

LICENSING COMMITTEE

Draft Hackney Carriage and Private Hire Licensing Policy - Consultation Responses

26 August 2021

Report of Licensing Manager

PURPOSE OF REPORT

To provide the Committee with an overview of consultation responses on the Draft Hackney Carriage and Private Hire Licensing Policy.

The report is public

RECOMMENDATIONS

- (1) That the Committee members consider the consultation responses and make amendments to the draft Hackney Carriage and Private Hire Licensing Policy.
- (2) That the Licensing Manager bring a completed Policy, with final amendments before members for approval at the next meeting of the Licensing Committee.

1.0 Introduction

- 1.1 Members will recall that in July 2020, the Department for Transport (DfT) published its “Statutory Taxi and Private Hire Vehicle Standards”. Attached for reference at **Appendix 1**. These published standards are statutory standards to which local authorities must have regard. Lancaster City Council already met several requirements of the DfT standards, but other aspects of local licensing standards did require further development.
- 1.2 The need to update and develop some of the Councils licensing standards was identified in the 2020 licensing workplan. In light of the updates required and the published DfT standards it was felt necessary to consolidate existing standards, policies and procedures into one document, suitable for applicants, officers, members and the wider public.
- 1.3 Attached at **Appendix 2** is Lancaster’s draft hackney carriage and private hire licensing policy. This is the first time that the Council has attempted to provide a single document containing all policies and procedures relevant to the hackney carriage and private hire licensing process.

1.4 The draft policy contains 7 chapters,

- Background
- Introduction
- Administrative and Operational arrangements
- Driver standards
- Vehicle standards
- Operator standards
- Enforcement and compliance

1.5 Most of the chapters are broken down into sub sections. Throughout the draft policy there is reference to a wide range of appendices (Appendices A- Q). The appendices largely reflect individual specific sets of licensing standards for example, conviction and conduct policy, different categories of licensing conditions, vehicle specifications, lists of licensing offences etc, the policy has been drafted in such a way that if the standards need to change for example due to a change in legislation this can be easily accommodated by updating relevant appendices rather than reviewing the whole policy

1.6 The content of the policy is a mixture of existing policies and procedures and new requirements which are motivated by the need to ensure that the primary and overriding objective of the Councils licensing policies is to protect the public.

2.0 Report

2.1 At a meeting of the Licensing Committee on Thursday 18th March 2021 members approved a 12-week public consultation on the draft policy. The consultation period ran from Monday 12th March 2021 with the last date for representations being Sunday 27th June 2021. Throughout the 12-week period reminders were sent to consultees encouraging completion of the questionnaire in order for their views to be considered on the draft proposals.

2.2 The consultation was undertaken with regard to Government guidance on how consultations should be carried out. In 2000 the Government published its Code of Practice on consultation, the latest version of this is version 3 published in 2008 by the Department for Business, Enterprise and Regulatory Reform. More recently in 2018 the Cabinet office published the Government Consultation principles, the Council had regard to both documents when undertaking the consultation on the draft policy.

2.3 The list provides a comprehensive list of consultees. All of the consultees were contacted directly in writing advising them of the draft policy and inviting them to comment on the same via an online questionnaire.

- *Hackney carriage and private hire trade reps*
- *Licence holders (Driver, Vehicle and Operator)*
- *Agencies responsible for railway stations*
- *Lancashire Police*
- *Other local Authorities including Lancashire and neighbouring Cumbrian Authorities*
- *Guide Dogs, Deaf Society and Dementia UK*
- *Lancaster and Morecambe Pubwatch*

- *Business Improvement District Managers*
- *Lancashire County Council school transport providers*
- *Hospital and other key health providers*
- *All Local Councillors*
- *Educational bodies including universities and colleges*
- *Relevant safeguarding leads (Internal and External)*
- *Public via website and social media platforms*

2.4 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.

2.5 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.

3.0 Conclusion Responses

3.1 Attached at **Appendix 3** is the approved consultation Questionnaire. In order to evaluate responses received and direct respondents to the key issues, they were directed to the questionnaire online. It asked for their comments and, to enable those comments to be evaluated, asked for an explanation / reasoning for the views expressed.

3.2 The consultation questionnaire asked questions and requested comments around proposals set out in the policy with regards to the following standards.

- Content of policy overall
- Driver/ vehicle and operator standards
- Public and driver safety
- CCTV (Direct DfT requirement)
- Emission standards
- Distinguishing between the two types of Vehicles, including signage
- Passenger advice and info
- Any other comments

3.2 Through the consultation process a total of 12 responses were received, 9 via the online questionnaire and 3 written representations.

3.3 Attached at **Appendix 4** is a summary of the online questionnaire responses.

3.4 Written representations were received from the following individuals, also highlighted are the key issues their response wished to address.

Name of Respondent	Representation
Paul Cartmell (Senior Environmental Health Officer)	Air Quality/Emission standards of fleet
Peter Cookson (Private Hire Operator)	Standards for private hire operators

William Riley (Former Private Hire Operator and driver)	Various matters
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Their representations in full are attached at **Appendix 5**.

- 3.5 A number of key decisions in respect of the policy proposals require discussion and a decision taken by members of the Licensing Committee.
- 3.6 Attached at **Appendix 6** is a table detailing decisions to be taken to allow the Licensing Manager to make the necessary updates and complete the final policy document. In reaching their decision members should consider the DfT standards, relevant legislation and the responses received during the 12-week consultation period.

4.0 Conclusion

- 4.1 In producing the Hackney Carriage and Private Hire Licensing policy the aim is to provide a focal reference point for, officers, members, those working in the hackney carriage and private hire trades and members of the public.
- 4.2 A 12-week consultation has been undertaken and responses considered as set out in the report. Consultees were encouraged and reminded to submit a response to proposals set out in the draft policy. This provided an opportunity for the licensed trade and/or interested parties to provide feedback and influence the content of the future licensing policy.
- 4.2 Members are reminded that the content of the draft policy was motivated by the need to ensure that the primary and overriding objective of the Councils licensing policies in protecting the public, is promoted. When reaching decisions on matters to be included in the licensing policy, public safety should be at the forefront of all decision-making and of paramount importance.
- 4.3 It is the intention of the Licensing Manager to provide an update to the Licensing Committee on progress regarding the implementation of standards outlined in the Department for Transport (DfT) "Statutory Taxi and Private Hire Vehicle Standards" alongside the final policy at the next Licensing Committee.

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

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

Proposals within the draft policy will result in additional direct costs to the licensed trade, the main cost of which will be the capital cost associated with the purchase of ULEZ and zero emission vehicles. However the running costs associated with these types of vehicles is considerably less than vehicles which use diesel or petrol fuel.

There is also the potential for challenges by the trade to any change in policy that are brought in and if so, this may incur legal costs to defend any such challenge.

Any additional costs associated with the administration and enforcement of the taxi licencing regime can be recovered via taxi licensing fees.

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

BACKGROUND PAPERS

Reports to licensing Committee 27 August 2020, 8 October 2020, 18 March 2021.

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