

LICENSING COMMITTEE

Hackney Carriage and Private Hire Licensing Policy – FINAL DRAFT

6 January 2022

Report of Licensing Manager

PURPOSE OF REPORT

To provide the Licensing Committee with the final draft of the Hackney Carriage and Private Hire Licensing Policy for approval.

The report is public

RECOMMENDATIONS

- (1) That the Committee members consider the contents of the Hackney Carriage and Private Hire Licensing Policy, final draft for approval.
- (2) That the Licensing Manager prepares a report for full council, with a suggested implementation date of 1st April 2022.

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 A**. 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. This is reflected in the 2021/22 workplan approved by members at November’s meeting of the Licensing Committee.
- 1.3 Attached at **Appendix B** is Lancaster’s final 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 a draft of the policy, by way of online questionnaire; written representatives were also considered. The consultation period ran from Monday 12th March 2021 to 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. Consultation responses were collated by Officers and presented to members at a meeting of the Licensing Committee on 26th August 2021.

2.2 There were a number of key decisions taken at the meeting that were required to be reflected in the body of the policy and appendices. Including but not limited to, updated driver, vehicle and operator application procedures and licence conditions. Reviewed hackney carriage and private hire vehicle specifications incl. emission standards and lead time arrangements. Signage and livery details were also strengthened (including roof-signs requirements for hackney carriages).

2.3 Member will recall representations through the consultation and anecdotal complaints received regarding the availability of wheelchair accessible vehicles, as such it was decided that licensing of 2 further Hackney Carriages would be permitted, with the requirement for the vehicle to be fully wheelchair accessible and zero emission. Any further applications would be referred to Licensing Committee for decision. Applications will be on a first come, first served basis and accepted from the implementation date of the taxi policy.

2.4 Also included in the policy is a commitment to provide an annual report to members of the Licensing Committee, including analysis of complaints and investigations,

inspection and compliance matters. Numbers of licences granted, suspended and revoked will also be included in the report. This will assist members with understanding the complexity of matters the Licensing service deals with and highlight some of the action taken by the team to protect public safety.

- 2.5 Members will notice that point 5.12. the licensing of tuk-tuks/pedicabs is void within the policy, a decision is required regarding the licensing of such vehicles in the District and a set of standard conditions required to reflect any decision taken. The Licensing Manager has liaised with Public Realm over proposals to use the pedestrianised area of Morecambe Promenade as a suitable route for such vehicles, at present concerns have been raised over the shared space and the difficulties in policing correct use, with public safety at the forefront of considerations. A further report will be before members at the next Licensing Committee and the section updated in due course.
- 2.5 Members are therefore requested to approve the final draft of the policy with or without modification with a request that it is referred to Full Council for adoption.

3.0 Conclusion

- 3.1 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.
- 3.2 Following production of a Taxi Licensing Policy, the Council would be expected to review existing licences against the content and standard of the new policy. It is also advocated that the Councils Taxi Licensing Policy should be reviewed every 5 years or sooner if appropriate.
- 3.3 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.
- 3.4 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" at the next Licensing Committee following the policy content approval.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):</p>
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<p>LEGAL IMPLICATIONS</p>

<p>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</p>

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 final 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

SECTION 151 OFFICER'S COMMENTS

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MONITORING OFFICER'S COMMENTS

BACKGROUND PAPERS

Reports to licensing Committee 27 August 2020, 8 October 2020, 18 March 2021, 26 August 2021.

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