



Adoption of the South Somerset District Council Hackney Carriage and Private Hire Licensing Policy

Executive Portfolio Holder: Adam Dance, Area North and Licensing
Strategic Director: Kirsty Larkins, Director Service Delivery
Service Manager: Vicki Dawson, Lead Specialist Environment
Lead Officer: Rachel Lloyd, Specialist Licensing
Contact Details: Rachel.lloyd@southsomerset.gov.uk

Purpose of the Report

1. For members to consider amendments to the Taxi and Private Hire licensing policy with the aim of approving the adoption of the policy.

Public Interest

2. The Council is responsible for granting and refusing licences to individuals and businesses who wish to operate a taxi or private hire business and for enforcing conditions on licences and the associated legislation to do with taxis and private hire vehicles (PHV) and drivers.
3. The Council has a Taxi and Private Hire licensing policy which sets out the requirements for applying for taxi/private hire badge, vehicle licences and private hire operators and how we make decisions when determining applications and enforcing licences and the legislation.
4. The policy is now due for review to ensure all current legislation, guidance and best practice is incorporated. The Policy has been updated to include statutory guidance, an update to the criminal convictions policy, wheelchair access vehicle requirements and environmental standards for new applications for licensed vehicles.

Recommendation

5. That the Council agrees to the adoption of the proposed South Somerset District Council Hackney Carriage and Private Hire Licensing Policy and that it takes effect from 04 April 2022.

Background

6. The last Taxi and Private Hire Licensing Policy was approved in 2014 and implemented in 2015. The policy provides information and guidance to applicants, clarity for vehicle license holders, drivers and operators and informs the public on



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the way the Council will undertake its licensing functions. It is important that the policy is periodically reviewed to ensure it remains current.

7. Since the 2015 policy was adopted there have been updates to best practice and recently there has been a significant change with the introduction of statutory guidance. The existing policy also had a requirement for 20% of the hackney carriage vehicles to be wheelchair accessible but did not allow non-wheelchair accessible vehicles to be licensed without approval from the Licensing Committee when that percentage had been achieved. This revised policy now reflects these changes. In addition the policy has been restructured to allow for easier reading.
8. A draft policy was considered by Licensing Committee on 13 July 2021 following which full consultation took place. The consultation responses were fully considered by Licensing committee as set out at paragraph 21 to 25. The Licensing Committee agreed to recommend the adoption of the proposed policy with no further changes.

Report Detail – Changes to the Policy

9. The Department of Transport published Statutory Taxi and Private Hire Guidance in 2020. Licensing Authorities must have regard to this guidance, therefore, there are a number of changes or additional requirements in our policy to include the contents of the guidance. The main aim of this guidance is to prevent harm to children and vulnerable people. A list of changes to reflect the statutory guidance can be found in Table 1 in Appendix 1.
10. Other changes to the policy have been made to include areas of best practice.
11. The key changes to the policy are listed in table 2 in Appendix 2.
12. The Institute of Licensing (IoL) have published guidance on determining the suitability of applicants in the taxi and private hire trade. The guidance provides detail in relation to criminal convictions and is considered to be best practice, therefore it has been used to replace the criminal conviction detail in the existing policy.
13. The statutory guidance also contains a criminal conviction policy which is similar to the IoL guidance, however the latter contains more detail about motoring convictions, therefore it is that guidance that has been followed.
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15. One of the matters that has caused discussion in the existing policy and in the taxi licensing community is the matter of wheelchair accessible vehicles (WAVs) and the proportion that should be provided within the fleet. The Disabled Persons Transport Advisory Committee published a report on their position. This report



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recommends that a mixed fleet of wheelchair and non-wheelchair accessible vehicles are provided because of the problems wheelchair accessible vehicles can present to people with artificial limbs and others with restricted mobility. The report also states that conventional saloon cars are accessible to the vast majority of the public including many disabled people, plus some wheelchair users who can transfer into the seat of the vehicle.

16. The DPTAC report recommends at least 25% WAVs should be provided within the taxi fleet. The policy presented proposes to follow the 25% recommended by DPTAC for Hackney Carriages. This is a change from the existing 20%. There are currently 116 licensed hackney carriages and 39 are wheelchair accessible. . This equates to 33%.
17. The report also recommends a mixed fleet in the licensed private hire vehicles, however there isn't a requirement for this in the policy. There are 135 licensed private hire vehicles and 9 are wheelchair accessible. Hackney carriages use ranks and therefore it is important that WAVs are available, however with private hire vehicles clients can select the company they use to meet their needs and therefore a set percentage is not considered necessary.
18. There is a proposed change to the vehicle requirements to support the Council's Environment Strategy. The current policy requires vehicles to be less than five years old when they are first licensed. There is no upper age limit for renewal provided they pass the inspections and MOT tests.
19. The new policy proposes vehicles comply with the current Euro emission standards at the time they are first licensed. The current standard is Euro 6; this has been in place since 2015 and Euro 7 is expected to come into force in 2025. Clean air zones and ultra low emission zones around the country are based on these standards and the UK is expected to continue to uphold the emission standards.
20. An upper age limit was considered, but rejected due to the environmental impact of replacing cars. Similarly, a requirement regarding electric vehicles was considered but felt unworkable currently due to limitations of the market and infrastructure. This will remain under review as the position changes.
21. The policy also contains a change to the vehicle testing requirements to require an additional vehicle check on vehicles over 5 years old, as opposed to additional MOTs. This is believed to be a better way to check vehicle standards and protect public safety as the vehicle check at Lufton is more comprehensive.

Consultation

22. Following consideration by the Licensing Committee, consultation on the draft policy took place between 01 August 2021 and 26 September 2021. The consultation was published on the Council's consultation hub (Citizen Hub) and in addition to this the consultation was sent to a number of consultees, in particular taxi drivers and operators. A list of the consultees can be found in Appendix 3.

22. Only 14 responses were received during the consultation period. The responses can be seen in Appendix 4. The outcome of the consultation was presented to, and considered by, the Licensing Committee on 09 November 2021.
23. Of the responses received the majority agreed with the changes being made to the policy. There were no changes that received unanimous disagreement, however there were areas where opinion was divided.
24. Some respondents felt that the requirement for new private hire vehicles to meet the current EURO emission standards could be expensive. This standard has been a requirement for a number of years and therefore we would expect the age of vehicles being presented as new to private hire to be compliant with the current standard.
25. Around half the respondents did also not agree to the changes to the number of vehicle tests required. On examination of the comments it is believed this could be down a misunderstanding of the requirement which in most cases will not require more tests, just that the mix of vehicle test at Lufton and standard MOTs will change.
26. The final point where around half the respondents disagreed was the change to the percentage of hackney carriage wheelchair accessible vehicles from 20% to 25%. Further enquiries were made of those responding to ask what percentage they felt was appropriate. One of those disagreeing felt the percentage should be higher. One felt it should stay as it is in the current policy and the others did not offer an opinion.
27. Having fully considered the responses the officer recommendation to Licensing Committee was that no changes be made to the proposed policy. This was agreed by that committee.

Financial Implications

28. There are some minor costs in relation to the communication and implementation of the policy, including reminders, monitoring and enforcing the requirement for biannual DBS checks. These costs can be met from existing budgets as with the existing policy.

Legal implications (if any) and details of Statutory Powers

29. There is no legislative requirement to have a taxi and private hire licensing policy, however the statutory guidance recommends that Licensing Authorities have a document which brings together all of the procedures on taxi and private hire and vehicle licensing.

Council Plan Implications



30. This revised policy supports the Council Plan themes, in particular The Protecting Core Services and Environment Areas of focus
- Deliver a high quality, effective and timely service to our customers
 - Enhance the quality of the environment and its resilience and ability to adapt to climate change in partnership with our communities and businesses

Carbon Emissions and Climate Change Implications

31. The environmental assessment toolkit was used to consider carbon and climate implications of this report. Overall there were no negative carbon or climate change implications in adopting this policy.
32. This policy is primarily focused on ensuring public and vehicle safety for private hire and hackney carriage use in the district. By helping ensure a safe a taxi fleet this could help increase the use of public transport and reduce private vehicle use.
33. Whilst taxi vehicle use in itself will not be reduced, the policy does specifically include a requirement for new licensed vehicles to meet the current European Emission Standard. This will serve to ensure fuel use and emissions are reduced and air quality improved. Whilst there is no current requirement for electric vehicles with use of renewable supplies, this will be considered in future as and when the market and infrastructure allow
34. There are no effects on the greenhouse gas emissions from the Councils own estate and operations.

Equality and Diversity Implications

35. A stage 1 Equality Analysis (EqA) was carried out and agreed by the Equalities Officer. No further changes to the draft policy have been made, therefore the EqA has not been affected. This report does not pose any issue that would impact on any of the protected characteristics. An equality impact relevance check form can be found in Appendix 5.

Privacy Impact Assessment

36. The policy which is the subject of this report does not in itself involve the processing or handing of personal data. The processing of application forms in accordance with this policy currently involves the handling of personal data and no changes are being made to how that data is processed. The consultation process is likely to result in personal data being processed. The responses would be handled by SSDC and any responses would have any personal details removed before being published.



Background Papers

- Taxi Licensing Policy 2015
- DPTAC position on taxi and private hire vehicles
- Statutory and Best Practice Guidance for Taxi and Private Hire Vehicles
- Taxi and Private Hire Vehicle Licensing: Best Practice Guidance
- Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades.
- Taxi Policy Consultation Report – 9 November 2021 Licensing Committee

Appendix 1

Table 1. Requirements from Statutory Taxi and Private Hire Vehicle Standards

Paragraph number	Requirement
1.12	Details of common law police disclosure
1.14 to 1.21	Fit and proper person and fit and proper person test.
1.23 to 1.24	Review of licences following changes to policy
1.25 to 1.26	Review of policy
2.17	Safeguarding of children and vulnerable adults training
2.18 to 2.19	Language proficiency
2.20 to 2.21	Requirement for licensed drivers to be DBS checked every 6 months & actions likely to be taken if this is not carried out.
2.26 to 2.28	Requirement to notify the licensing authority within 48 hours of arrest, release, charge or conviction of any sexual offence, dishonesty, violence or motoring offence & actions likely to be taken if this is not carried out
2.47	National Register of Taxi Licence Refusals and Revocations (NR3)
3.4	Basic disclosure for Hackney Carriage and Private Hire vehicle applicants which are not South Somerset District Council licensed drivers.
3.55 to 3.56	CCTV in vehicles – it is not a requirement for licence holders to install CCTV.
3.58	Vehicle enforcement – authorisation of officers from other authorities.
4.4 to 4.14	<p>Requirement for private hire operator applicants and licence holders to provide an annual basic disclosure (unless they are a South Somerset District Council licensed driver).</p> <p>Requirement of licensed operators to keep a register of staff responsible for dispatching vehicles. All staff responsible for booking and dispatching vehicles shall have a basic DBS check which must be seen by the licensed operator.</p> <p>Operators are required to have a policy on employing ex-offenders.</p> <p>The conditions in Appendix J have been updated.</p>
4.15 to 4.18	Information about record keeping
4.20 to 4.22	Use of passenger carrying vehicles is not permitted unless the informed consent of the person making the booking.
5.8 to 5.9	Training decision makers
5.13	Whistleblowing

Appendix 2

Table 2. Summary of other changes

Paragraph	Topic	Summary of Change
1.4 and 1.5	Introduction	Addition of reference to enforcement policy and partnership working
1.7	Aims of the Policy	Re-wording of the purpose of the policy
1.9	Legislation and guidance	A list of legislation and guidance used when formulating the policy
1.10	Consultation	Details of who will be consulted on the policy
1.20 to 1.21	Fit and proper person	Introduction of fit and proper person tests for vehicle licence holders and private hire operators
2.5	Passport photos	Addition that photos can be refused if they are not of a suitable standard
2.6	Knowledge Test	Re-wording of requirement and limits. No significant change
2.9	Medical examination	If the company a driver works for is known then they will be informed of any suspension etc.
2.10	Medical examination	Addition of information about medicals to drive HGVs etc. to state that the DR must state if the applicant is fit or unfit
2.11	Medical examination	Steps to be followed if a change in medical condition occurs.
2.12	Medical examination	Frequency of testing – re-wording. No significant change
2.16	Driving assessment	Time limit on producing a certificate with a new application.
2.30	Term and duration of licences	The 1 year licence for new drivers has been removed.
2.33	Change of address etc.	Change to timescales when a change has to be reported
2.34	Criminal convictions & motoring offences policy & change of wording in relation to process to be followed when assessing if an applicant or licence holder is 'fit and proper'	Adoption of Institute of Licensing's Guidance on determining the suitability of applicants and licensees.
2.42 – 2.43	Motoring Offences	This is in accordance with the guidance on determining the suitability of applicants, however, where an existing licensed driver reaches 7 points on their DVLA driving licence for minor motoring offences the matter would



Paragraph	Topic	Summary of Change
		be referred to the Licensing Committee or Sub Committee. The guidance not to grant a licence to a new applicant with 7 points for at least 5 years would be followed.
2.44	Disability awareness	The requirement for licensed drivers to have a wheelchair loading assessment has been removed because of difficulty finding a local provider, neighbouring local authorities do not require this, and it is would fall under other legislation, such as Health and Safety at Work.
2.60	Taxi Meter	Addition of requirement to charge lower fare when a fare is agreed in advance and the meter is in use.
3.1	Vehicles	Advice should be sought before purchasing vehicle if the applicant is in doubt over the suitability
3.8	Conditions	Changes to wording and byelaws included with the policy.
3.13 – 3.15	Environmental vehicle standards	<p>Changed from an age policy to comply with the current emission standard. This would apply to private hire vehicles. There currently isn't an age or emission requirement for private hire vehicles.</p> <p>Existing licensed vehicles which do not comply with this would continue to be licensed subject to passing vehicle tests.</p>
3.20 to 3.23	Vehicle testing	<p>Vehicles under 5 years old would be required to have one taxi/private hire vehicle inspection at Lufton (at the first application and renewal thereafter) and an MOT (required by law)</p> <p>Vehicles 5 years or older would be required to have two taxi/private hire vehicle inspections at Lufton (at the first application and renewal there after and at the mid-point of the licence – 6 months) and an MOT (required by law)</p> <p>This was discussed with colleagues involved with vehicle testing and is also best practice.</p>
3.34	Return of plates following suspension, revocation, expiry etc.	Changed to 5 working days. The time period is not specified in existing conditions or policy.



Paragraph	Topic	Summary of Change
3.37	Disabled access	<p>The Disabled Persons Transport Advisory Committee report published in 2020 states that a mixed fleet should be provided to accommodate the needs of all disabled passengers.</p> <p>The report suggests that at least 25% of licensed vehicles should be wheelchair accessible, therefore the figure has been set at 35. There are currently 116 licensed hackney carriages and 39 are wheelchair accessible.</p> <p>The report also says that a proportion of the private hire vehicles should be wheelchair accessible, however at this time it has not been included as a policy requirement. There are 135 licensed private hire vehicles and 9 are wheelchair accessible.</p>
3.41	Accidents/Collisions and Temporary Vehicle Plates	<p>Change to when licence holders or drivers have to provide notification of an accident (currently 72 hours).</p> <p>Change to wording on actions taken when an accident is reported through to repair and inspection.</p> <p>Addition of fee for non-returned plates.</p>
3.48	Selling a vehicle/Transfer of ownership	Change to the timescale for notification of the sale of a vehicle or transfer of ownership (currently 14 days).
3.49 to 3.50	Advertising	Change to wording, but no change to the policy in relation to advertising.
4.23 to 4.25	Plate exemption	Changes to the wording of this section and associated appendix, but no significant change to the policy.
5.1 to 5.6	General arrangements	This is a new section in the policy and has been included to inform licence holders and applicants.
5.10	Penalty point scheme	The wording has been updated, additional areas for compliance have been identified and the maximum number of points have been updated.



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Paragraph	Topic	Summary of Change
5.15	Complaints	This has been added to set out how complaints are handled.
5.18	Fixing of Hackney Carriage Fares	The wording has been updated.
5.20	Un-notified inspections	This has been added to inform licence holders and applicants that this may be carried out.
5.21 to 5.25	Suspension and revocation	This has been included to set out the occasions where licences may be suspended or revoked & that companies will be informed where this information is known.
Appendix A	Knowledge Test Policy	Policy updated in relation to cancellation of tests.
Appendix B	Criminal and motoring conviction policy	Adoption of Guidance on the suitability of taxi and private hire licensees and applicants
Appendix C	Private Hire Driver Conditions	<p>Addition of requirement to inform Licensing Authority within 48 of arrest, release, charge, conviction or motoring conviction.</p> <p>Notification of change in medical condition within 3 working days.</p> <p>Notification of change of name, address etc. within 3 working days.</p> <p>Notification of accident within 3 working days.</p>
Appendix D	Hackney Carriage Byelaws	This covers vehicle, driver and proprietor requirements
Appendix E	Vehicle requirements and specifications	<p>Change of wording to this policy.</p> <p>The main change is to do with MPV type vehicles and the number of doors to the passenger accommodation. This will not affect existing licensed vehicles.</p>
Appendix F	Standard conditions for hackney carriage vehicles	Updates to the interim test (if required), fire extinguisher and first aid kit requirement, requirement to provide a current MOT for vehicles over a year old
Appendix G	Standard Conditions for private hire vehicles	Updates to the interim test (if required), fire extinguisher and first aid kit requirement, requirement to provide a current MOT for vehicles over a year old
Appendix H	CCTV system	Basic requirements for CCTV systems



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Paragraph	Topic	Summary of Change
Appendix I	Private Hire Operator Conditions	Updates to the conditions based on the new requirements in the statutory guidance.
Appendix J	Plate exemption policy	Updates to the wording of the policy, but no significant change
Appendix K	Penalty point policy	Update to the maximum number of points which can be issued. Change from Licensing Committee to Licensing sub Committee.