

Somerset Council
Licensing & Regulatory Committee – 24th June 2024



Hackney carriage and private hire licensing

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1. Summary

1.1 The purpose of this report is to provide the Committee with an update on the Council's hackney carriage and private hire licensing function.

2. Issues for consideration/recommendations

2.1 This report be noted.

3. Background

3.1 Hackney carriage and private hire licensing is one of the Council's busiest licensing functions, accounting for around 20% of all applications and service requests.

3.2 At this moment in time, this licensing function is exercised in almost entirely the same way as it was by each of the predecessor district councils, due to the continuation of the five policies that were in existence at the time of the creation of Somerset Council. There are five licensing 'zones', governed by a different policy:

Zone	Policy document
Sedgemoor	Guidance & Statement of Policy - Licensing of Hackney Carriage & Private Hire Vehicles, Drivers and Operators
Mendip	Taxi and Private Hire policy
South Somerset	Hackney Carriage and Private Hire Licensing Policy

Taunton Deane	Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook
West Somerset	Hackney Carriage/Private Hire Regulations

- 3.3 Each zone document sets out the certain specifications and policies that are relevant to the drivers, vehicles and private hire operators licensed to work in that zone.
- 3.4 It logical and fair to both the licensed trade and travelling public that the Council would seek to, at the earliest opportunity, harmonise all hackney carriage and PHV policy to remove regional differences in standards, irrespective of any decision to abolish the zone boundaries which restrict where licence holders can ply for hire and operate.
- 3.5 The Licensing Manager is in the process of drafting a new hackney carriage and private hire licensing policy for Somerset, which would see the entire regime harmonised. Such a document would set out a number of policies and arrangements, including the following:
- (a) Aim, purpose and justification for the policy.
 - (b) Decision making protocols.
 - (c) Whistleblowing policy.
 - (d) Approach to enforcement, which could include use of a penalty points system.
 - (e) Full arrangements for driver licensing, including:
 - (i) Arrangements for determining applicants' right to work in the UK.
 - (ii) Language comprehension.
 - (iii) Medical standards.
 - (iv) Background checks e.g. DBS and certificates of good conduct from applicants that have lived overseas.
 - (v) Policy on criminal convictions etc.
 - (vi) Tax conditionality.
 - (vii) Driving proficiency.
 - (viii) Safeguarding awareness.
 - (ix) Knowledge test.
 - (x) Use of NR3S (national register of refusals, revocations and suspensions).
 - (xi) Licence conditions.
 - (f) Full arrangements for vehicle licensing, including:
 - (i) Exercising control of hackney carriage quantity restrictions, or not as is currently the case.
 - (ii) Any age restrictions.

- (iii) Environmental policy.
- (iv) Vehicle accessibility (inc. wheelchair accessibility), guided by an 'inclusive service plan'.
- (v) Background checks on vehicle proprietors.
- (vi) Policy on criminal convictions etc.
- (vii) Vehicle testing.
- (viii) Roof signs and advertising policies.
- (ix) Limousines and other specialist vehicles.
- (x) Licence conditions.

(g) Full arrangements for private hire operator licensing, including:

- (i) Background checks on vehicle proprietors.
- (ii) Policy on criminal convictions etc.
- (iii) Record keeping requirements.
- (iv) Requirements for vetting booking and dispatch staff.
- (v) Licence conditions.

(h) Fee setting.

- 3.6 The Committee has already made a resolution enabling a new vehicle testing and emergency equipment 'mini policy' to be implemented ahead of the wider harmonisation work, in turn supporting the nomination of vehicle testing stations.
- 3.7 With the possible exception of vehicle accessibility, which relies on the Council creating an 'inclusive service plan', the Licensing Manager is intending to publish and consult on a draft hackney carriage and private hire policy in full, as has been the case with the policies for the Gambling Act 2005 and Licensing Act 2003. It is hoped that a consultation can begin before the end of 2024. As indicated at paragraph 3.5(e)(viii), this piece of work would result in a new, harmonised approach to safeguarding awareness and training, which has been discussed at recent Committee meetings.
- 3.8 The Department for Transport's (DfT) 'Statutory taxi and private hire vehicle standards' state that *"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."*
- 3.9 In setting the hackney carriage and private hire policy, the Council will need to consider:
- (a) The format of such training and whether it is acceptable for it to be achieved via an external training provider.
 - (b) Whether 'refresher' training will be necessary and if so, the frequency of refresher courses.
 - (c) The interval(s) at which training must be completed.

- 3.10 Providing in-house, face to face training to drivers would allow the Council to control the content of such training but undoubtedly prove a challenge to deliver across Somerset in a streamlined Licensing service, particularly if refresher training were required. A more practical option would be direct drivers to external training providers and require that they provide evidence of having completed the training e.g. certificate. This is already the case with the practical taxi driving assessment which applicants have to complete before they can be granted a licence. Naturally, this option does rely on there being appropriate and affordable training available. The Licensing Manager has established that there are a number of CPD member training providers offering online, safeguarding training that is tailored to the taxi trade. Whilst online training might not be as engaging as face to face training, it can be done by a person at a time and place of their choosing, which would better promote the Council's climate aims.
- 3.11 In terms of the timing of training, a straightforward and sensible option would be to make it compulsory for a person to evidence training has been completed prior to a licence being granted, and, if it were decided that refresher training were necessary, prior to renewal of a licence.
- 3.12 Turning to vehicle accessibility; at its meeting on the 10th of April 2024, the Scrutiny Committee for Communities resolved that 'wheelchair accessible taxi availability' be added to its work programme. To that end, the Licensing Manager will be writing a report for its meeting on the 1st of August. Any comments, observations and recommendations made by the Scrutiny Committee will be brought back before the Licensing & Regulatory Committee for consideration.

4. Consultations undertaken

- 4.1 None.

5. Implications

- 5.1 None.

6. Background papers

- 6.1 None.

Note For sight of individual background papers please contact the report author