amount recorded in the booking log; and
 - II. The customer shall be told that the booking fee is in addition to the fare for the journey; and
- c) The hiring involves a separate journey of at least one mile, starting from the taxi rank or the operator's premises, to the pick-up point.

Any complaints regarding the vehicle and / or driver must be made in writing to:

Lancaster City Council - Licensing Section
 Morecambe Town Hall, Marine Road East, LA4 5AF
 E-mail: licensing@lancaster.gov.uk
 Telephone: 01524 582033

Please try to note; the vehicle registration, plate number, driver name and number in all communications with

CABINET

6.00 P.M.

8TH FEBRUARY 2022

PRESENT:- Councillors Kevin Frea (Vice-Chair), Dave Brookes, Gina Dowding,
Tim Hamilton-Cox, Tricia Heath, Erica Lewis, Cary Matthews,
Sandra Thornberry and Anne Whitehead

Apologies for Absence:-

Councillor Caroline Jackson (Chair)

Also in attendance: Councillor Colin HartleyOfficers in attendance:-

Kieran Keane	Chief Executive
Mark Davies	Director for Communities and the Environment
Jason Syers	Director for Economic Growth and Regeneration
Luke Gorst	Head of Legal Services and Monitoring Officer
Paul Thompson	Chief Financial Officer (Head of Finance & Section 151 Officer)
William Griffith	Head of Public Realm
Joanne Wilkinson	Head of Housing
Jennifer Curtis	Licensing Manager
Liz Bateson	Principal Democratic Support Officer

In the absence of the Leader, the Deputy Leader took the Chair

71 MINUTES

The minutes of the meeting held on Tuesday 18 January 2022 were approved as a correct record.

72 ITEMS OF URGENT BUSINESS AUTHORISED BY THE LEADER

The Chair advised that there were no items of urgent business.

73 DECLARATIONS OF INTEREST

No declarations were made at this point.

74 PUBLIC SPEAKING

Members were advised that there had been a request to speak at the meeting from a member of the public in accordance with Cabinet's agreed procedure, as set out in Cabinet Procedure Rule 19, with regard to Hackney Carriage Fare Review 2022 (Minute 75 refers).

Mr Kay addressed the meeting, outlined his concerns with regard to the proposals as set out in the referral report, suggested alternative proposals and responded to questions. The Chair thanked Mr Kay for participating in the meeting.

75 HACKNEY CARRIAGE FARE REVIEW 2022**(Cabinet Member with Special Responsibility Councillor Brookes)**

Cabinet received a report from the Director for Communities & the Environment to approve the recommendation from the Licensing Committee with regard to a new Hackney Carriage Fare Tariff. Councillor Hartley, the Chair of the Licensing Committee had been invited to the meeting to hear the discussions and participate in the meeting and with the agreement of the meeting, the Chair suspended standing orders (Rule 18) to enable Councillor Hartley to respond to any questions from Cabinet members.

The options, options analysis, including risk assessment and officer preferred option, were set out in the report as follows:

Officers have calculated average 1-, 5- and 10-mile journeys using a variety of uplift options, including increasing rolling charges. (A rolling charge is a charge that is applied for distance travelled, eg, for every 330yards 20p is applied to the fare) By increasing the rolling charges by a marginal amount (10p) over these distances creates a significant raise in fare costs between 20-30% for the travelling public, this option is therefore not proposed.

It is thought more appropriate to increase waiting times, by increasing this to 20p per 40 seconds or uncompleted part thereof. There is no suggestion that the maximum soiling charge (£75.00) need adjustment, as it is comparable with neighbouring authorities and would reflect the cost of a valet/time spent off the road through a soiling incident. The additional passenger and luggage costs should remain at 20p, respectfully.

Option 1: Maintain current table of fares approved in 2019.
--

Advantages:

Public are aware of expected fares when hiring a hackney carriage.

Disadvantages:

The current table of fares does not represent rising fuel and insurance costs.

Risks:

Drivers may decide to leave the trade, if they decide that the profit is marginal.

Option 2: Apply retail price index (RPI) to current flag fall.

Advantages:

This seems to be a general approach across County and Country, although not a common approach to all.

Disadvantages:

Allows for a minimal increase.

Risks:

Drivers may decide to leave the trade, if they decide that the profit is marginal.

Option 3: Apply uplift to flagfall across 3 tariffs. Suggested 50p and apply 10p uplift to waiting charges

Advantages:

Trade receives an uplift, proportionate to current climate

Disadvantages:

The increase is not supported by an agreed or common methodology that reflects the cost of owning and operating a hackney carriage in the district.

Risks:

Decrease in business for hackney carriages due to fare adjustments.

Option 4: Deregulate fare setting

Advantages:

Allows licensed trade to calculate their own fares, they may be best placed to calculate costs.

Disadvantages:

Licensing Authority has no control on charges passed to the public.
May create confusion as fares could vary across the trade.

Risks:

Lack of public confidence in use of Hackney Carriages due to unknown charges. Varying charges between proprietors creating confusion.

The officer preferred option is Option 3: Apply uplift to flag fall across 3 tariffs, suggested 50p and apply 10p uplift to waiting charges. Applying the tariff increase as proposed in option 3, would seem appropriate so as to help ensure that hackney carriage proprietors receive a reasonable increase in fare income. The increase reflects necessary and proportionate adjustments, given that there has been no increases in fares since 2019 and the increase was marginal, based on the annual RPI.

Any concerns from members of the public or licensed trade would be addressed through the consultation process by placing a notice in the local press proposing the revised tariff. An amended table of fares that reflects Option 3 was attached at Appendix 2 to the report.

Councillor Brookes proposed, seconded by Councillor Hamilton-Cox:-

“(1) That Cabinet notes the proposal to apply uplift to flag fall across 3 tariffs by 50p and apply 10p uplift to waiting charges but does not approve advertisement of the updated table of fares at this time.

(2) That Cabinet asks officers to carry out an immediate informal consultation exercise with hackney carriage drivers to gather feedback on options for increasing fares, taking into account the need to increase the rate earned per mile, and the policy position on RPI.

(3) That Cabinet refers the matter back to Licensing Committee for reconsideration following the consultation exercise, including consideration of any proposals arising from hackney carriage drivers.

(4) That Cabinet asks that a further report on the Hackney Carriage Fare Review be brought back to April 12th Cabinet for decision.”

Councillors then voted:-

Resolved unanimously:

- (1) That Cabinet notes the proposal to apply uplift to flag fall across 3 tariffs by 50p and apply 10p uplift to waiting charges but does not approve advertisement of the updated table of fares at this time.
- (2) That Cabinet asks officers to carry out an immediate informal consultation exercise with hackney carriage drivers to gather feedback on options for increasing fares, taking into account the need to increase the rate earned per mile, and the policy position on RPI.
- (3) That Cabinet refers the matter back to Licensing Committee for reconsideration following the consultation exercise, including consideration of any proposals arising from hackney carriage drivers.
- (4) That Cabinet asks that a further report on the Hackney Carriage Fare Review be brought back to April 12th Cabinet for decision.

Officer responsible for effecting the decision:

Director for Communities & the Environment

Reasons for making the decision:

The pandemic has brought about many challenges for the licensed trade, with many choosing not to renew licenses and seek alternative employment. The licensing service are working with internal and external partners to support the trade and encourage new applicants into the profession through funding. It is therefore important the fares represent the living wage locally. In addition, any uplift would need to be balanced in terms of public expectation, anything too great would face criticism and potentially result in less work for the hackney carriage trade. The decision enables officers to undertake an immediate consultation exercise to ensure the fare review is fair and sustainable.

76 CAR PARKING FEES & CHARGES

(Cabinet Member with Special Responsibility Councillor Dowding)

Cabinet received a report from the Director for Communities & the Environment that set out options arising from the review of the Council’s wider parking policies. The options were modelled so they could be presented to Council as part of the wider budget proposals.

The options, options analysis, including risk assessment and officer preferred option, were set out in the report as follows:

Option 1: Retention of current complex tariff structure with 50p per tariff band incremental increase

Advantages: A larger increase in pricing could assist in achieving the structural deficit.

Disadvantages: The Council retains a complex tariff structure which doesn't work towards addressing Council ambitions as outlined within this report.

The tariff structure would become further complicated and unclear for users with potential regeneration development such as Eden and Canal Quarter as outlined within the report.

Reputational risk with business community and users feeling this is not an attractive alternative.

Risks: None.

Option 2: The terms of the proposed parking fees & charges amendments is endorsed.

Advantages: Creates additional revenue to meet budget aspirations and provides a shift towards climate change modes of transport aspirations.

Disadvantages: None.

Risks: The signage and software changes exceed budget estimates.

Revenue budget expectations are not met due to a combination of macroeconomic or externalised factors.

Option 3: Support retention of current complex tariff structure with 10p per tariff band incremental increase

Advantages: No advantages identified.

Disadvantages: The Council retains a complex tariff structure which doesn't work towards addressing Council ambitions or structural deficit.

The tariff structure would become further complicated and unclear for users with potential regeneration development such as Eden and Canal Quarter as outlined within the report.

Risks: None.

Option 4: The terms of the proposed parking fees & charges amendments are not agreed.

Advantages: No advantages identified.

Disadvantages: A financial budget gap may become apparent which may result in a

reduction of council services.

Risks: None.

The Officer Preferred Option is option 2.

Councillor Dowding proposed, seconded by Councillor Brookes:-

“That the recommendations, as set out in the report, be approved,”

During the debate concern was raised at the possible impact the proposals might have on arts and culture in Lancaster and whether some re-modelling could be undertaken to address this within the context of the draft budget.

By way of an amendment, that was accepted as a friendly amendment by the proposer and seconder, Councillor Thornberry proposed and Councillor Lewis seconded :-

“that the following wording be inserted at the end of recommendation (2) : *with further modelling to look at an extra tariff to support art and culture organisations and that further tariff to be agreed in consultation with the Leader and Cabinet Members with responsibility for Planning & Place Making and Arts, Culture, Leisure & Wellbeing.*

Councillors then voted:-

Resolved unanimously:

- (1) That as the option most consistent with Council’s priorities, Option 2 be included in Cabinet’s budget proposals.
- (2) That Subject to Council approval these tariffs are adopted from April 1, 2022 with further modelling to look at an extra tariff to support art and culture organisations and that further tariff to be agreed in consultation with the Leader and Cabinet Members with responsibility for Planning & Place Making and Arts, Culture, Leisure & Wellbeing.

Officer responsible for effecting the decision:

Director for Communities & the Environment

Reasons for making the decision:

Effectively managed car parking makes a significant strategic contribution to a number of agreed Council outcomes including:

Strategy- Climate Emergency. Outcomes- net zero by 2030, transition to an accessible and low carbon transport system.

Strategy- Community Engagement, Power and Resilience. Outcomes- innovative public services, providing value for money.

The request that officers undertake further modelling of the Lancaster tariff will ensure that concerns surrounding any adverse impact on the entertainment industries is

addressed.

77 BUDGET & POLICY FRAMEWORK UPDATE 2022/23

(Cabinet Member with Special Responsibility Councillor Whitehead)

Cabinet received a report from the Chief Finance Officer that provided information on the Council's latest General Fund Revenue budget proposals for 2022/23, the resulting Council Tax requirement and the Section 151 Officer's statement on the adequacy of reserves. The report addressed the actions required to complete the budget setting process for 2022/23, and for updating the Council's associated financial strategy and sought Cabinet's approval and recommendations to Full Council.

The options, options analysis, including risk assessment and officer preferred option, were set out in the report as follows:

Revenue Budget

Council may adjust its revenue budget proposals, so long as the overall budget for 2022/23 balances and fits with the proposed Council Tax level.

Other Budget Framework Matters (Reserves and Provisions)

Given known commitments, risks and Council Tax restrictions there is little flexibility in financial terms, but Council could consider different budget strategies to be appraised for future years, or alternative arrangements for approving the use of various reserves, or different virement and/or carry forward limits. Overall, however, previous arrangements have worked reasonably well, and so no other fundamental changes are proposed.

Section 151 Officer's Comments and Advice

Council is required to note this formally in the minutes of the meeting, hence it is reflected in the recommendations.

Depending on the nature of any alternative proposals put forward, Officers may need time to assess the risks and implications. This is to ensure that relevant considerations are taken into account, to support informed and lawful decision making.

Revenue Budget 2022/23 and Reserves Position

To agree the recommendations as presented as the proposals to be put forward by Cabinet should fit with any external constraints and the budgetary framework already approved. The recommendations as set out meet these requirements; the detailed supporting budget proposals are then a matter for Members.

Councillor Whitehead proposed, seconded by Councillor Hamilton-Cox:-

"That the recommendations, as set out in the report, be approved."

Councillors then voted:-

Resolved unanimously:

(1) That Cabinet recommends the following for approval to Budget Council:

- The 2022/23 General Fund Net Revenue Budget and resulting Council Tax

Requirement excluding parish precepts (Appendix A to the report) and supporting budget proposals (Appendix B to the report).

- The Section 151 Officer's statement on the adequacy of reserves and advice that the minimum level of balances remains at £3.5M, subject to annual review.
 - the resulting position on reserves (Appendix C to the report).
 - the updated position on budget transfers (Appendix D to the report)
- (2) That the Finance Portfolio Holder be given delegated authority to finalise the General Fund Revenue budget 2022/23 as updated for Cabinet's final budget proposals, and outcomes of the Final Local Government Settlement for referral on to Council.

Officer responsible for effecting the decision:

Chief Finance Officer

Reasons for making the decision:

The budget framework in general sets out a financial plan for achieving the Council's corporate priorities which incorporate the above cross cutting themes. The decision enables Cabinet to make recommendations back to Full Council in order to complete the budget setting process for 2022/23.

78 CAPITAL PROGRAMME & CAPITAL STRATEGY 2022-23 TO 2025-26 - (INCLUDING INVESTING IN THE FUTURE)

(Cabinet Member with Special Responsibility Councillor Whitehead)

Cabinet received a report from the Chief Finance Officer to present Cabinet's final budget proposals in order that the Council can approve a General Fund Capital Programme for 2022/23 to 2024/25 and a Capital Strategy 2022/23 as required by regulation. The proposed Capital Programme and supporting Strategy, entitled 'Investing in the Future' (contained at Appendix B to the report), set out the relevant context and a proposed framework to support the Council's approach to capital investment over the medium term.

The programme and strategy aligned capital investment to the Council's four overall priorities and proposed a consistent 'lifecycle' for the development and delivery of capital investment activities, including the transparent, accountable democratic decision process. The strategy also set out the proposed approach to risk management as well as the monitoring and evaluation of capital projects.

No options were presented as Cabinet originally considered the strategy at its meeting of 7 December 2021 when it was agreed that further reference be made regarding the potential for investment to create social value through culture and heritage assets. The updated draft included at Appendix B to the report contained additional content in section 1.1 and Investment Streams 2 and 3 to reflect this. The strategy was considered by Budget & Performance Panel at its meeting of 14 December 2021 when the Panel noted the report and draft strategy without suggesting further amendments.

Councillor Whitehead proposed, seconded by Councillor Hamilton-Cox:-

“That the recommendations, as set out in the report, be approved.”

Councillors then voted:-

Resolved unanimously:

- (1) That Cabinet recommends the following for approval to Budget Council 23 February 2022:
 - the updated Capital Programme covering financial years 2022/23 to 2025/26 • the Capital Strategy (Investing in the Future) 2022/23
- (2) That the Finance Portfolio Holder be given delegated authority to finalise the Capital Programme and associated Capital Strategy, as updated for Cabinet’s final budget proposals, and outcomes of the Final Local Government Settlement.

Officer responsible for effecting the decision:

Chief Finance Officer

Reasons for making the decision:

Capital and Investment Strategies form part of the Budget Framework and their adoption is a function of Full Council.

79 TREASURY MANAGEMENT STRATEGY 2022-23

(Cabinet Member with Special Responsibility Councillor Whitehead)

Cabinet received a report from the Chief Finance Officer to present to Cabinet the draft Treasury Management Strategy and associated documents for 2022/23 and to provide an opportunity for final consideration and comment ahead of formal presentation to Council for approval, in accordance with the Council’s constitution.

The options, options analysis, including risk assessment and officer preferred option, were set out in the report as follows:

Cabinet may put forward alternative proposals or amendments to the proposed Strategy, but these would have to be considered in light of legislative, professional and economic factors, and importantly, any alternative views regarding the Council’s risk appetite. As such no further options analysis is available at this time.

Furthermore, the Strategy must fit with other aspects of Cabinet’s budget proposals, such as deposit interest estimates and underlying prudential borrowing assumptions, feeding into Prudential and Treasury Management Indicators. There are no options available regarding other components of the overall framework.

The officer preferred option is to approve the framework as attached to the report, allowing for any amendments being made under delegated authority prior to referral to Council. This is based on the Council continuing to have a comparatively low risk

appetite regarding the security and liquidity of investments particularly, but recognising that some flexibility should help improve returns, whilst still effectively mitigating risk. It is stressed that in terms of treasury activity, there is no risk free approach. It is felt, however, that the measures set out above provide a fit for purpose framework within which to work, pending any update during the course of next year.

If Cabinet or Budget Council changes its Capital Programme from that which is proposed in this report then this would require a change in the prudential indicators which are part of the Treasury Management Strategy. Delegation to the Finance Portfolio Holder is therefore requested in order to ensure that Cabinet's final capital programme proposals are reflected in the Treasury Management Strategy.

Councillor Whitehead proposed, seconded by Councillor Hamilton-Cox:-

"That the recommendation, as set out in the report, be approved."

Councillors then voted:-

Resolved unanimously:

- (1) That the Treasury Management Strategy 2022/23 along with Appendices A to C, as appended to the report, be recommended to Council for formal approval.

Officer responsible for effecting the decision:

Chief Finance Officer

Reasons for making the decision:

Treasury Management forms part of the Council's budget framework. The Council is required through regulations supporting the Local Government Act 2003 to 'have regard to' the Prudential Code and to set Prudential Indicators for the next three years to ensure that the Council's capital investment plans are affordable, prudent and sustainable. It is also required to produce an annual Treasury Strategy for borrowing and for managing its investments and for giving priority to security and liquidity of those investments. The report satisfied these requirements and sought Cabinet's approval and recommendation to Full Council for formal adoption.

80 MEDIUM TERM FINANCIAL STRATEGY UPDATE 2022/23 - 2025/26

(Cabinet Member with Special Responsibility Councillor Whitehead)

Cabinet received a report from the Chief Financial Officer that provided an update on the Council's general budgetary position for current and future years. Given that at the time of writing, the Final Local Government Settlement had not been laid before Parliament estimates might be subject to change.

The risks to the Council are contained throughout the report and as the report is for noting, no alternative proposals have been put forward.

There remain significant uncertainties in terms of Local Government funding over the next couple of years. These have been exacerbated by national circumstances such as

COVID19 and Brexit, but also by local issues around decommissioning plans for the Heysham power station. These have severely hampered the degree of confidence with which we can forecast with many key estimates and assumptions likely to change in the coming months. Despite the work to date to realise the Funding the Future Strategy the budget gap has remained.

It must be recognised that the overall size of the challenge the Council faces in addressing its underlying structural deficit is significant and the formulation of a balanced budget over the medium and longer term will require the delivery of considerable savings.

Continued focus on delivering the Funding the Future Strategy and the application of Outcomes Based Resourcing principles such as strategic prioritisation, service transformation and continuous improvement will play a significant part in achieving the level of savings required. The Council must recognise that it will face a number of key decisions over the next financial year which will affect the manner in which it delivers its services.

Councillor Whitehead proposed, seconded by Councillor Hamilton-Cox:-

“That the recommendations, as set out in the report, be approved.”

Councillors then voted:-

Resolved unanimously:

- (1) That the draft future years budget estimates as set out in the report be noted as the latest information available.
- (2) That the update be referred on to Council 23 February 2022 for information.

Officer responsible for effecting the decision:

Chief Finance Officer

Reasons for making the decision:

Performance, project, and resource monitoring provides a link between the Council Plan and operational achievement, by providing regular updates on the impact of operational initiatives against strategic aims.

81 HOUSING REVENUE ACCOUNT AND CAPITAL PROGRAMME

(Cabinet Member with Special Responsibility Councillor Matthews)

Cabinet received a report from the Director for Communities & the Environment that sought Cabinet’s decisions on Council housing rent setting proposals and HRA revenue and capital budget proposals for referral on to Budget Council in order to complete the HRA budget setting process for 2022/23.

The options, options analysis, including risk assessment and officer preferred option, were set out in the report as follows:

The options with regards to rent setting are set out under section 3, the maximum permitted increase being CPI+1%. By applying this increase, it allows for a budget that can deliver on the Council's ambitions on improving housing standards and addressing the climate change emergency, whilst adhering to the Rent Standard and legislative requirements.

In relation to garage rents, the previous decision was to freeze rents for 2021/22. In order to protect current occupancy and income levels, and inline with sector benchmarking, a further 12-month freeze is recommended. Garage rents and occupancy will remain under review.

With regard to the revenue budget generally, Cabinet could consider other proposals that may influence spending in current and future years, as long as their financing is considered and addressed.

The options available in respect of the minimum level of HRA balances are to retain the level at £500K in line with the advice of the Section 151 Officer, or adopt a different level. Should Members choose not to accept the advice on the level of balances, then this should be recorded formally in the minutes of the meeting and it could have implications for the Council's financial standing, as assessed by its external auditor.

With regards to the additional budget proposals as set out in section 8 of the report, Cabinet should consider the costs and benefits of the proposals and whether they are affordable, in particular, over the medium to longer term.

The options available in respect of the Capital Programme are:

- i) To approve the programme in full, with the financing as set out;
- ii) To incorporate other increases or reductions to the programme, with appropriate sources of funding being identified.

Any risks attached to the above would depend on measures Members proposed, and their impact on the council housing service and its tenants. As such, a full options analysis could only be undertaken once any alternative proposals are known, and Officers may require more time in order to do this.

Option 1: Set housing and garage rent levels as set out in this report and approve the provisions, reserves and balances position (and their use); the revenue budgets and capital programme; and the additional budget proposals as set out

Advantages: Increased rental income allows the Council to deliver towards its climate ambitions and provide an ambitious housing service which places people and place at the heart of its offer.

Disadvantages: Increased rent levels for tenants.

Risks: The HRA budget set out in this report is sustainable in the long term. The risk associated with Option 1 relates to any future Mainway project (as referred to in section 9, above) and any borrowing or use of reserves in relation to this.

Option 2: Set housing and garage rent levels as detailed in this report and approve the provisions, reserves and balances position (and their use) as set out, and the revenue budgets and capital programme, but allowing for Cabinet's recommendations regarding specific additional budget proposals.

Advantages: Increased rental income allows the council to deliver towards its ambitions. Non-approval of additional budget proposals would lead to greater HRA surpluses over the life of the 30-year business plan.

Disadvantages: Non-approval of additional budget proposals would cause a scaling back of ambitions.

Risks: Inability to maximise service provision and deliver on Council, and housing related ambitions.

Option 3: To propose alternatives to those outlined in Section 11 above.

Advantages: Unknown

Disadvantages: Would require further options analysis

Risks: Impact on housing service and council housing tenants unknown.

The Officer Preferred Option is Option 1: Set housing and garage rent levels as set out in this report and approve the provisions, reserves and balances position (and their use); the revenue budgets and capital programme; and all additional budget proposals as set out.

Councillor Matthews proposed, seconded by Councillor Heath:-

“That the recommendations, as set out in the report, be approved.”

Councillors then voted:-

Resolved unanimously:

- (1) That the Housing Revenue Account Revised Budget for 2022/23, as set out at Appendix A to the report, together with the resulting Capital Programme as set out at Appendix C to the report, be referred on to Council for approval.
- (2) That the minimum level of HRA unallocated balances be retained at £500,000 from 01 April 2022, and that the full Statement on Reserves and Balances as set out at Appendix F to the report, be endorsed and referred on to Budget Council for approval.
- (3) That council housing rents be set in accordance with statutory requirements as follows:
 - for general properties let as at 01 April 2022, average rent be set at £78.24 for 2022/23;

- for sheltered and supported housing properties let as at 01 April 2022, average rent be set at £73.49 for 2022/23;
 - for any relevant property becoming vacant the following policy be reaffirmed: that they be re-let at the higher 'formula rent'.
- (4) That garage rents be frozen for a 12-month period (rather than increased by CPI, as per the rent setting policy established by Cabinet in January 2017) in order to protect income levels currently achieved, and in line with benchmarking across the sector.
 - (5) That a delegated decision to approve the tender of 6 programmes of work (over £200k and key decisions over £250k) during 2022/23 can be made by the Chief Executive (as per 7.4 in the report) and in line with procurement rules.
 - (6) That the additional budget proposals as set out at Appendix E to the report be included in Cabinet's budget proposals for referral on to Council, noting that any approvals be met from unallocated balances.
 - (7) That subject to the above, the resulting Housing Revenue Account budget for 2022/23 onwards, as set out at Appendix A to the report, together with the resulting Capital Programme as set out at Appendix C to the report, be referred on to Budget Council for approval.
 - (8) That the redirection of funds within the 2021/22 HRA Capital Programme, as described in 7.3 in the report be approved.

Officers responsible for effecting the decision:

Director for Communities & the Environment

Reasons for making the decision:

The Council is required under statutory provisions to maintain a separate ring-fenced account for all transactions relating to the provision of local authority housing, known as the Housing Revenue Account (HRA). This covers the maintenance and management of the Council's housing stock. The decision ensures there are sufficient resources to maintain and manage the Council's Housing Revenue Account (HRA) assets.

82

BAILRIGG GARDEN VILLAGE - VISION MASTERPLAN

(Cabinet Member with Special Responsibility Councillor Dowding)

Cabinet received a report from the Director for Economic Growth & Regeneration to determine whether the Vision Masterplan for the Bailrigg Garden Village prepared for the council in 2021 by JTP consultants and informed by extensive community engagement and close working with stakeholders would be the basis for the council's planning of the garden village and specifically work to prepare the Lancaster South Area Action Plan.

The options, options analysis, including risk assessment and officer preferred option, were set out in the report as follows:

Option 1: To endorse the Vision Masterplan as the basis for the council's planning

of the Bailrigg Garden Village and specifically in work to prepare the Lancaster South Area Action Plan.

Advantages: This will help give certainty as to the council's ambitions for growth in South Lancaster with the community and stakeholders and with the county council with whom the city council is collaborating closely to realise these growth ambitions. The option will provide robust directions for and very significantly inform the statutory planning work required going forward to prepare the Lancaster South Area Action Plan.

Disadvantages: None.

Risks: None.

Option 2: Not to endorse the Vision Masterplan as the basis for further planning work

Advantages: No advantages are identified.

Disadvantages: This option would mean that the Vision Masterplan is either set aside, reviewed or work on such start afresh. This will make for many significant uncertainties. It will not inform, support or assist the statutory planning work necessary going forward to prepare the Lancaster South Area Action Plan, will undermine the credibility of the council in its ambitions for sustainable growth in South Lancaster and further will render largely void many months of work and so make costs incurred abortive.

Risks: This option means delay and risks further costs to the council if further work on the Vision masterplan is sought or the work is to be re-done. The uncertainties attendant with this option will undermine the council's growth ambitions for South Lancaster and make for uncertainties with how the council is to progress in preparing the Lancaster South Area Action Plan. Further, it may risk the collaborative work by the two councils to secure major government investments into South Lancaster and for the city via the Housing Infrastructure Fund.

The officer preferred option is Option1 for the reasons in the analysis above.

Councillor Dowding proposed, seconded by Councillor Heath:-

"That the recommendations, as set out in the report, be approved."

By way of an amendment Councillor Lewis proposed, seconded by Councillor Whitehead:

"That Cabinet requests that the Director for Economic Regeneration & Planning write to all landowners who are intended to be caught within the roof tax, highlighting Lancaster City Council's desire to partner with them to meet the strategic priorities of the council, while respecting the financial imperatives landowners may be operating within."

This was not accepted as a friendly amendment and Cabinet then voted on the amendment.

3 Members (Councillors Lewis, Thornberry & Whitehead) voted for the amendment and

6 Members against (Councillors Brookes, Dowding, Frea, Hamilton-Cox, Heath & Matthews) whereupon the Chair declared the amendment to be lost.

Councillors then voted on the original proposal:

Resolved unanimously:

- (1) That the Vision Masterplan be endorsed as the basis for the council's planning of the Bailrigg Garden Village and specifically in work to prepare the Lancaster South Area Action Plan.
- (2) That Cabinet acknowledge that the Vision Masterplan is a material consideration in the determination of planning proposals.

Officer responsible for effecting the decision:

Director for Economic Growth & Regeneration

Reasons for making the decision:

The Vision Masterplan anticipates a very high standard of urban design and development attaining to the latest thinking meeting best practice standards. Certain aspects will be substantively worked through at plan authorisation and construction stages.

The decision is consistent with all key elements of the councils Policy Framework including for

- A Sustainable District
- An Inclusive and Prosperous Local Economy
- Healthy and Happy Communities
- A Cooperative, Kind and Responsible Council

Further it is in full alignment with the Local Plan and local plan policy including policy for the Broad Area for Growth in South Lancaster.

83 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor Hamilton-Cox and seconded by Councillor Matthews:-

“That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that it could involve the possible disclosure of exempt information as defined in paragraph 3 of Schedule 12A of that Act.”

Members then voted as follows:-

Resolved unanimously:

- (1) That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that it could involve the possible disclosure of exempt information as defined in paragraph 3 of Schedule 12A of that Act.

84 MAINWAY PROJECT REPORT

(Cabinet Member with Special Responsibility Councillor Matthews)

Cabinet received a report from the Director for Communities & the Environment which sought approval for the next steps for the future of Mainway.

The options, options analysis, including risk assessment and officer preferred option, were set out in the report as follows:

In respect of the recommendations:

Option 1: Acquire the redundant parts of the former Skerton High School site; undertake combined site master planning; commence a pilot scheme

Advantages:

Integrating the redundant parts of the school site into the Mainway proposals, increases housing numbers; improves housing mix; delivers community amenity; provides playing fields for wider community and sports group use; improves access to and from Mainway for pedestrian / cycle and vehicles – linking the riverside to Ryelands and beyond. Enhanced placemaking and creates a real opportunity to reverse the cycle of decline and make Skerton East a place to live with one of aspiration.

Acquiring the site establishes the control needed to deliver this transformational opportunity rather than allowing the site to go to a third party who may not deliver anything on the site that meet the core priorities of the Council.

Undertaking a co-ordinated masterplan and early phase detailed design for planning approval, will ensure how core design principles will flow through the combined site; provide improved permeability, connectivity, construction materials, etc that underpins how the new development would function and enrich the lives of residents and the wider community. The early establishment of the design team and development partner for phase 1 is key to meet timeline expectations.

Accelerating an early phase, provides clarity and assurity as to the proposed strategy of retaining the core buildings on Mainway. It communicates the vision of the Council to the community after some perceived delays in progressing the scheme. It sets the stall out as to how the regeneration of the area will come forward and delivers on site examples of the wider masterplan vision. The strategy of retaining the core buildings, is important from a viability and zero carbon objective for Mainway.

Disadvantages:

The cost of delivering a combined Mainway & school site programme is significant and prohibitive to the resources and capacities of the Council based on the current Treasury parameters that dictate borrowing capacity. Dependent on the review and adoption of potential different Treasury strategies, funding 100% of the Mainway development could restrict wider Council priorities.

The school site will have holding costs to be allowed for until developed through.

The masterplan will take into account that a S77 approval may not be granted, but in that instance whilst a portion of that work would be wasted expense, every effort will be to minimise that element.

There is no disadvantage in accelerating an early phase of the Mainway work. The worst scenario that that exercise might realise, is that the existing blocks are not suitable for long term retention and need to be demolished. This is highly unlikely – but the earlier this is known the better and the delivery strategy can then switch to looking a new build options.

Risks:

Whilst detailed due diligence has been undertaken on the title and the physical nature of the site, such as voids in the ground, asbestos, covenants etc. it is believed all identified risks have been assessed and mitigated, all development comes with some risk, and this should be noted.

A delay in pursuing the school purchase may lead to Lancashire County Council deciding on a different course of action and even a sale to a third party.

The school transfer will be subject to Secretary of State approval – which is not guaranteed.

The proposals laid out are based on the premise that the Mainway blocks can be completely stripped back to their concrete structure, reconfigured and then refurbished – assessed from the independent advice thus far received. The rationale of accelerating a limited initial phase is to ensure this strategy is robust. Should it prove not to be, then a demolition and new build plan will need to be pursued. Results from the initial phase will be reported back to Cabinet, as soon as the concrete structures have been completely exposed and assessed.

All social housing has the opportunity for tenants with 'rights' to exercise their 'Right-to-Buy', as the pilot blocks (and any subsequent blocks) are modernised there is a risk of such applications being received. However, there is protection of around 15 years for this where the Council would be able to recoup money spent through the 'cost-floor' plan.

A delay in procuring and appointing a design team and development partner for phase 1 will lead to a further delay in the submission and approval of planning consent; start on site and the key understanding of the refurbishment strategy. The Mainway blocks continue to deteriorate and represent sub-standard living for most residents. Community expectation of action by the Council will again be questioned.

Option 2: Do Not Acquire the School site; do not pursue a combined masterplan; do not undertake a pilot phase.

Advantages:

Not pursuing the acquisition will mean no further cost implications for the Council.

Disadvantages:

Leaving the site as a redundant site, should Lancashire County Council not do anything

with it, will impact on the ambitious and huge place making investment being proposed for Mainway, threatening the wider regeneration opportunity.

Should the County Council decide to dispose of the site on the open market, the City Council is then open to the risk of who buys it, what they might seek to deliver on it and how that may well significantly reduce the social, environmental and community benefits, that having control over the site would provide. An independent development turning its back on Mainway would not deliver the wider opportunity that an inclusive, co-ordinated development would.

A redesign of Mainway alone, can only reflect the area in question and cannot anticipate what may or may not happen on the adjacent school site by a third party. Mainway would have to continue to rely on an inferior access and could be isolated from wider regeneration.

Delaying an initial phase, increases overall risk; decreases confidence by the community and would lead to residents spending longer in substandard housing than they need to.

Risks:

Not having control of the redundant elements of the school site directly undermines the significant investment in Mainway.

Creating a single Mainway masterplan cannot utilise and draw in the wider Skerton community. It would remain an isolated estate which, would not make the most of the capital employed and continue to result in similar problems already experienced with this type of estate.

Not pursuing a pilot scheme increases risk and cost of the overall scheme. It delays establishing a clear strategy for how we best bring forward this key regeneration project. Further delay in pursuing the scheme increases the risk of Right to Buy being exercised which will push the overall future costs of a project up.

The advantages / disadvantages / risks of acquiring the redundant elements of the school site, seeking to pursue a masterplan of the entire site, and accelerating an early phase are outlined above. It should be noted that other combinations than those outlined above could be explored although the advantages, disadvantages, and risks would remain the same.

The officer preferred option is Option 1. This is the only option that gives the City Council control over the wider site and allows the Council the opportunity to then influence the significant social, environmental and economic gains possible. It has the choice at that point to deliver development proposals directly or with chosen partners, who can meet the wider Council priorities and ensure any subsequent development maximise the opportunity this site provides for the community of Skerton East. The terms of purchase are considered fair and realistic in today's market.

The report seeks approval for the following next steps for the future of Mainway:

1. Undertake the full combined Master-planning/Regeneration of Mainway and Skerton High school, in readiness for a planning application in the Autumn (Q3) 2022.
2. An initial accelerated first (pilot) phase of the Mainway Masterplan proposals, that will

deliver a definitive decision as to the viability of the wholesale reconfiguration and refurbishment of the existing buildings on Mainway. To commence in the Summer (Q2) of 2022.

3. To establish a detailed cost budget and delivery programme to allow a clear Treasury paper to be brought back to Cabinet for approval, during Q2 2022, setting out the financing recommendations.

4. To seek approval for the acquisition the redundant elements of the former Skerton High School, subject to S77 Secretary of State approval. Cabinet are asked to authorise the exchange of contracts for the purchase of the Skerton School site for future housing development (conditional on a S77 approval from the Secretary of State) as per the Heads of Terms set out in Appendix 1 or other such improved terms – delegated to Officers.

In order to progress the above stages Cabinet is requested to endorse the use of Housing Revenue Account reserves for the following purposes. Costs with regards to these can be found within the exempt appendices:

- Procure a design, project and development management team to work up a masterplan to application stage on a co-ordinated masterplan of the Skerton High School and Mainway sites including a full detailed consent for an early pilot stage.
- Leaseholder buy back from Derby House (inc. fees).
- Home loss and disturbance payments to residents in Derby & Lune Houses.
- Procure a development partner to deliver the redevelopment of Derby and Lune House.

Councillor Matthews proposed, seconded by Councillor Brookes:-

“That the recommendations, as set out in the report, be approved.”

Councillors then voted:-

Resolved unanimously:

- (1) That Officers be authorised to negotiate the final Heads of Terms for the purchase/transfer of the redundant area of the former Skerton High School that purchase/transfer as per the terms of purchase set out in exempt Appendix 1. That purchase being conditional on;
 - a) S77 approval by the Secretary of State
 - b) Satisfactory Legal title
 - c) Clarity/satisfaction on how the ongoing educational facility on the retained County Council land will operate and that all safeguarding measures have been addressed.

- (2) That, in line with the over-riding objective of regeneration for the Mainway District, Cabinet approves the commissioning and procurement of the detailed design and master-planning team to undertake the work required to submit a detailed planning application in late 2022. The detail of that work will build up from the indicative layout plans (exempt Appendix 3) currently worked up to date and a budget required to fulfil all the Local Planning Authority’s requirements is set out in exempt Appendix 3. Subsequent reports will be brought back to Cabinet to seek approval for a preferred option in order to implement the final scheme and proposed phasing.

- (3) That Cabinet approves the acceleration of a first phase of the Mainway Regeneration, including the procurement of a development design and build partner to reconfigure and completely refurbish two of the existing blocks (Derby & Lune) at an expected budget cost of £4m funded from Housing Revenue Account reserves. This cost plan and programme is set out in exempt Appendix 4.

Officer responsible for effecting the decision:

Director for Communities & the Environment

Reasons for making the decision:

The decision is consistent with the following Council Priorities:

- A Sustainable District –Climate Emergency: The design and master-planning will seek to ensure that the properties are resilient to a changing climate and are fit for a zero-carbon future
- An Inclusive and Prosperous Local Economy – through the creation of Jobs and training and opportunities for local companies. The reduction of blight key location, and provision of affordable, suitable housing which enables access to employment and reduces poverty, ensuring money is spent locally.
- Happy and Healthy Communities – proposals contribute to the well-being of tenants, tackle health inequalities and provide quality housing and green space.
- A Co-operative, Kind and Responsible Council – working in partnership and truly listening to tenant voices through consultation has supported the future designs of the estate.

The decision is consistent with the following policies/strategies:

- Local Plan – Delivers comprehensive place making regeneration to contribute towards the provision of housing to meet a locally identified need and opportunities to increase the choice and supply of social housing.
- Housing Strategy - The Regeneration of the estate will link directly to the Homes Strategy for Lancaster district 2020-2025

Chair

(The meeting ended at 8.06 p.m.)

**Any queries regarding these Minutes, please contact
Liz Bateson, Democratic Services - email ebateson@lancaster.gov.uk**

MINUTES PUBLISHED ON FRIDAY 11 FEBRUARY 2022,

**EFFECTIVE DATE FOR IMPLEMENTING THE DECISIONS CONTAINED IN THESE MINUTES:
MONDAY 21 FEBRUARY 2022**

Lancaster City Council | Report Cover Sheet

Meeting	Cabinet	Date	8 February 2022		
Title	Hackney Carriage Fare Review 2022				
Report of	Director for Communities and the Environment				
Purpose of Report: Cabinet members are asked to approve the recommendation from Licensing Committee to set a new Hackney Carriage Fare Tariff.					
Key Decision (Y/N)	N	Date of Notice		Exempt(Y/N)	N

Report Summary

There has been no fare increase to the tariff used to calculate hackney carriage fares since 2019, when 20p was added to the flag fall. In the absence of any alternative mechanism, it is most appropriate to apply a similar process by way of uplift to flag fall and waiting time.

Should the tariff be approved, it is intended that RPI will be used as the default method to calculate increases annually and every 3 years a full review of the tariff be undertaken by the taxi working party. The adjusted tariff will be reported to Licensing Committee before making final recommendations to Cabinet.

The Licensing Committee is not the decision-making body so must refer this to Cabinet for their approval.

Recommendations of Licensing Committee

1. To apply uplift to flag fall across 3 tariffs by the suggested 50p and apply 10p uplift to waiting charges.
2. Approve the Licensing Manager to advertise the adjusted table of fares as required by Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

Relationship to Policy Framework

This method of reviewing fares was first adopted by this Council in February 2014 when the proposal to use the RPI model was reported to Licensing Regulatory Committee.

Conclusion of Impact Assessment(s) where applicable	
Climate	Wellbeing & Social Value
Digital	Health & Safety
Equality	Community Safety
Details of Consultation	
<p>Pursuant to Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, the advertising requirements are as follows:</p> <ol style="list-style-type: none"> 1. Putting a notice in the local paper 2. Notice must specify a date, not less than 14 days from the date that the notice is published to allow for objections and is the date, if no objections are made, that the revised fare will come into force. 3. If objections are made, and not withdrawn the Council must consider those objections and the fares then will come into effect (modified or unmodified) within 2 months of the original date. 	
Legal Implications	
Legal have been consulted and have no comments to add.	
Financial Implications	
There are no direct financial implications to the Council as a result of this report.	
Other Resource or Risk Implications	
There are no other resource or risk implications arising as a result of this report.	
Section 151 Officer's Comments	
The Section 151 Officer has been consulted an has no further comments.	
Monitoring Officer's Comments	
The Monitoring Officer has been consulted and has no further comments	
Contact Officer	Jennifer Curtis
Tel	01524 582732
Email	jcurtis@lancaster.gov.uk
Links to Background Papers	
Licensing Committee Thursday 6 January 2022	

1.0 Report

- 1.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 makes provision for the Council to fix the rates of fares within the district for time, distance and all other charges in connection with the hire of a hackney carriage. The table of fares is attached to the inside of a hackney carriage; this allows members of the public to view all charges when hiring a vehicle
- 1.2 The current table of fares is attached at **Appendix 1**.
- 1.3 The setting of fares is an Executive function as it is not one that is listed in the Local Authorities (Function and Responsibilities) (England) Regulations 2000 and therefore falls to the Cabinet to make the decision. In its capacity as an advisory Committee to Cabinet, the Licensing Committee are required to refer any decision to Cabinet for approval.

2.0 Historic Methodology

- 2.1 The current method of setting hackney carriage fares is to annually apply retail price index (RPI) and ballot drivers of hackney carriages on a potential increase, asking for a Yes/No response to the proposed tariff change. Assuming that a positive response is received from the ballot to adopt the revised fare charges, the statutory requirement for advertisement and consultation is then followed before an updated table of fares is published, coming into effect on a specified date.
- 2.2 This method of reviewing fares was first adopted by this Council in February 2014 when the proposal to use the RPI model was reported to Licensing Regulatory Committee. The main reason for proposing this model for reviewing fares was that no other suitable mechanism could be found that all parties could agree on.
- 2.3 At a meeting of the Licensing Regulatory Committee on 1st June 2017, it was resolved that a review be undertaken of the mechanism for applying annual fare increases, comparing the approaches taken elsewhere at similar authorities, and the outcome be reported to the appropriate Committee. Initial results from the research were reported to a meeting of the Committee on 3rd August 2017.
- 2.4 Agreement to set up a Taxi working group comprising of Elected Members, Licensing Officers and taxi trade representatives was made at a meeting of Licensing Regulatory Committee on the 22nd March 2018. One of the priorities for the group was to consider the matter of finding an appropriate mechanism for annually reviewing fare tariffs.
- 2.5 The Licensing Manager consulted the trade through the taxi working group and more widely, through the trade newsletter to establish if an alternative methodology for setting fares is available; as well as researching other Licensing Authorities and observing their methodology. No standard methods have been identified across Authorities, either regionally or nationally.
- 2.6 Feedback from the trade received through the taxi working group was that applying RPI (RPI) was not a true reflection of the costs associated with setting up and maintaining a business as a hackney carriage proprietor.
- 2.7 At a meeting of the taxi working group on the 5th March 2019 the Licensing Manager highlighted the need for a fare review and asked representatives for suggestions, it was suggested by a member of the trade that a 20p increase on the initial flag fall would be most appropriate. The passenger fees associated with the carriage of luggage, soiling charge and additional passenger charges were also considered by

members of the taxi working party. It was agreed such charges were reasonable and proportionate and no amendments were required.

- 2.8 It was agreed at a further meeting of the Licensing Committee on August 29th, 2019, and subsequently approved by Cabinet to apply 20p increase to flag fall. This increase came into effect on 1st November 2019.

3.0 Current Position

- 3.1 There has been no fare review or uplift in hackney carriages fares since 2019 when a 20p increase on flag fall was approved. It would be fair at this time, to review all fares associated with the tariff, including flag fall, waiting times, soiling charge and booking fees.
- 3.2 No appropriate methodology has been identified with feedback from the trade highlighting frustrations at current fees and charges associated with being a licensed driver. It was suggested that applying RPI is not representative of the cost of running a licensed vehicle, rising fuel and insurance costs are also a relevant factor for consideration.
- 3.3 The pandemic has brought about many challenges for the licensed trade, with many choosing not to renew licenses and seek alternative employment. The licensing service are working with internal and external partners to support the trade and encourage new applicants into the profession through funding. It is therefore important the fares represent the living wage locally. In addition, any uplift would need to be balanced in terms of public expectation, anything too great would face criticism and potentially result in less work for the hackney carriage trade.

4.0 Options and Options Analysis (including risk assessment)

- 4.1 Officers have calculated average 1-, 5- and 10-mile journeys using a variety of uplift options, including increasing rolling charges. (A rolling charge is a charge that is applied for distance travelled, eg, for every 330yards 20p is applied to the fare) By increasing the rolling charges by a marginal amount (10p) over these distances creates a significant raise in fare costs between 20-30% for the travelling public, this option is therefore not proposed.
- 4.2 It is thought more appropriate to increase waiting times, by increasing this to 20p per 40 seconds or uncompleted part thereof. There is no suggestion that the maximum soiling charge (£75.00) need adjustment, as it is comparable with neighbouring authorities and would reflect the cost of a valet/time spent off the road through a soiling incident. The additional passenger and luggage costs should remain at 20p, respectfully.

Option 1: Maintain current table of fares approved in 2019.
Advantages: Public are aware of expected fares when hiring a hackney carriage.
Disadvantages: The current table of fares does not represent rising fuel and insurance costs
Risks: Drivers may decide to leave the trade, if they decide that the profit is marginal.

Option 2: Apply retail price index (RPI) to current flag fall.
Advantages: This seems to be a general approach across County and Country, although not a common approach to all.
Disadvantages: Allows for a minimal increase.
Risks: Drivers may decide to leave the trade, if they decide that the profit is marginal.
Option 3: Apply uplift to flagfall across 3 tariffs. Suggested 50p and apply 10p uplift to waiting charges
Advantages: Trade receives an uplift, proportionate to current climate
Disadvantages: The increase is not supported by an agreed or common methodology that reflects the cost of owning and operating a hackney carriage in the district.
Risks: Decrease in business for hackney carriages due to fare adjustments.
Option 4: Deregulate fare setting
Advantages: Allows licensed trade to calculate their own fares, they may be best placed to calculate costs.
Disadvantages: Licensing Authority has no control on charges passed to the public. May create confusion as fares could vary across the trade
Risks: Lack of public confidence in use of Hackney Carriages due to unknown charges. Varying charges between proprietors creating confusion

4. Officer Preferred Option (and comments)

4.1 The officer preferred option is Option 3:

Apply uplift to flag fall across 3 tariffs, suggested 50p and apply 10p uplift to waiting charges.

5.2 Applying the tariff increase as proposed in option 3, would seem appropriate so as to help ensure that hackney carriage proprietors receive a reasonable increase in fare income. The increase reflects necessary and proportionate adjustments,

given that there has been no increases in fares since 2019 and the increase was marginal, based on the annual RPI.

- 5.3 Any concerns from members of the public or licensed trade would be addressed through the consultation process by placing a notice in the local press proposing the revised tariff.
- 5.4 An amended table of fares that reflects Option 3 is attached at **Appendix 2**.

Taxi Fare Review

Section 1: Tell us about yourself

Which of these best describes you?

(Choose all that apply) (Required)

- Hackney Carriage licence holder only
- Private Hire licence holder only
- Dual Licence holder
- Operator
- Driver / Operator

What is your name?

Section 2: Reviewing the current tariff

Do you want to increase the current tariff at this time?

(Choose any one option)

- Yes
- No

If yes please select from the drop down list below which of the following should we increase

(Choose any one option)

- Flag fall only
- Rolling Rate only
- Flag fall and rolling rate

How often should there be a review of the of tariffs?

(Choose any one option)

- When there is a request for a review from the trade
- Annually
- Every 2 Years
- Every 3 Years
- Every 4 Years
- Every 5 Years

Section 3: How to review the table of fares

Are you happy for RPI (Retail Price index/ Inflation) to be used as the approved method for future tariff increases?

(Choose any one option)

- Yes
- No

Section 3: If RPI (Retail Price index/ Inflation) is approved as the method for calculation of future tariff increases:

Please select from the drop down list below which of the options this should be applied to

(Choose any one option)

- Flag fall only
- Rolling Rate only
- Flag fall and rolling rate

If RPI is applied should it be applied at:

(Choose any one option)

- The amount it calculates to
- Rounded up to the nearest 5p
- Rounded up to the nearest 10p

Section 4: This years tariffs

Please select which of the following tariffs you would like to see applied this year - April 22 to March 23

Option 1: Licensing Committee recommended - to apply 50pence onto the flag fall and 10p uplift on waiting times but not to adjust rolling rate

Option 2: Proposed by a hackney driver - increase the flag fall, rolling rate and amend yardage

Option 3: Cabinet recommended - applying RPI across the rolling rates and flag fall

(Choose any one option)

- Option 1
- Option 2
- Option 3

Section 5: Further conversations

Would you like to join the council and other drivers/ operators at a local meeting to discuss this matter further?

(Choose any one option)

- Yes
- No

Please add any additional comments about how you would like us to consult with you in the future:

If you have answered yes to question 10 please indicate which part of the day would be best for you (meetings will take place Monday - Friday)

(Choose any one option)

- Morning
- Afternoon
- Evening

Would it help if we arranged the meeting over Zoom or Teams (video conferencing style meeting)

(Choose any one option)

KeepConnected

- Yes
- No

Section 6: Please provide your email address and contact number should you wish to receive updates and details on future consultations.

What is the best way to contact you in the future?

(Choose any one option)

- E-mail
- Text
- Letter

Please provide your e-mail address

Please provide your mobile/telephone number

Thank you for taking part in this survey

Proposed tariff options for consultation**Option 1 – Recommended by Licensing Committee Jan 2022****Note :- Uplift of 50p to flagfall across 3 tariffs and apply 10p uplift to waiting charges****Tariff 1**

For hirings commenced between 07.01 and 23.59	
If the distance does not exceed 660 yards for the whole distance:	£3.30
For each of the subsequent 310 yards or uncompleted part thereof:	30p
Waiting Time: For each period of 40 seconds or uncompleted part thereof	20p

Tariff 2

For hirings commenced between midnight and 07.00 For hirings commenced between 19.00 and midnight on the 24 th December For hirings commenced between 19.00 and midnight on the 31 st December For hirings commencing on any Bank Holiday or Public Holiday	
If the distance does not exceed 660 yards for the whole distance:	£4.50
For each subsequent 220 yards or uncompleted part thereof:	30p
Waiting time: For each period of 40 seconds or uncompleted part thereof	20p

Tariff 3

For hirings commenced between 00.01 25 th December and 07.00 27 th December For hirings commenced between 00.01 1 st January and 07.00 2 nd January	
If the distance does not exceed 880 yards for the whole distance:	£5.70
For each subsequent 220 yards or uncompleted part thereof:	40p
Waiting time: For each period of 40 seconds or uncompleted part thereof	20p

For each passenger in excess of one [for the purpose two children aged 11 or under to count as one passenger for the whole distance]	20p
For each perambulator or article of luggage carried outside the passenger compartment of the vehicle	20p
Soiling Charge: A charge may be requested if the passenger[s] soils the vehicle.	This will not exceed £75.00

Option 2 – Updated Tariff charges proposed by Hackney driver and backed by several drivers**Note:- Increase to flag fall, rolling rate and amend yardage applied****Tariff 1**

For hirings commenced between 07.01 and 23.59	
If the distance does not exceed 880 yards for the whole distance:	£3.00
For each of the subsequent 176 yards or uncompleted part thereof:	20p
Waiting Time: For each period of 40 seconds or uncompleted part thereof	20p

Tariff 2

For hirings commenced between midnight and 07.00 For hirings commenced between 19.00 and midnight on the 24 th December For hirings commenced between 19.00 and midnight on the 31 st December For hirings commencing on any Bank Holiday or Public Holiday	
If the distance does not exceed 880 yards for the whole distance:	£4.50
For each subsequent 176 yards or uncompleted part thereof:	30p
Waiting time: For each period of 40 seconds or uncompleted part thereof	30p

Tariff 3

For hirings commenced between 00.01 25 th December and 07.00 27 th December For hirings commenced between 00.01 1 st January and 07.00 2 nd January	
If the distance does not exceed 880 yards for the whole distance:	£6.00
For each subsequent 176 yards or uncompleted part thereof:	40p
Waiting time: For each period of 40 seconds or uncompleted part thereof	40p

For each passenger in excess of one [for the purpose two children aged 11 or under to count as one passenger for the whole distance]	20p
For each perambulator or article of luggage carried outside the passenger compartment of the vehicle	20p
Soiling Charge: A charge may be requested if the passenger[s] soils the vehicle.	This will not exceed £100.00

Option 3 – applying Retail Price Index (RPI) at the current rate (7.8%)

Note – Based on this consultation if RPI is agreed, the Tariff maybe rounded up or down to the nearest 5p or 10p

Tariff 1

For hirings commenced between 07.01 and 23.59	
If the distance does not exceed 660 yards for the whole distance:	£3.01
For each of the subsequent 310 yards or uncompleted part thereof:	32p
Waiting Time: For each period of 40 seconds or uncompleted part thereof	10p

Tariff 2

For hirings commenced between midnight and 07.00 For hirings commenced between 19.00 and midnight on the 24 th December For hirings commenced between 19.00 and midnight on the 31 st December For hirings commencing on any Bank Holiday or Public Holiday	
If the distance does not exceed 660 yards for the whole distance:	£4.31
For each subsequent 220 yards or uncompleted part thereof:	32p
Waiting time: For each period of 40 seconds or uncompleted part thereof	10p

Tariff 3

For hirings commenced between 00.01 25 th December and 07.00 27 th December For hirings commenced between 00.01 1 st January and 07.00 2 nd January	
If the distance does not exceed 880 yards for the whole distance:	£5.60
For each subsequent 220 yards or uncompleted part thereof:	43p
Waiting time: For each period of 40 seconds or uncompleted part thereof	10p

For each passenger in excess of one [for the purpose two children aged 11 or under to count as one passenger for the whole distance]	20p
For each perambulator or article of luggage carried outside the passenger compartment of the vehicle	20p
Soiling Charge: A charge may be requested if the passenger[s] soils the vehicle.	This will not exceed £80.00

Option 4 – applying baseline Retail Price Index (RPI) at 22.25%

Note – Based on this consultation if RPI is agreed, the Tariff maybe rounded up or down to the nearest 5p or 10p

Tariff 1

For hirings commenced between 07.01 and 23.59	
If the distance does not exceed 660 yards for the whole distance:	£2.93
For each of the subsequent 310 yards or uncompleted part thereof:	37p
Waiting Time: For each period of 40 seconds or uncompleted part thereof	12p

Tariff 2

For hirings commenced between midnight and 07.00 For hirings commenced between 19.00 and midnight on the 24 th December For hirings commenced between 19.00 and midnight on the 31 st December For hirings commencing on any Bank Holiday or Public Holiday	
If the distance does not exceed 660 yards for the whole distance:	£4.40
For each subsequent 220 yards or uncompleted part thereof:	37p
Waiting time: For each period of 40 seconds or uncompleted part thereof	12p

Tariff 3

For hirings commenced between 00.01 25 th December and 07.00 27 th December For hirings commenced between 00.01 1 st January and 07.00 2 nd January	
If the distance does not exceed 880 yards for the whole distance:	£5.87
For each subsequent 220 yards or uncompleted part thereof:	49p
Waiting time: For each period of 40 seconds or uncompleted part thereof	12p

For each passenger in excess of one [for the purpose two children aged 11 or under to count as one passenger for the whole distance]	24p
For each perambulator or article of luggage carried outside the passenger compartment of the vehicle	24p
Soiling Charge: A charge may be requested if the passenger[s] soils the vehicle.	This will not exceed £92.00

Summary of fare changes based on the 4 options

Option 1 Licensing Committee Proposed						
Distance (Miles)	Tariff 1 (£)	% Increase	Tariff 2 (£)	% Increase	Tariff 3 (£)	% Increase
1	£4.50	12.50%	£6.00	9.09%	£7.30	7.35%
2	£6.30	8.62%	£8.40	6.33%	£10.50	5.00%
3	£7.80	6.85%	£10.80	4.85%	£13.70	3.79%
4	£9.60	5.49%	£13.20	3.94%	£16.90	3.05%
5	£11.40	4.59%	£15.60	3.31%	£20.10	2.55%
10	£19.80	2.59%	£27.60	1.85%	£36.10	1.40%
20	£36.90	1.37%	£51.60	0.98%	£68.10	0.74%
Option 2 Trade Proposal						
Distance (Miles)	Tariff 1 (£)	% Increase	Tariff 2 (£)	% Increase	Tariff 3 (£)	% Increase
1	£4	0.00%	£6	9.09%	£8	17.65%
2	£6	3.45%	£9	13.92%	£12	20.00%
3	£8	9.59%	£12	16.50%	£16	21.21%
4	£10	9.89%	£15	18.11%	£20	21.95%
5	£12	10.09%	£18	19.21%	£24	22.45%
10	£22	13.99%	£33	21.77%	£44	23.60%
20	£42	15.38%	£63	23.29%	£84	24.26%
Option 3 applying RPI at 7.8%						
Distance (Miles)	Tariff 1 (£)	% Increase	Tariff 2 (£)	% Increase	Tariff 3 (£)	% Increase
1	£4.29	7.25%	£5.91	7.45%	£7.32	7.65%
2	£6.21	7.07%	£8.47	7.22%	£10.76	7.60%
3	£7.81	6.99%	£11.03	7.09%	£14.20	7.58%
4	£9.73	6.92%	£13.59	7.01%	£17.64	7.56%
5	£11.65	6.88%	£16.15	6.95%	£21.08	7.55%
10	£20.61	6.79%	£28.95	6.83%	£38.28	7.53%
20	£38.85	6.73%	£54.55	6.75%	£72.68	7.51%
Baseline RPL at 22.25%						
Distance (Miles)	Tariff 1 (£)	% Increase	Tariff 2 (£)	% Increase	Tariff 3 (£)	% Increase
1	£4.38	9.50%	£6.25	13.64%	£7.16	5.29%
2	£6.60	13.79%	£9.21	16.58%	£11.08	10.80%
3	£8.45	15.75%	£12.17	18.16%	£15.00	13.64%
4	£10.67	17.25%	£15.13	19.13%	£18.92	15.37%
5	£12.89	18.26%	£18.09	19.80%	£22.84	16.53%
10	£23.25	20.47%	£32.89	21.37%	£42.44	19.21%
20	£44.34	21.81%	£62.49	22.29%	£81.64	20.77%

Taxi Fare Follow Up

Section 1: This years tariffs

Privacy Statement

[More details here](#)

Please note: Personal Data will only be used for the purpose of this taxi review and not shared.

Please select which of the following tariffs you would like to see applied this year - April 22 to March 23

Option 2: Proposed by a hackney driver - increase the flag fall, rolling rate and amend yardage

Option 4: RPI increase applied to Tariff table baseline of November 2014

(Choose any one option) (Required)

- Option 2
- Option 4

At what fee should the soiling charge be set at for 2022/2023?

(Choose any one option) (Required)

- £75.00
- £80.00
- £85.00
- £90.00
- £95.00
- £100.00

Future increases to the soiling charge should be (please select an option below)

(Choose any one option)

- The agreed uplift that is part of the Tariff review
- No change unless the trade request an uplift
- RPI increase every 3 years
- RPI increase every 5 years

If you have an alternative to the options in question 3 please give us your suggestion here

Section 2: Please provide your name, email address and contact number

What is your name?

(Required)

KeepConnected

Please provide your e-mail address

Please provide your mobile/telephone number

Thank you for taking part in this survey

Taxi Fare Review

SURVEY RESPONSE REPORT

15 February 2022 - 08 March 2022

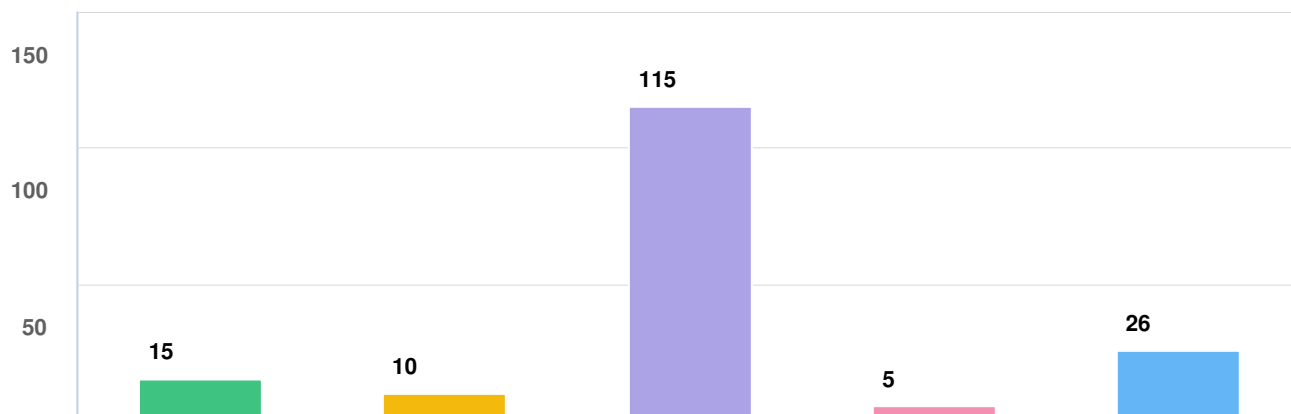
PROJECT NAME:

When is a fare fair?



SURVEY QUESTIONS

Q1 Which of these best describes you?

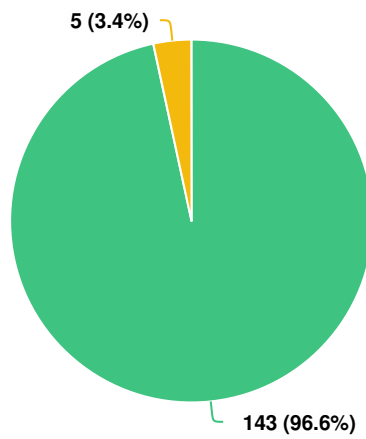


Question options

- Hackney Carriage licence holder only
- Private Hire licence holder only
- Dual Licence holder
- Operator
- Driver / Operator

Mandatory Question (149 response(s))
Question type: Checkbox Question

Q3 Do you want to increase the current tariff at this time?

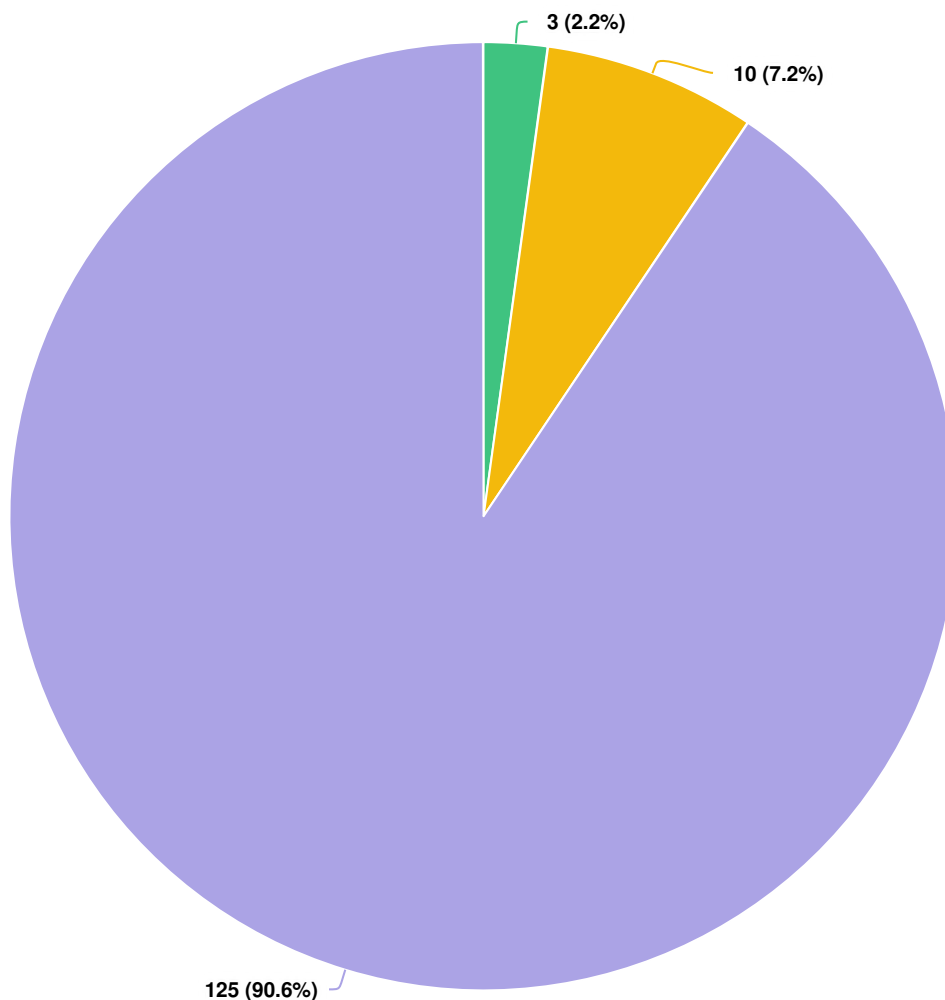


Question options

- Yes
- No

Optional question (148 response(s), 1 skipped)
Question type: Dropdown Question

Q4 If yes please select from the drop down list below which of the following should we increase

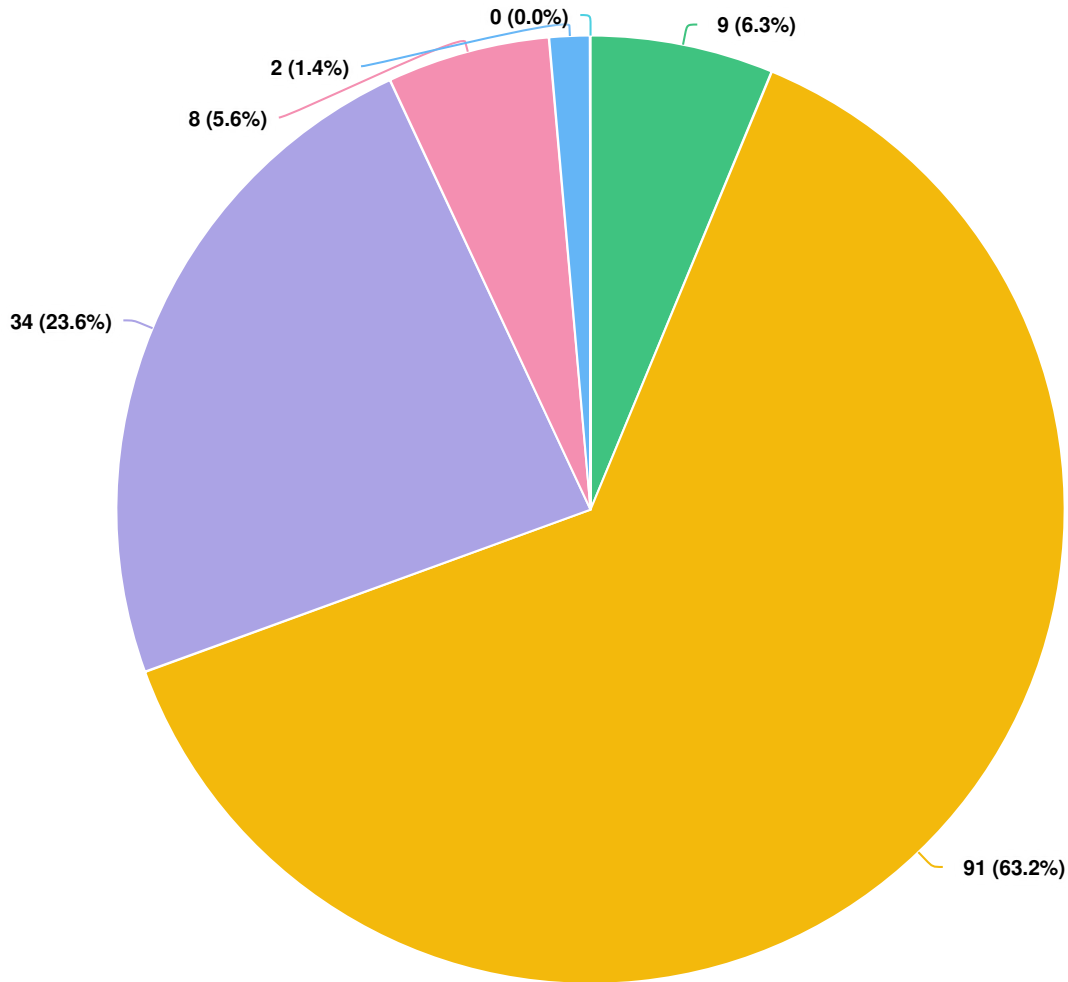


Question options

- Flag fall only
- Rolling Rate only
- Flag fall and rolling rate

Optional question (138 response(s), 11 skipped)
Question type: Dropdown Question

Q5 How often should there be a review of the of tariffs?

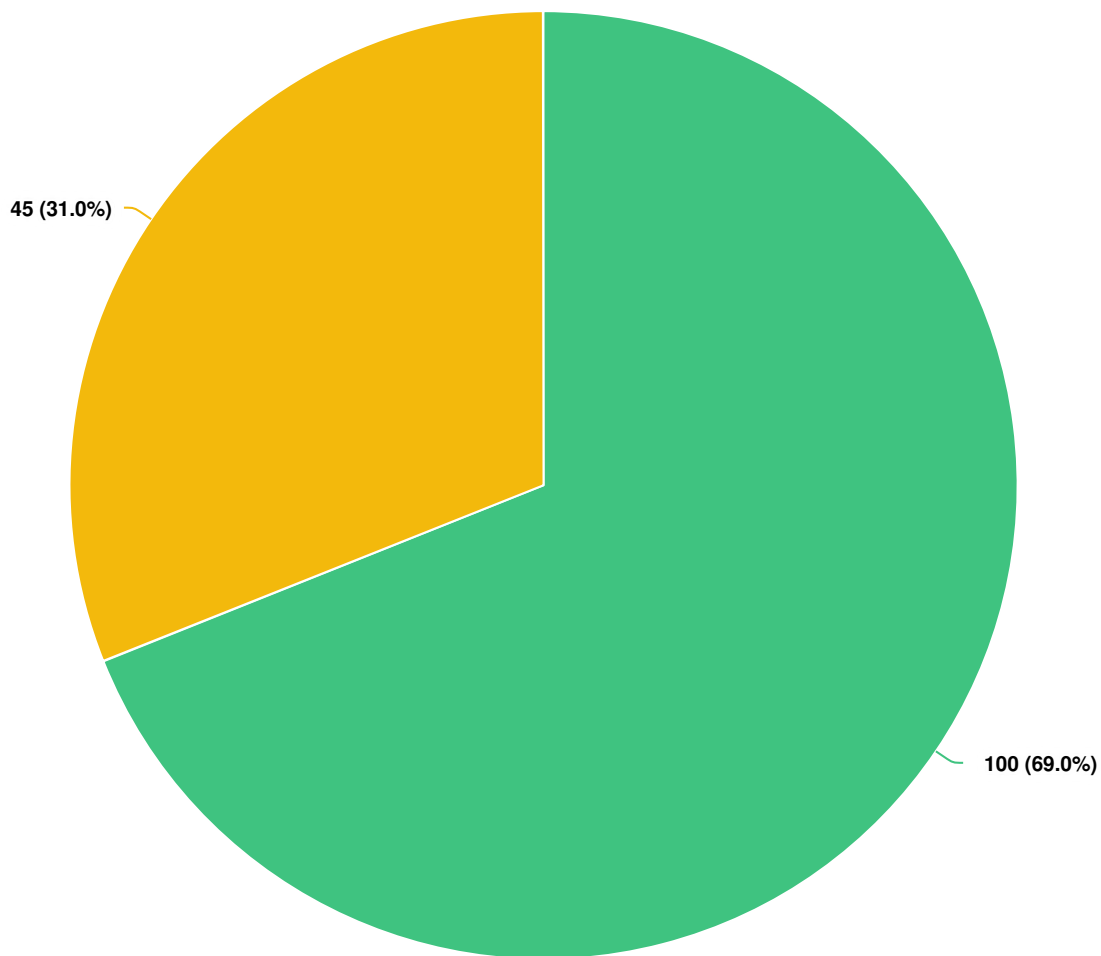


Question options

- When there is a request for a review from the trade
- Annually
- Every 2 Years
- Every 3 Years
- Every 4 Years
- Every 5 Years

Optional question (144 response(s), 5 skipped)
Question type: Dropdown Question

Q6 Are you happy for RPI (Retail Price index/ Inflation) to be used as the approved method for future tariff increases?

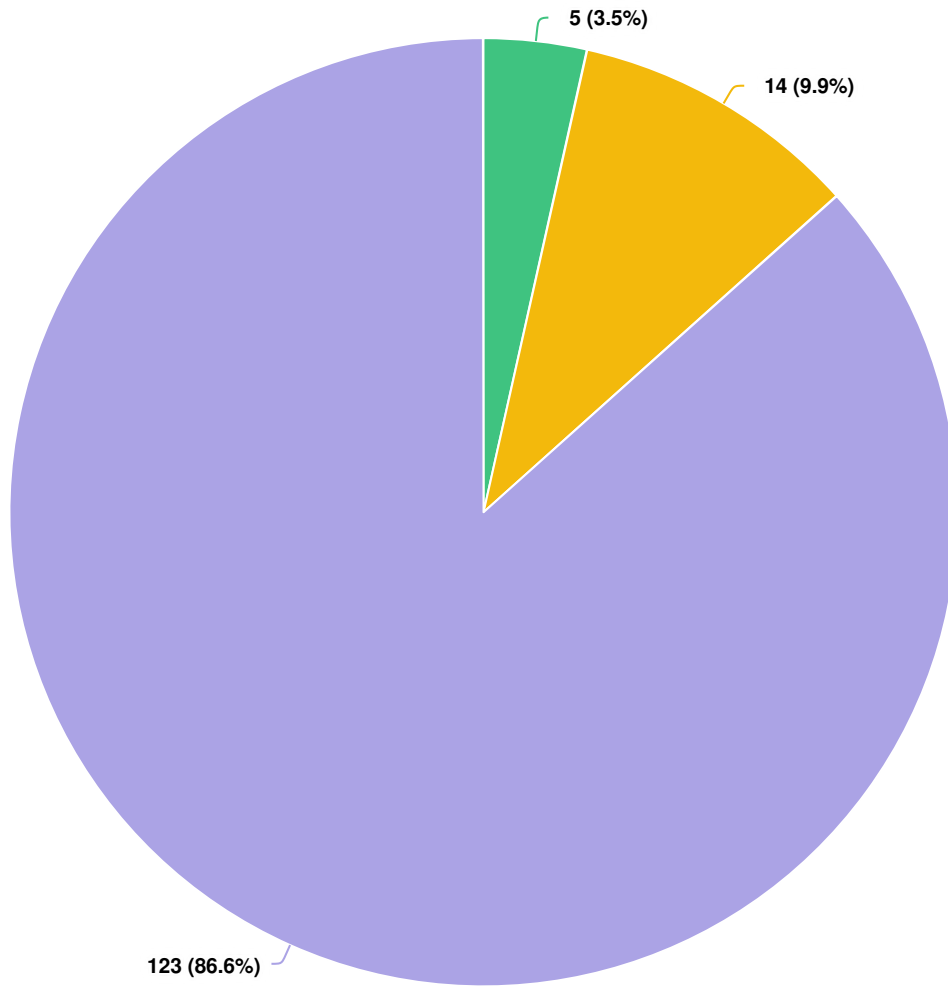


Question options

- Yes
- No

*Optional question (145 response(s), 4 skipped)
Question type: Dropdown Question*

Q7 Please select from the drop down list below which of the options this should be applied to

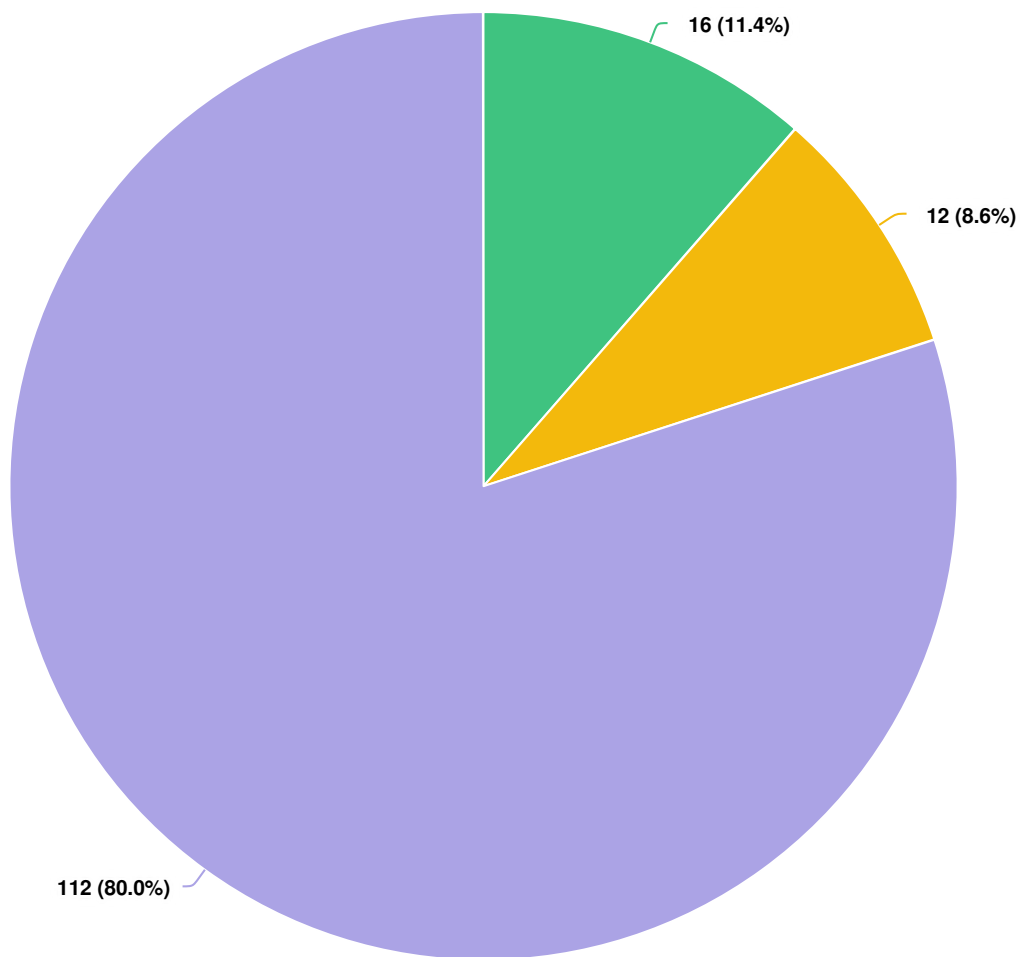


Question options

- Flag fall only
- Rolling Rate only
- Flag fall and rolling rate

Optional question (142 response(s), 7 skipped)
Question type: Dropdown Question

Q8 If RPI is applied should it be applied at:

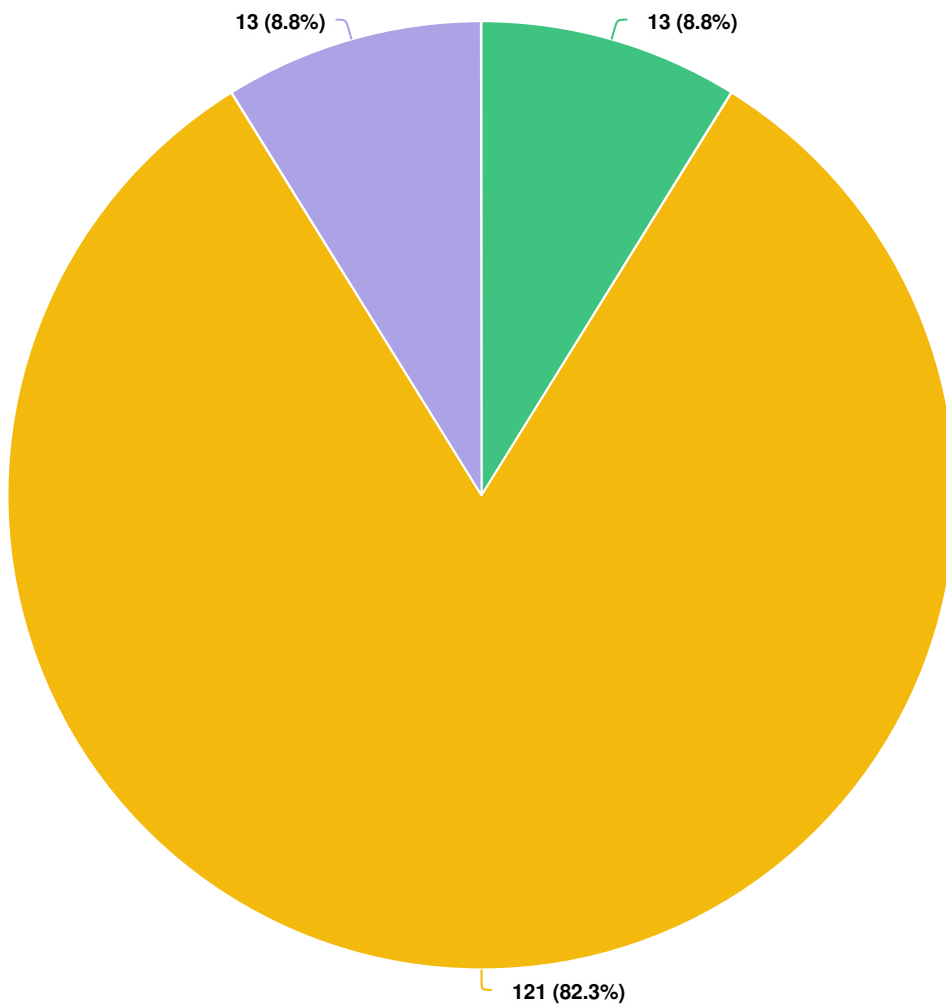


Question options

- The amount it calculates to
- Rounded up to the nearest 5p
- Rounded up to the nearest 10p

Optional question (140 response(s), 9 skipped)
Question type: Dropdown Question

Q9 Please select which of the following tariffs you would like to see applied this year - April 22 to March 23 Option 1: Licensing Committee recommended - to apply 50pence onto the flag fall and 10p uplift on waiting times but not to adjust rolling ...

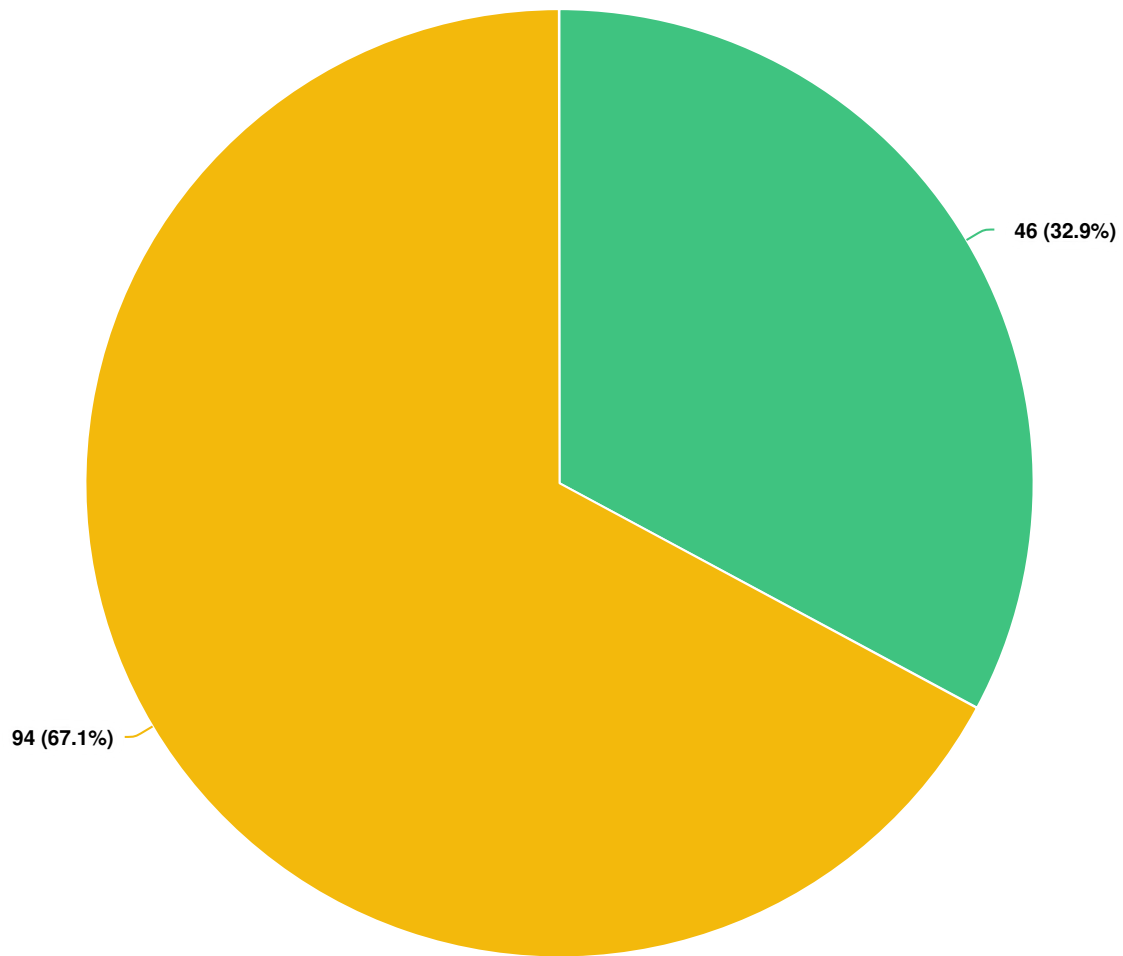


Question options

- Option 1
- Option 2
- Option 3

Optional question (147 response(s), 2 skipped)
Question type: Dropdown Question

Q10 | Would you like to join the council and other drivers/ operators at a local meeting to discuss this matter further?

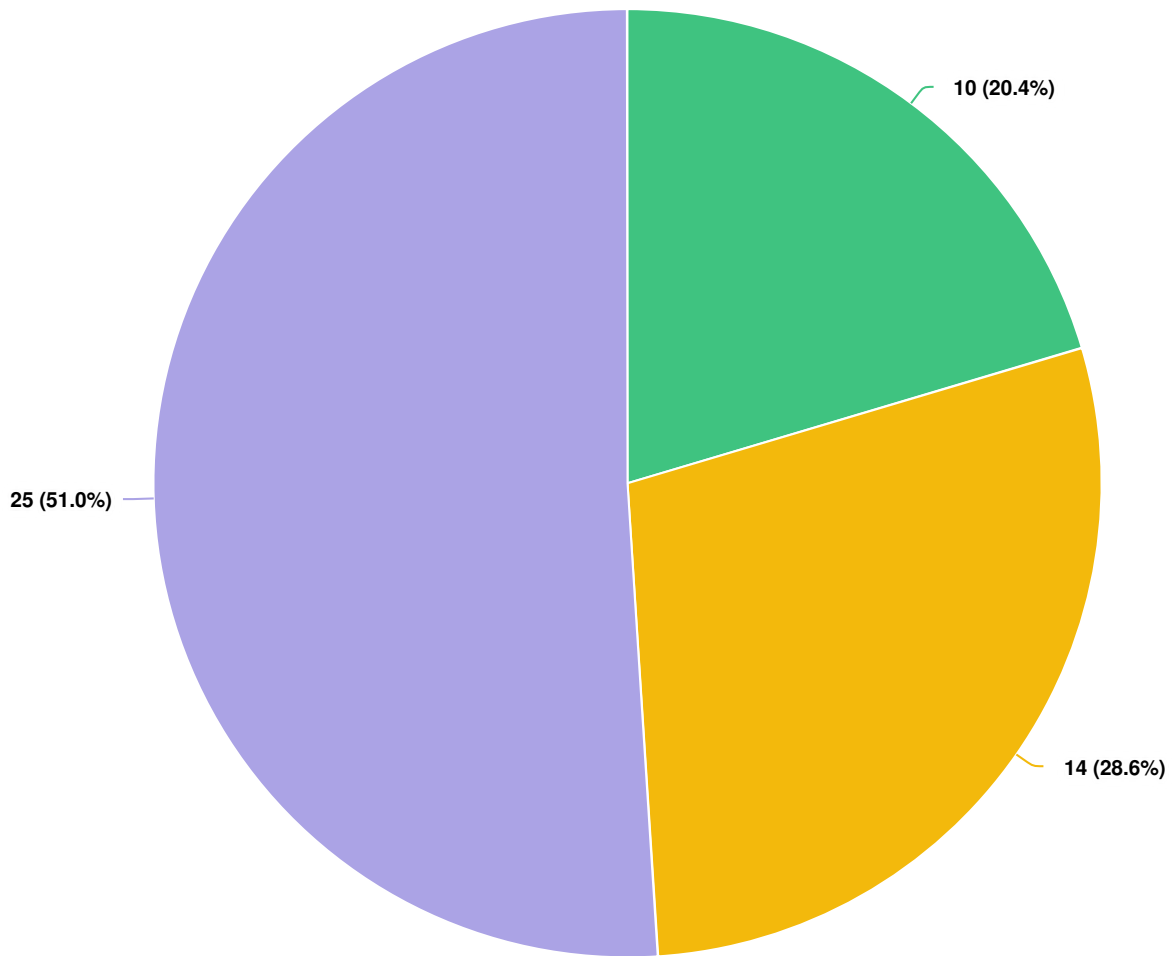


Question options

- Yes
- No

*Optional question (140 response(s), 9 skipped)
Question type: Dropdown Question*

Q12 | If you have answered yes to question 10 please indicate which part of the day would be best for you (meetings will take place Monday - Friday)

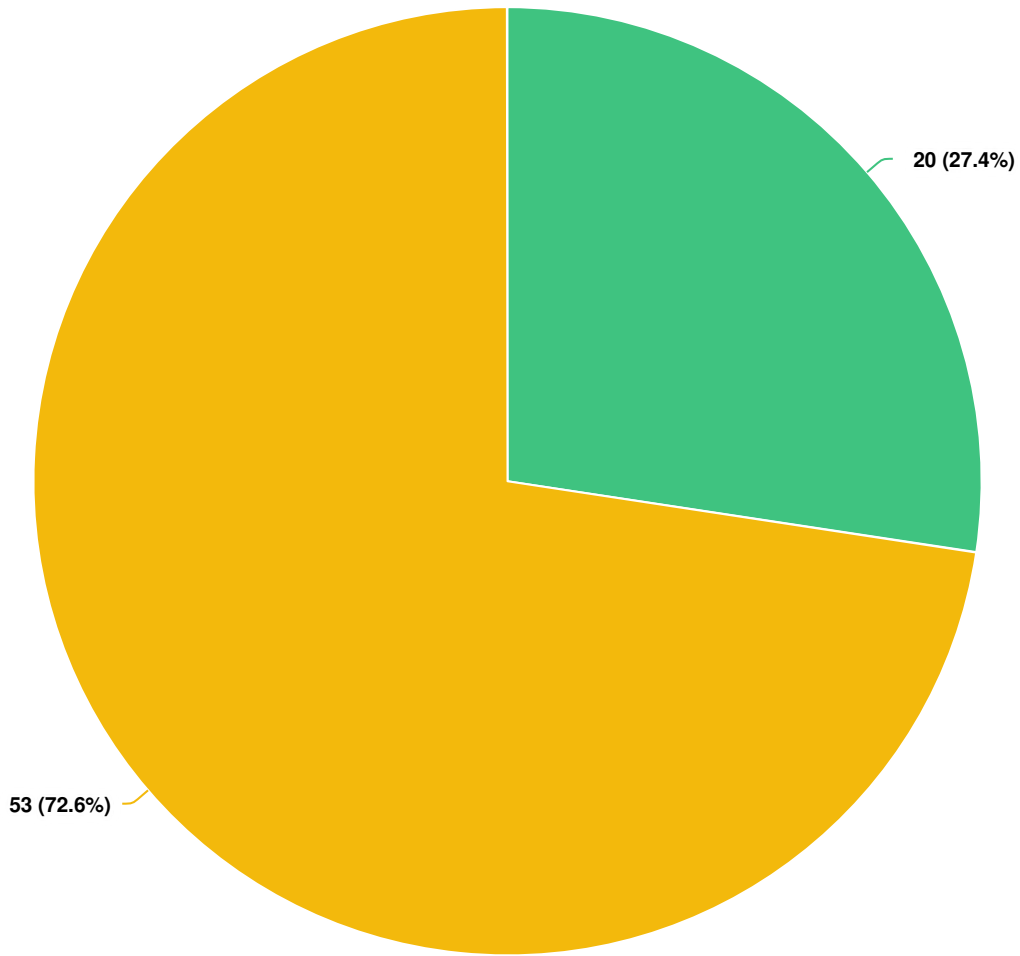


Question options

- Morning
- Afternoon
- Evening

Optional question (49 response(s), 100 skipped)
Question type: Dropdown Question

Q13 | Would it help if we arranged the meeting over Zoom or Teams (video conferencing style meeting)

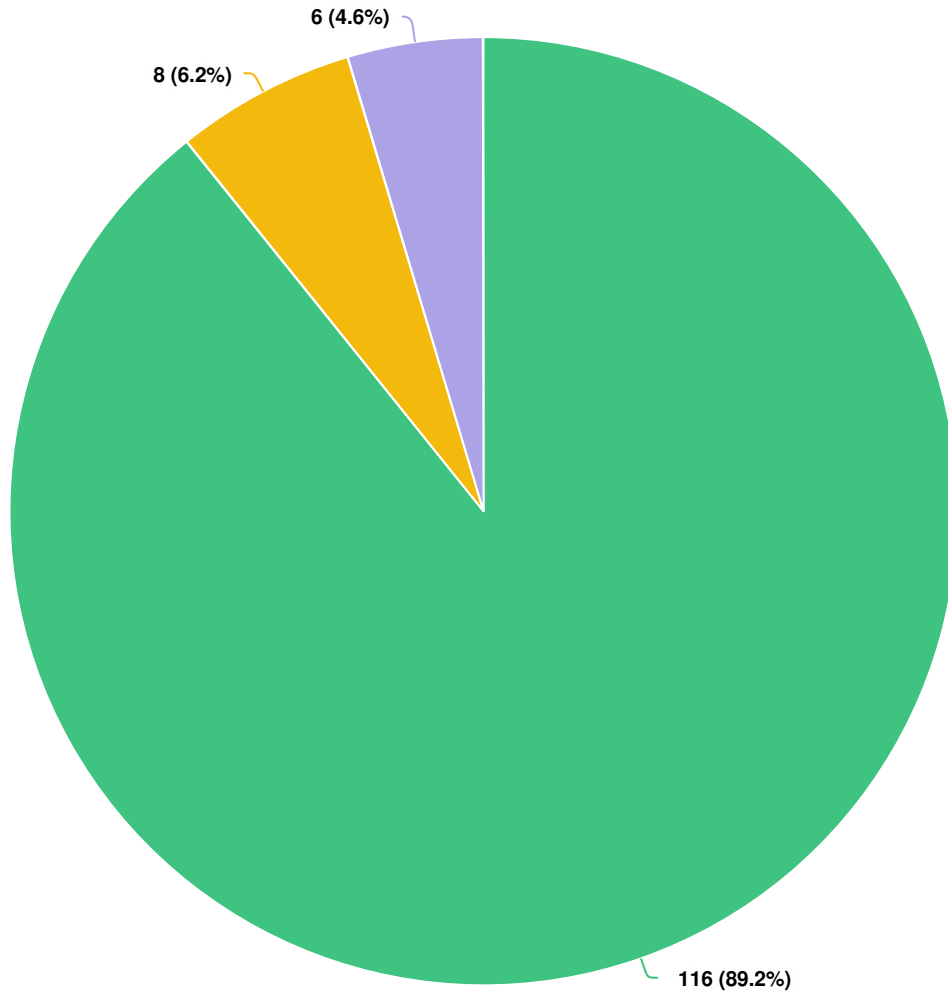


Question options

- Yes
- No

*Optional question (73 response(s), 76 skipped)
Question type: Dropdown Question*

Q14 What is the best way to contact you in the future?



Question options

- E-mail
- Text
- Letter

Optional question (130 response(s), 19 skipped)
Question type: Dropdown Question

Taxi Fare Follow Up

SURVEY RESPONSE REPORT

01 March 2022 - 08 March 2022

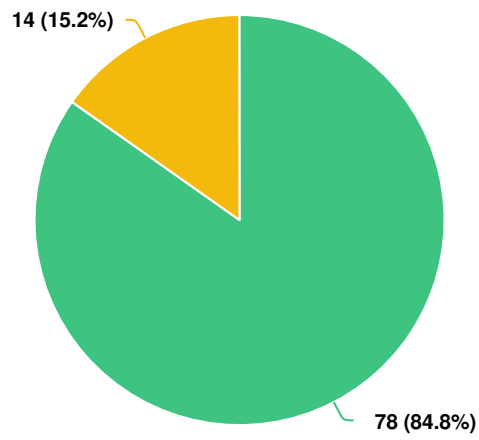
PROJECT NAME:

Taxi Fare Follow Up



SURVEY QUESTIONS

Q1 Please select which of the following tariffs you would like to see applied this year - April 22 to March 23 Option 2: Propo...

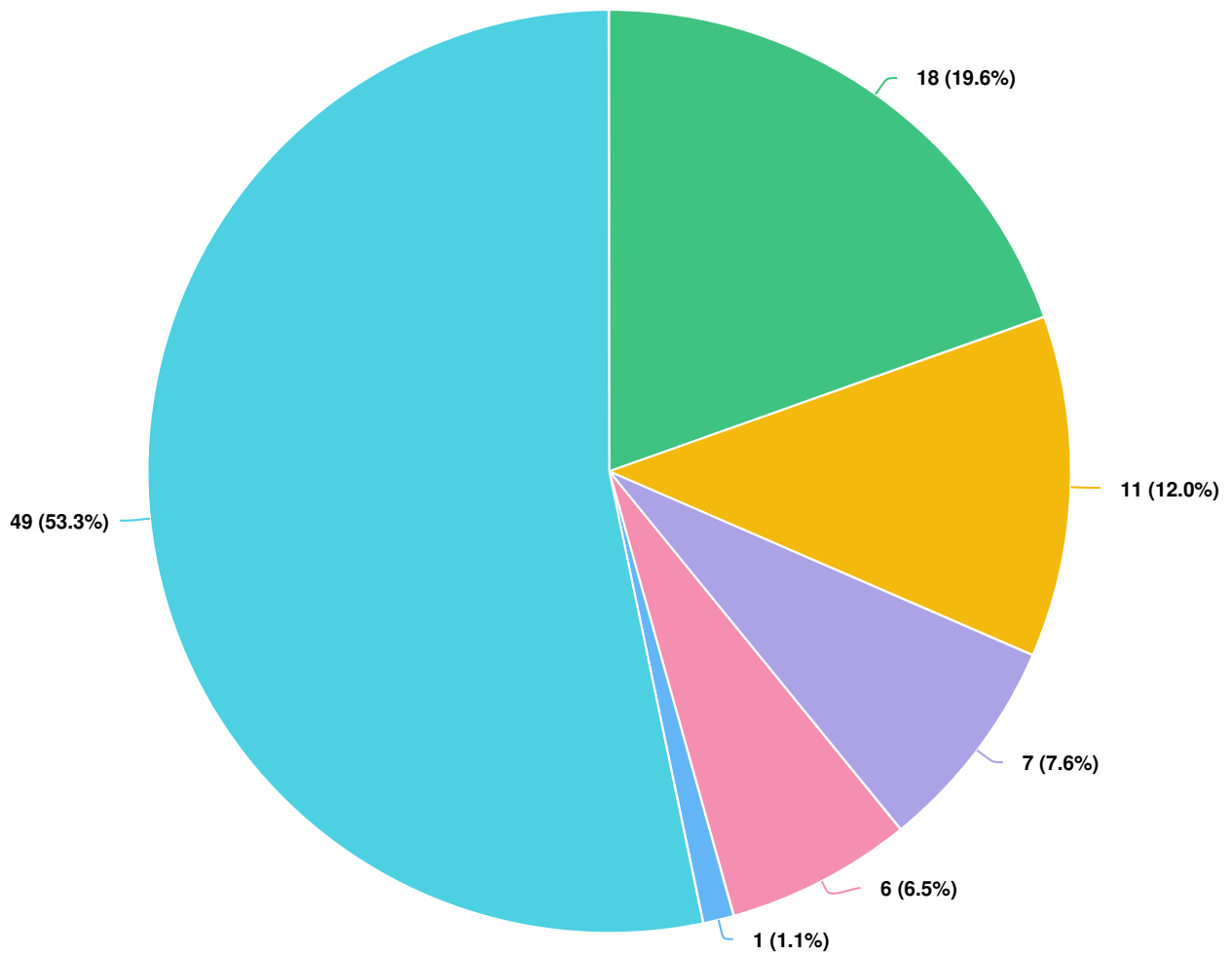


Question options

- Option 2
- Option 4

Mandatory Question (92 response(s))
Question type: Dropdown Question

Q2 At what fee should the soiling charge be set at for 2022/2023?

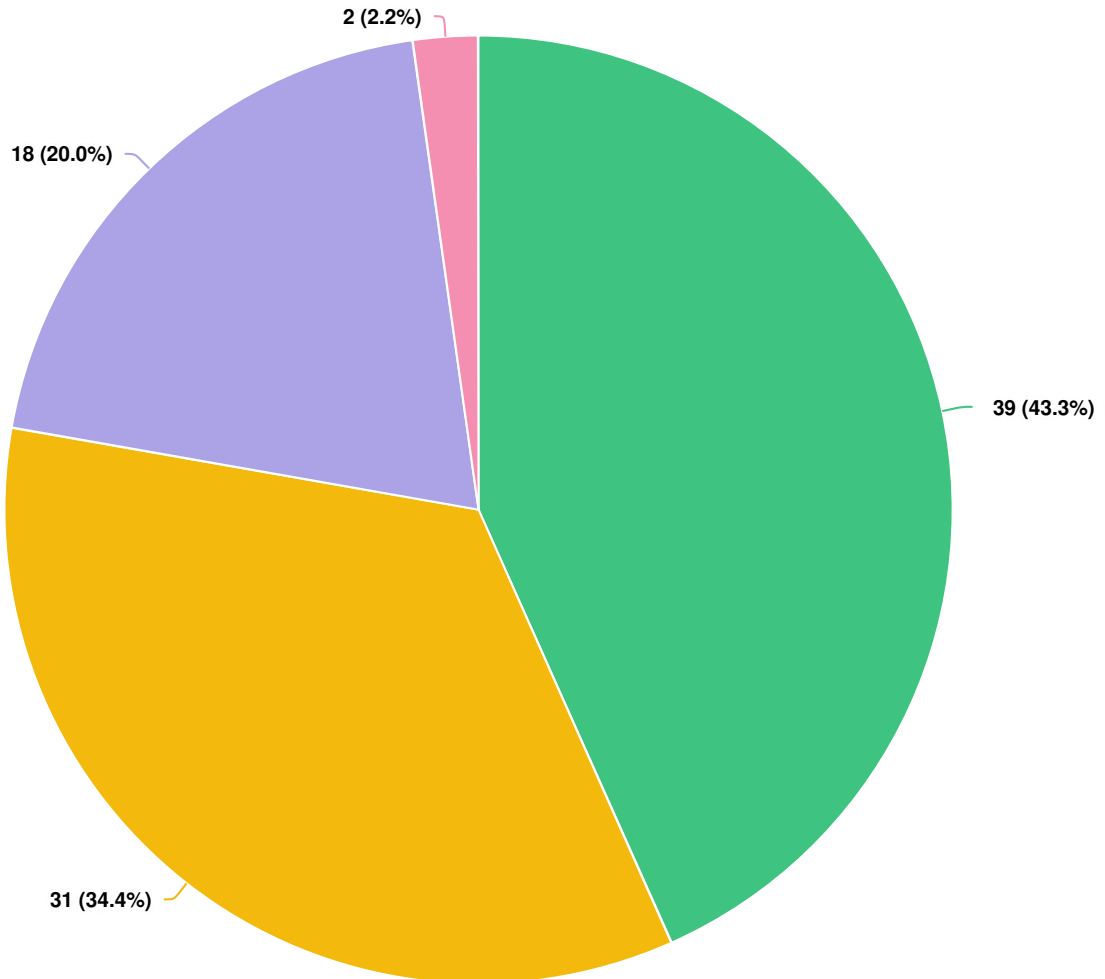


Question options

- £75.00
- £80.00
- £85.00
- £90.00
- £95.00
- £100.00

Mandatory Question (92 response(s))
Question type: Dropdown Question

Q3 Future increases to the soiling charge should be (please select an option below)



Question options

- The agreed uplift that is part of the Tariff review
- No change unless the trade request an uplift
- RPI increase every 3 years
- RPI increase every 5 years

Optional question (90 response(s), 2 skipped)
Question type: Dropdown Question

Comparison

Licensing Authority	2-mile Journey	Last Review
South Lakeland	£6.40	2018 (Under Review)
Blackburn	£6.30	2019
Fylde	£6.10	2018
Blackpool	£6.00	2021
Preston	£6.00	2017
Barrow	£6.00	2022
Lancaster	£5.80	2019
South Ribble	£5.80	2015
Wyre	£5.80	2018
Rotherham	£5.40	2017
Ribble Valley	£5.30	2008
Wigan	£5.30	2018
Rochdale	£5.00	2020
Rossendale	£5.00	2018
Hyndburn	£4.70	2008
West Lancs	£4.70	2011
Burnley	£4.50	2008
Pendle	£4.40	2008

Licensing Committee**Hackney Carriage Specification – Roof-sign requirements****7 April 2022****Report of Licensing Manager****PURPOSE OF REPORT**

As part of the new private hire and hackney carriage policy, vehicle specifications for both vehicles were updated. For hackney carriages, a standardised roof-sign was approved by Licensing Committee.

Since notification of this requirement a number of calls and e-mails had been received from hackney carriage proprietors questioning the reason for the changes to roof signs. The drivers that have contacted the licensing service have raised concerns about the cost burden that this will have at a time of increased fuel costs and before any new fare tariff has been agreed/implemented.

This report is public.

RECOMMENDATIONS

- (1) **It is recommended that members consider the representations made by the drivers and determine whether the financial impact is such that the requirement to replace existing roof signs to meet the new policy standard should be paused for a period of time and;**
- (2) **If the committee do decide to pause the policy change, to determine what period delay would be reasonable.**

1.0 Introduction

- 1.1 As members of Licensing Committee will be aware, when considering vehicle specifications as part of the private hire and hackney carriage vehicle policy, livery and signage were discussed, including the potential merits of a colour policy across the hackney carriage fleet and improved signage requirements. It was decided at a meeting of the Licensing Committee on 26 August 2021 that signage requirements were to be strengthened across the private hire and hackney carriage fleet and that hackney carriages must display a specified roof-sign.
- 1.2 The vehicle specification for hackney carriages which includes roof sign requirements is attached as **Appendix 1**.

2.0 Background

- 2.1 At a meeting of the Licensing Committee on 26 August 2021 members had the opportunity to view the roof signs and were satisfied they were in accordance with relevant British standards, were good quality and fit for purpose. The committee members also had the opportunity to consider the style and appearance and whether the change was proportionate and reasonable.
- 2.2 The rationale for introducing a new standard was to bring about consistency across the fleet, with the focus on public safety. Improving public safety is a key responsibility for the Licencing function of the Council. Disparities in appearance, quality and design in the 108 licensed vehicles was noted. Members wanted to create an element of uniformity, assisting the public with recognising a hackney carriage, capable of being flagged down by a member of the public.
- 2.3 The cost of the new roof signs is £90 and depending on whether the vehicle is inspected yearly, every 6 months or every 4 months, there is an option to spread the cost out over 1, 2 or 3 instalments as shown below:-
- Annual licence – 1 payment of £90
6 monthly licence – 2 payments of £45
4 monthly licence – 3 payments of £30
- 2.4 The installation of the roof-sign and cost associated will be the responsibility of the hackney carriage proprietor, as is current practice.

3.0 Consultation

- 3.1 At a meeting of the Licensing Committee on 18 March 2021 members approved a 12-week public consultation on the draft private hire and hackney carriage policy. The consultation period ran from Monday 12th March 2021 with the last date for representations being Sunday 27th June 2021. Each licence holder was sent a letter, encouraging responses to the online questionnaire and the option to provide a written response. An example of the letter is attached at **Appendix 2**.
- 3.2 Due to the ongoing Covid-19 pandemic no face-to-face consultation could be facilitated, instead the public was encouraged to review the draft policy and respond to the consultation via the Councils website and social media platforms, including Facebook and twitter. In addition, those with a specific interest in a section of the policy were signposted to relevant sections and encouraged to respond to proposals. For example, private hire operators were contacted, highlighting the updated conditions proposed in the policy document and asked for their views.
- 2.4 The consultation exercise resulted in 12 responses, with no feedback on livery or signage. Including roof-signs. In September 2021 the licensed trade was notified of some of the decisions to be taken regarding the policy in a trade newsletter, the newsletter is sent to all licence holders via our licensing email distribution list with a request for feedback, proposals to introduce a standardised roof-sign were included.

A copy of the newsletter is attached at **Appendix 3**.

3.0. Trade comments

- 3.1 The licensing service sent a reminder to all licence holders renewing their vehicle licence in April, along with a copy of the updated vehicle specification for their attention as these were to be the first of licence holders affected by the policy changes.
- 3.2 Since then, the licensing service has received a small number of representations from hackney carriage proprietors. Comments received in response to the new roof signs covered concerns about the quality, whether they would be safe, the cost, objections to the requirement to change existing roof signs that did not comply, and that the introduction at this time of increased fuel costs.
- 3.3 Information regarding the roof-signs has been obtained from suppliers, Signs Express via Managing Director Lee Reynolds. Assurances are provided in terms of quality, design and safety of the approved roof-signs. This should alleviate any concerns from the licensed trade regarding safety and quality of the product.
- 3.2 This report has been brought to the Licensing committee at this time in order to consider whether a delay to the requirement to replace roof signs would be appropriate given that:-
 - a) Fuel costs have recently increased significantly in the last few weeks
 - b) Cabinet recommended further consultation with the licensed trade regarding a review of the hackney carriage fare tariff, hence a delay of approx. 3 months in an uplift in fares for the licensed trade.
 - c) Inflation is predicted to continue to rise for the next few months and maybe for the rest of the year.
- 3.3 It is not proposed to reconsider the broader private hire and hackney carriage licensing policy or the agreement to introduce the changes to hackney carriage roof-signs. This has previously been agreed by this committee following a period of consultation.

4.0 Conclusion

- 4.1 Although the roof sign policy was agreed on the grounds of improving public safety, introducing a short delay at this time would not cause significant risk.
- 4.2 Members should be aware that in agreeing a new policy, discussions with a local supplier Signs Express to ensure availability of the roof signs resulted in the supplier committing £10,000 in advanced orders to ensure adequate supplies are available. The company has expressed concern that the decision to delay the policy change would have an impact on the business and they have asked for reassurance from the Licensing manager that the previous decision to introduce the changes will be honoured.

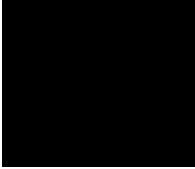
**CONCLUSION OF IMPACT ASSESSMENT
(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

[Click here and type conclusion of impact assesment]

FINANCIAL IMPLICATIONS	
<p>Hackney Carriage proprietors will be required to purchase a roof-sign at a cost of £90 per vehicle, payment options are available dependent on the age of the vehicle. Installation costs will also be met by the proprietors (as is current practice).</p> <p>There is also the potential for challenges by the trade to the change in policy, this may incur legal costs to defend any such challenge.</p>	
SECTION 151 OFFICER'S COMMENTS	
Not applicable	
LEGAL IMPLICATIONS	
None identified	
MONITORING OFFICER'S COMMENTS	
Not applicable	
BACKGROUND PAPERS Licensing Committee report and minutes 26 August 2021	Contact Officer: Jennifer Curtis Telephone: 01524 582732 E-mail: jcurtis@lancaster.gov.uk Ref: Roof-signs/JC



Contact: Licensing
Telephone: [01524] 582033
E-mail: licensing@lancaster.gov.uk
Website: www.lancaster.gov.uk



**Directorate for Communities
and the Environment**

Licensing

Morecambe Town Hall
Marine Road
Morecambe
LA4 5AF

07/04/2021

Dear

Hackney Carriage Driver Licence No: HD7205

**Re: Lancaster City Council - Trade Consultation, Private Hire and Hackney Carriage
Licensing Policy**

Lancaster City Council is proposing to introduce a comprehensive Private Hire and Hackney Carriage Licensing Policy that provides a single point of contact for all information regarding the licensing and safe use of hackney carriage and private hire vehicles.

It includes updated application matters, licence conditions and vehicle specifications.

You are being notified as a current licence holder, the draft policy is required to be subject to public, trade and interested party consultation.

The consultation runs from Monday 29th March 2021 to Sunday 27th June 2021.

Please take the time to read the draft policy, available on Lancaster City Council website, we would very much welcome your feedback on the proposals.

We request that responses to the consultation are submitted using the online questionnaire. Alternatively, they can be emailed to licensing@lancaster.gov.uk with the subject header titled "Consultation response".

Many thanks,

Jennifer

and Private Hire Newsletter

September 2021

DBS Update Service

It is a requirement of holding a driver's licence with Lancaster City Council that all drivers sign up and maintain a subscription to the update service through the DBS service. After the initial £44 payment, the cost is £13 per year via direct debit.

A number of drivers upon renewal have not maintained the subscription and as such a new DBS certificate has been required. The drivers have been suspended in the interim.

This is a reminder to check your direct debits and ensure sufficient funds are available annually to maintain your subscription.

New Drivers

There is a national shortage of licensed drivers. As such the pressure on the licensed trade is mounting as they struggle to meet the demands from the travelling public. Licensing staff are exploring options with the councils communications team to encourage new drivers to the trade and highlight funding options.

Lancaster and Morecambe College have options to obtain the qualification and training associated with becoming a taxi driver for FREE by providing a letter from their work coach at the job centre or proof of universal credit entitlement. Please contact Lancaster and Morecambe College for details.

In addition to this, there may be circumstances where the Job Centre will refund the cost of an Enhanced Disclosure and Barring Service Certificate.

Tax Conditionality – New Check from April 2022

The Finance Bill 2021 contains a clause that will introduce tax conditionality to licence applications for taxi and private hire drivers, private hire operators and scrap metal dealers. This will apply from 4th April 2022. HMRC is developing a digital system for applicants to complete the tax check. During the check, applicants will be asked to provide information about their licensed activity and whether HMRC has been made aware of any income earned.

Applicants will have an option to declare that, in their opinion, they do not have to be registered for tax. This may be because they are holding the licence but not using it to trade. Anyone who needs to correct their tax affairs i.e., register for tax, will have to do this before completing the tax check. Once the tax check has been completed, the applicant will receive a tax-check reference which they need to give to their Licensing Authority upon licence renewal.

Licensing bodies will use HMRC digital service to confirm that the tax check has been completed. Licensing staff will not have access to personal data, the only role of the Licensing Authority is to confirm that the tax check has been completed.

Vehicle Test Procedure - Online Bookings

Licensing staff are working on moving licensed vehicle test bookings online. The booking and payment for the tests will be completed via an online booking process, available through the council's website.

Vehicle proprietors will be required to submit vehicle licence paperwork to Licensing and book their own vehicle test through the online portal. Once the vehicle has attended VMU and has passed, the vehicle licence and plates will then be issued at the Vehicle Maintenance Unit.

Hopefully, the new system will be made available via the councils website early 2022. This will make the vehicle application process more straightforward and streamlined for both the licensing service and vehicle proprietors.



NR3 Register – Refusals and Revocations

The Licensing Service has signed up to the National Register of Refusals and Revocations, known as NR3. The register allows Licensing Authorities to check if applicants for drivers' licences have previously had licences refused/revoked in other Authority areas.

It also allows licensing staff to input drivers who have had licences refused/revoked by this Licensing Authority to notify others.

Application forms and privacy notices will be updated to reflect these procedures.

Reporting changes in personal circumstances (medical/convictions/arrest)

It has been highlighted through the Licensing Committee process that many drivers are failing to notify the Licensing Service when they receive penalty points on their driving licence, arrests, charged with an offence or their medical suitability has changed.

The new taxi policy includes updated driver licence conditions. It is a condition of licence that any change in personal circumstance must be reported to the Licensing Service, within 48 hours.

Members of the Licensing Committee do not take favourably to drivers who during renewal hearings are not aware of conditions attached to their licence, claiming they are not aware of their responsibilities.

Please familiarise yourselves with conditions attached to your driver, vehicle and operator licences.

Contact us:

Call :01524 582033

Email: licensing@lancaster.gov.uk

Visit: www.lancaster.gov.uk/licensing

Policy Updates

The consultation on the draft taxi and private hire policy is now complete and the responses (12) presented to Licensing Committee. The final draft is being compiled for approval.

Due to the poor number of consultation responses, prior to approval, members requested that the final draft be subject to further scrutiny by the licensed trade.

Highlighted below are some key decisions taken in respect of the draft policy.

If you have any further feedback, please send it by email to licensing@lancaster.gov.uk

Medical Frequency

Currently medical examinations are required every 3 years upon licence renewal, although the medical standards applied are the DVLA group 2 standards, Lancaster City Councils requirements were not completely aligned.

Medical requirements will therefore be updated to completely mirror DVLA Group 2 standards, as follows:

- ~ Medical Examination required upon initial application
- ~ Medical Examination submitted every 5 years from aged 45
- ~ Annual Medical Examination required annually aged 65

Further Medical Examinations may be required following periods of absence due to ill-health.

Licence Conditions

Driver, Vehicle and Private Hire Operator Licence conditions have been reviewed and updated.

Once the policy is approved all licences will be issued with the updated conditions, please ensure you read and understand your responsibilities as a licence holder.

Signage (inc. roof-signs/livery)

A mandatory specification was approved for vehicle door-signs and Hackney Carriage roof-signs. A colour policy for licensed vehicles was not included in the draft policy.

Hackney Carriage Licence

Feedback from the consultation included a lack of provision and difficulties in obtaining a wheelchair accessible vehicle, Members therefore decided to release 2 Hackney Carriage Vehicle Licences, these vehicles must be wheelchair accessible and zero emission. Any further applications over the two pre-approved will be required to be taken to Licensing Committee for decision.

The trade will be notified when the Licensing Service is accepting new hackney carriage vehicle applications.

CCTV

Mandatory CCTV in all licensed vehicles was not approved by members but will be kept under review. Complaints will be monitored and reported to members on an annual basis, if it is established that CCTV may assist the Licensing Authority to investigate complaints and/or safeguard passengers and drivers, it will be revisited.

DBS Requirements

All drivers are required to sign up to the DBS update service and maintain a subscription. Vehicle proprietors are required to submit a basic DBS annually (not applicable if also a driver) and it is recommended that private hire operators ask that base staff complete a basic DBS annually to check their suitability to perform duties associated with the licensed trade.

Vehicle Specifications

With effect from 1st January 2025, private hire vehicle licences and hackney carriage licence renewals will only be granted to petrol, diesel or hybrid vehicles or vehicles which are Euro 6 compliant.

With effect from 1st January 2030, private hire vehicle licences and hackney carriage licence renewals will only be granted to vehicles which are zero emissions.



Passenger Safety

What can drivers do to make passengers feel safe?

Lancaster City Council will be promoting the stringent application measures required to become a licenced driver, in addition to this as part of the policy review a document entitled "Staying Safe Guidance for Passengers" will be made available for members of the public when undertaking journeys in vehicles licensed by Lancaster City Council.

Recently, due to serious events reported by the National media, it is necessary to highlight to licensed operators and drivers what they can do to ensure passengers travelling in their vehicle(s) feel safe whilst undertaking journeys in the district.

Keys points to consider:

- Confirm bookings via a call/text back, vehicle and driver details will then be shared with the passenger.
- As a legal requirement, licensed drivers must wear their Lancaster City Council "Drivers Badge" so it is visible to passengers.
- Vehicle details should also be visible; this offers reassurance to passengers that the driver/vehicle are appropriately licensed by Lancaster City Council.
- Where possible, passengers should travel in the rear of the vehicle.
- Avoid personal comments or conversations during the journey.
- Never touch a passenger; intoxicated persons may wish to hug you, offer a handshake instead.
- Do not respond to advances from passengers, in jest or those of a serious nature.
- Always try to pick-up/drop off in well lit areas, if a residential address allow the passenger to be safely inside the property before driving away.
- If you feel a passenger is at risk when leaving your vehicle, please call 101 and share your concerns or 999 in an emergency.

Card Payments in Licensed Vehicles

The Licensing service wishes to provide some clarity on card payments in licensed vehicles, in particular surcharges and minimum payments.

From January 2018, It became illegal to place a surcharge, no matter how small on a person who wishes to pay by credit/debit card. For example, a £3.50 fare is subject to a 50p surcharge for paying by debit card, increasing the fare to £4.

Drivers/Operators should therefore cease placing card surcharges on passengers wishing to pay by credit/debit card.

Minimum payments per se are not illegal. For example, you must spend a minimum of £5 to use your credit/debit card.

BUT, it is an offence for Hackney Carriages under the terms of Town Police Clauses Act 1847 (s58) or Local Government (Miscellaneous Provisions) Act 1976 (s66/67) to charge more for a journey than the metered fare. This also applies to Hackney Carriages acting as a Private Hire Vehicle.

Private hire vehicles can agree a fare with a passenger prior to a journey, therefore a minimum charge may be applied in these circumstances.

Passengers MUST agree prior to undertaking the journey. Private Hire Operators may wish to provide an alert when providing booking alerts stating minimum payments apply if customers pay by credit/debit card.