



<b>REPORT TO:</b>	REGULATORY & APPEALS COMMITTEE
<b>DATE:</b>	12 MARCH 2024
<b>SUBJECT:</b>	HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY
<b>PURPOSE:</b>	TO REVIEW THE CONSULTATION RESULTS AND CONSIDER ANY NECESSARY AMENDMENTS AND ADDITIONS
<b>KEY DECISION:</b>	NO
<b>PORTFOLIO HOLDER:</b>	COUNCILLOR DALE BROUGHTON
<b>REPORT OF:</b>	SENIOR LICENSING OFFICER
<b>REPORT AUTHOR:</b>	ANNA MCDOWELL
<b>WARD(S) AFFECTED:</b>	NOT APPLICABLE
<b>EXEMPT REPORT?</b>	NO

#### **SUMMARY**

This report provides information following the consultation undertaken on the proposed amendments to Boston Borough Council's Taxi and Private Hire Licensing Guidance and Policy for consideration by the Regulatory & Appeals Committee.

The Committee is asked to consider the comments received during the consultation period.

#### **RECOMMENDATIONS**

That the Committee make any amendments and additions they deem necessary to the policy appended to this report prior to adoption being requested at Full Council.

#### **REASONS FOR RECOMMENDATIONS**

To ensure any responses to the consultation are considered by the Regulatory & Appeals Committee and integrated into the policy, as appropriate.

To ensure the policy is adopted by the Council and published.

## OTHER OPTIONS CONSIDERED

None

### 1. BACKGROUND

1.1 The Regulatory & Appeals Committee convened on 12 December 2023 to review the proposed amendments and additions to the Council's Taxi Licensing Policy.

1.2 The Committee made a number of recommendations in relation to the policy including:

- Penalty points scheme – added paragraph

To enable licence holders to familiarise themselves with the scheme, any points awarded during the first six months from adoption will have a maximum 12 month retention period. Any points awarded at the end of those six months will be subject to the standard retention period of 36 months.

- Penalty point's scheme has been sorted by number of awardable points.
- Advisory added above section for all non-compliance worth 12 points

All of the following will result in instant referral to a Sub-Committee of the Regulatory & Appeals Committee

- The licensing process – added paragraph

#### **Enforcement**

Where the Council carries out investigation and enforcement any such actions shall be carried out in accordance with the authority's Corporate Enforcement Policy which sets out how it will carry out its regulatory enforcement activities, of individuals, groups and businesses.

1.3 Consultation commenced on 03 January 2024 and closed on 08 February 2024. All members of the taxi trade were consulted along with other relevant stakeholders, elected members and the general public.

### 2. CONSULTATION RESULTS

2.1 During the consultation period 3 submissions regarding the proposed policy were received. A precis of this feedback is detailed below.

1. Disagreement with the points system on the grounds that the people who decide on the points system don't understand the job of a taxi driver or owner due to not having done the job themselves, so how are they qualified to make the decisions. Also situations happen that sometimes mean that paperwork such as DBS are late being delivered to the driver so how can you justify issuing penalty points for something out of the driver's control or that of the council officers control.
2. Rather than specify September 2015, if a vehicle is older but meets euro 6 they should continue beyond the three additional years. Also, it states a maximum three additional renewals. We don't want you changing your mind part way through the policy change.

3. Brand new vehicles should not have an MOT until at least 6 months old.
4. MOT advisories should be allowed to be fixed at approved garages. Not all MOT stations are VAT registered.
5. Change of address move to 21 days (penalty point's scheme).
6. Penalty points
  - 4 points for not displaying badge is very high especially if a lanyard is broken.
  - 72 hours to notify of an accident is short notice (especially if driver is in hospital).
  - Unsatisfactory appearance – what constitutes an unsatisfactory appearance?
7. 5 year ban for using mobile is too severe. It should be in line with DVLA or perhaps a totting up system e.g. warning with 6 month probation, caught again 6 month ban, 3<sup>rd</sup> time a 3 year ban. We agree about the dangers of using a mobile phone whilst driving but feel the proposed punishment goes too far.
8. Points system is fine but hard to hit operator when something wrong even if we do weekly checks on vehicles but a driver removes a fire extinguisher for example why an operator gets points.

### **3. CONSIDERATIONS**

- 3.1 In making a determination on the above comments the committee are asked to have regard to the following considerations.
  - 3.1.1 The requirement to notify the council of an accident causing damage to a licensed vehicle within 72 hours is prescribed in Section 50 (3) of the Local Government (Miscellaneous Provisions) Act 1976.
  - 3.1.2 The Department for Transport Statutory Taxi and Private Hire Vehicle Standards set out recommendations for Local Authority's in its consideration of previous convictions. The Standards state that where a time period is given for a conviction to be considered relevant it should be taken to be a minimum in considering whether a licence should be granted or renewed. In relation to offences of using a hand-held device while driving the minimum period recommended is five years since conviction or completion of sentence, whichever is the later.
  - 3.1.3 In relation to the vehicle age policy, advice has been sought from the Council's Environmental Health Department who have advised that if a licence holder can evidence that their car is Euro 6 compliant despite being registered before Sept 2015 consideration could be given to permitting renewal beyond the proposed 3 years.

### **4. CONCLUSION**

- 4.1 The Committee are asked to consider the comments from the open consultation and discuss the options available to them before determining if any changes are necessary before the policy is referred to Full Council.
- 4.2 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 the Growth and Prosperity, Safe and Resilient Communities Priority in the South & East Lincolnshire Councils Partnership Sub-regional Strategy 2024/25 to 2028/9. This work also links in to point CS9 of the Boston Town Centre Strategy and Action Plan by reviewing the Taxi Licensing Policy for Drivers, Operators and Vehicles to drive up standards in the Sector.

### **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 was undertaken for a five week period following approval by this Committee with all persons and groups as detailed in Section 1 of the proposed policy.*

## REPUTATION

There is a risk that the Council's reputation could be damaged if Licensing Policies do not provide concise framework of principals on how we will deliver the licensing regime.

## CONTRACTS

*None*

## CRIME AND DISORDER

The Council has a duty to provide the public with a safe and secure taxi and private hire vehicle service within the borough.

## 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

<b>MISSIONS</b>	
<b>This paper contributes to the following Missions outlined in the Government's Levelling Up White paper.</b>	
<b>Transport Infrastructure</b>	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.
<b>Wellbeing</b>	By 2030, well-being will have improved in every area of the UK, with the gap between top performing and other areas closing.
<b>Pride in Place</b>	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.
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## ACRONYMS

*None*

<b>APPENDICES</b>	
Appendices are listed below and attached to the back of the report: -	
<i>APPENDIX A</i>	<i>Proposed taxi licensing policy</i>

<b>BACKGROUND PAPERS</b>
<i>None</i>

<b>CHRONOLOGICAL HISTORY OF THIS REPORT</b>	
<b>Name of body</b>	<b>Date</b>
<i>Regulatory &amp; Appeals Committee</i>	<i>12 December 2023</i>

<b>REPORT APPROVAL</b>	
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