



REPORT TO:	REGULATORY & APPEALS COMMITTEE
DATE:	12 DECEMBER 2023
SUBJECT:	HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY
PURPOSE:	TO REVIEW THE CURRENT POLICY AND CONSIDER AMENDMENTS AND ADDITIONS
KEY DECISION:	NO
PORTFOLIO HOLDER:	COUNCILLOR DALE BROUGHTON
REPORT OF:	SENIOR LICENSING OFFICER
REPORT AUTHOR:	ANNA MCDOWELL
WARD(S) AFFECTED:	NOT APPLICABLE
EXEMPT REPORT?	NO

SUMMARY

This report provides information about the proposed amendments and additions to Boston Borough Councils Taxi and Private Hire Licensing Guidance and Policy for consideration by the Regulatory & Appeals Committee. The amended policy has been drafted with due regard to all relevant legislation that governs taxi licensing functions and operations.

The Committee are asked to consider and make a determination on the proposals prior to a period of consultation being undertaken.

RECOMMENDATIONS

That the Committee consider and approve the proposed amendments and additions to the policy appended to this report for consultation with the taxi trade, general public and any relevant stakeholders.

REASONS FOR RECOMMENDATIONS

To ensure that the Council's policy, provides a clear and concise framework of principles that the Council will apply when accepting applications and making decisions on applications and

licences which is essential for ensuring a robust taxi licensing scheme that protects public safety and commands the confidence of the general public.

OTHER OPTIONS CONSIDERED

That the Committee make any alterations that they deem necessary to the proposed policy prior to external consultation commencing.

1. BACKGROUND

- 1.1 The Council currently issues two separate documents to applicants, one relating to private hire licensing and the other relating to hackney carriage licensing.
- 1.2 The documents were originally issued as guidance and adopted as policy during the last review. They were last reviewed and adopted in 2022 and the sole basis of that review was to incorporate the Department for Transport Statutory Taxi and Private Hire Vehicle Standards.
- 1.3 The proposed policy review is intended to combine the existing documents and make such alterations as necessary to transform them into one robust policy covering all aspects of taxi licensing. The proposed policy is attached at **APPENDIX A**.

2. REPORT

2.1 Proposed amendments

- 2.1.1 Members of the Regulatory & Appeals Committee are requested to approve the removal of all generic guidance from the existing policy. The guidance includes information such as where to obtain application forms, offices opening hours, and other such information. It is the consideration of the Senior Licensing Officer that these points of information should be provided to potential applicants and licence holders as part of application documents rather than being matters for policy.
- 2.1.2 Each current policy and guidance is structured as four or five sections and approximately eleven appendices. Each section contains a combination of information relating to all elements of the taxi licensing regime. The proposed policy is structured into nine sections and twelve appendices. Each of the nine sections has a specific heading, for example, the licensing process, driver licensing, vehicle licensing, operator licensing, convictions, etc. Each section contains information relevant to that heading with the intention of facilitating easy access to the required information for each licence type.
- 2.1.3 The current policy and guidance documents also contain a number of appendices each, giving information on important matters such as licence conditions, vehicle specifications and other essential information. A number of these appendices contained the same information across the two documents. These have been amalgamated to include only one copy of each relevant appendices in the policy. Where documents contained a majority of the same information but each had a minor number of unique points, they have been combined in a format that holds all information but highlights category specific areas. For example, vehicle specifications contain additional points of compliance that relate only to hackney carriages.

2.1.4 There were previously a number of large pieces of information that were incorporated into the main body of each of the guidance documents such as the driver code of conduct, the Council Byelaws and the expectations of drivers on meeting the needs of disabled passengers. This information has been lifted from each policy and guidance and placed as separate appendices in the proposed new policy.

2.1.5 The attached document contains blue text. The blue text denotes areas where wording has been amended to align with the nature of policy vernacular, align the style of wording throughout the document or to amend the wording to provide the Council with a policy that has an increased level of enforceability and reduce any linguistic ambiguity. For example where the current policies and guidance state “should” this would be replaced with “will” or “must”.

2.2 New content

2.2.1 The policy contains a number of paragraphs shown in red text. Red text is indicative of new policy requirements being requested or additional wording or information being incorporated into the policy. The following points provide a summary of the nature of the new information.

1. Section 1 has been added to provide an introduction to the policy. This section contains important information on matters such as the legislation to which the Council must have regard when exercising its statutory duties in relation to the taxi licensing regime, the Council’s principles, the objectives which the policy seeks to promote and the stakeholders with whom we will consult over current and future policy reform.
2. Section 2 has been added to address general matters regarding the licensing process. It provides valuable information for applicants and licence holders on how the Regulatory & Appeals Committee process works for non-standard licence applications and licence reviews. This section also contains the information on an applicant or licence holders right to appeal to the Magistrates’ Court against a Council decision.
3. Section 3 para 3.7 and Section 5 para 5.2.1 has been amended to state that where a person is subject to limited leave to remain, a licence will only be granted up to that date. This has been added to comply with Section 53A subsection 2 of the Local Government (Miscellaneous Provisions) Act 1976 which, in relation of the issues of persons subject to immigration control, states:

“The district council which grants the licence must specify a period in the licence as the period for which it remains in force; and that period must end at or before the end of the leave period”

4. Section 3 para 3.12.5 to 3.12.7 sets out the proposed mandating of applicants and drivers to register and maintain a subscription to the DBS Update Service. If registration remains voluntary it could potentially result in the Councils Licensing Team having to administer up to 700 DBS applications each year. This is due to the legal requirement to check a licensed drivers DBS status every six months. Where a licence holder subscribes to the update service the Licensing Team can check their status through an online portal subsequently reducing the burden on the Council.

5. Section 3 para 3.14.3 sets out the Councils revised data retention for applicants and licence holders whose information has been entered on the National Register of Refusals, Revocations & Suspensions (NR3).
6. Section 3 para 3.16.1 advises applicants that failure to attend a booked knowledge test will result in the forfeiture of the test fee.
7. Section 3 para 3.25 has been amended to include the only circumstances where it is acceptable to deviate from taxi rank procedures, namely where it is necessary to meet the needs of a disabled passenger or where a driver medical exemption is in place meaning they cannot fulfil the fare.
8. Section 4 para 4.2.2 is requesting the adoption of a vehicle age restriction. Boston Borough Council has an Air Quality Management Area which has been declared in relation to exceedances in nitrous dioxide (NO²) due to emissions from road traffic. In 2020 Boston Borough Council published an Air Quality Action Plan setting out a number of ways that NO² levels could be reduced. One of those actions was to investigate setting emissions standards for taxi and private hire vehicles licensed by the Council. Working in partnership with this Council's Environmental Health Department it was determined that it would be proportionate to only licence new vehicles that meet Euro 6 emission standards. It is requested that the policy be amended to require vehicles to have been registered no earlier than September 2015, with the exception of certain exemptions, to guarantee meeting the standards and making steps to improving air quality in Boston. It is proposed that currently licensed vehicles will be renewed for a maximum of 3 years to meet this revised standard, if adopted. There are currently 288 vehicles licensed by the Council of which 47 were registered before September 2015. This would mean that 16% of the fleet would need to be replaced over the proposed 3 year period.
9. Section 4 para 4.8.2 it is proposed to formalise in policy the Councils powers to serve notice on licence holder for vehicular defects shown on an MOT test certificate, where necessary. The Council expects drivers to meet the highest of standards before obtaining a licence and whilst carrying out taxi duties and the public should also have confidence in the Council in ensuring that the licensed vehicles they are travelling in are subject to robust controls. For this reason any vehicle that has defects that could pose a danger to the travelling public, for example tyres are near to the legal tread limit, worn brakes etc. should be served with a formal notice requiring them to rectify the defects in a timely manner.
10. Section 8 para 8.3 is a proposal to introduce a penalty point scheme for drivers, operators and proprietors. Penalty point schemes offer a mechanism for ensuring a strong enforcement regime with penalties for those who do not hold high regard for public safety and the promotion of high standards for licensed drivers and vehicles. The penalty point scheme provides an early intervention mechanism to warn licence holders of their non-compliance and provides the Council with a clear plan for dealing with continued non-compliance. A set number of points will be issued for a range of matters. If a licence holders reaches a set threshold within a 12 month period they will be referred to a Sub-Committee for a review of their licence. Comprehensive information on the proposed scheme can be found at appendix 13 of the proposed policy. The committee are also asked to consider an appropriate threshold to be met.

3. CONCLUSION

- 3.1 The proposed policy sets out a clear and concise framework to aid the Council in carrying out its statutory duties as the Licensing Authority in determining applications and regulating taxi licensing. It includes clear information for applicants and licensees on how to obtain and comply with licences as well as a range of robust measures to protect taxi and private hire vehicle passengers. Government advice is that Licensing Authorities must work to ensure that above all else, the taxi and private hire vehicle services the public use are safe.

EXPECTED BENEFITS TO THE PARTNERSHIP

By working together as a partnership the three sovereign councils benefit from the learning and experience of each other and also the trade benefits from a consistency and uniformity of approach from the Licensing service across the sub-region.

IMPLICATIONS

SOUTH AND EAST LINCOLNSHIRE COUNCILS PARTNERSHIP

Whilst the policies that Members are seeking to approve are Boston policies, Members can be assured that collaboration with other Council's in the Partnership has taken place to ensure, as far as possible, that there is consistency in the policy proposals, whilst respecting the unique character of each locality, and best practice has been employed in the development of the policy proposals.

CORPORATE PRIORITIES

This work contributes to two Priority areas in the Boston Borough Council Corporate Strategy 2020 to 2024; Priority One. **People Focussed**: Make Boston as healthy and safe place to work. Priority Four. **Delivering high quality services and maximising use of technology to support residents**: Make better use of technology and data to reduce costs and improve performance and efficiency.

STAFFING

There are no direct implications in terms of staffing, however; the alignment and development of policy so that it is fit for purpose will help the Council to become more efficient in terms of processing Licences.

WORKFORCE CAPACITY IMPLICATIONS

This policy review is being undertaken as part of the normal duties carried out by the Licensing Team.

CONSTITUTIONAL AND LEGAL IMPLICATIONS

There is a theoretical risk of civil action against the Licensing Authority if it is found not to have exercised due diligence in licensing matters. There is also the risk of judicial review if the Council's licensing policy and procedures are found not to comply with the requirements of licensing legislation and the associated regulations and guidance.

DATA PROTECTION

None

FINANCIAL

This policy review is being undertaken as part of the normal duties carried out by the Licensing Team with no additional costs involved.

RISK MANAGEMENT

There is a risk that the Council's reputation could be damaged if Licensing Policies are not up to date and consistent with national guidance and standards. This paper seeks to bring the Council's policies into line with the latest national requirements.

STAKEHOLDER / CONSULTATION / TIMESCALES

Consultation is proposed for a five week period following approval by this Committee. Consultation will be undertaken with all persons and groups as detailed in Section 1 of the proposed policy.

REPUTATION

(Highlight any specific reputational implications arising from the report in this section. If none, insert the word 'none'.)

CONTRACTS

None

CRIME AND DISORDER

None

EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING

Equality Implications: The Council's policies and procedures must be up to date and into line with the latest equality and diversity standards.

Human Rights: The licensing authority must ensure that its decisions and policies can withstand scrutiny by reference to the principle of proportionality, i.e. is the decision / action / policy proportionate to what it wishes to achieve, or, colloquially do the ends justify the means.

Safeguarding Implications: The Council has a duty to provide the public with a safe and secure taxi and private hire vehicle service within the Borough that is consistent with prevailing national guidance and standards.

HEALTH AND WELL BEING

The licensing and compliance role of the Council is important in improving the health, safety, security and welfare of the borough's residents, visitors, and business community. Effective implementation of a fair, proportionate and consistent licensing regime should help to promote the local economy.

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

One of the objectives of this policy is to seek to improve the air quality in the local area by reducing harmful vehicle emissions.

LINKS TO 12 MISSIONS IN THE LEVELLING UP WHITE PAPER

(Use this section to highlight any links to the 12 missions contained in the Levelling Up White Paper set out below. Delete any which are not applicable. If none, insert the word 'none'.)

MISSIONS	
This paper contributes to the following Missions outlined in the Government's Levelling Up White paper.	
Living Standards	By 2030, pay, employment and productivity will have risen in every area of the UK, with each containing a globally competitive city, with the gap between the top performing and other areas closing.
Research and Development	By 2030, domestic public investment in Research & Development outside the Greater South East will increase by at least 40% and at least one third over the Spending Review period, with that additional government funding seeking to leverage at least twice as much private sector investment over the long term to stimulate innovation and productivity growth.
Transport Infrastructure	By 2030, local public transport connectivity across the country will be significantly closer to the standards of London, with improved services, simpler fares and integrated ticketing.
Digital Connectivity	By 2030, the UK will have nationwide gigabit capable broadband and 4G coverage, with 5G coverage for the majority of the population.
Education	By 2030, the number of primary school children achieving the expected standard in reading, writing and maths will have significantly increased. In England, this will mean 90% of children will achieve the expected standard, and the percentage of children meeting the expected standard in the worst performing areas will have increased by over a third.
Skills	By 2030, the number of people successfully completing high quality skills training will have significantly increased in every area of the UK. In England, this will lead to 200,000 more people successfully completing high quality skills training annually, driven by 80,000 more people completing courses in the lowest skilled areas.
Health	By 2030, the gap in Healthy Life Expectancy (HLE) between local areas where it is highest and lowest will have narrowed, and by 2035 HLE will rise by 5 years.
Wellbeing	By 2030, well-being will have improved in every area of the UK, with the gap between top performing and other areas closing.
Pride in Place	By 2030, pride in place, such as people's satisfaction with their town centre and engagement in local culture and community, will have risen in every area of the UK, with the gap between the top performing and other areas closing.
Housing	By 2030, renters will have a secure path to ownership with the number of first time buyers increasing in all areas; and the government's ambition is for the number of non-decent rented homes to have fallen by 50%, with the biggest improvements in the lowest performing areas.
Crime	By 2030, homicide, serious violence, and neighbourhood crime will have fallen, focused on the worst-affected areas.
Local Leadership	By 2030, every part of England that wants one will have a devolution deal with powers at or approaching the highest level of devolution and a simplified, long-term funding settlement.

ACRONYMS

None

APPENDICES

(If none then insert the word 'None' and delete the below text/boxes).

Appendices are listed below and attached to the back of the report: -

APPENDIX A

Proposed taxi licensing policy

BACKGROUND PAPERS

None

CHRONOLOGICAL HISTORY OF THIS REPORT

(If none then insert the wording 'A report on this item has not been previously considered by a Council body'. Also delete the below text/boxes.)

Name of body

Date

Name of body	Date

REPORT APPROVAL

Report author:

Anna McDowell – Senior Licensing Officer

Signed off by:

Christian Allen – Assistant Director Regulatory

Approved for publication:

Councillor Dale Broughton Deputy Leader of the Council

FINANCE PROFORMA

PROFORMA FOR APPROVAL OF THE RELEASE OF RESOURCES

(CAPITAL AND REVENUE BUDGETS)

FROM:

THIS PROFORMA PROVIDES THE FINANCIAL IMPLICATIONS
IN RESPECT OF THE ATTACHED

REPORT:

REPORT DATE:

OPTION 1	£ Year 1 2020/21	£ Year 2 2021/22	£ Year 3 2022/23	£ Year 4 2023/24	£ Year 5 2024/25
-----------------	---------------------	---------------------	---------------------	---------------------	---------------------

Revenue

Total Revenue Cost

Funding required:

Total capital cost £

Revenue cost £

Considered by:

Enter committee here

Enter Council or
Cabinet/Executive here

Date:

Financial Services Comments

Risk

Procurement

Value for Money Efficiency

This FP is valid for 3 months from FP date	If this FP is no longer required please advise Finance	If there are changes to the original report it may invalidate this document, it must be reviewed by Finance.