



Report To:	Full Council
Date:	15 July 2024
Subject:	Hackney Carriage and Private Hire Licensing Policy
Purpose:	To Request the Adoption of the Amended Policy
Key Decision:	N/A
Portfolio Holder:	Councillor Dale Broughton
Report of:	Christian Allen – Assistant Director, Regulatory
Report Author:	Anna McDowell – Senior Licensing Officer
Ward(S) Affected:	Not Applicable
Exempt Report?	No

Summary

Following a meeting of the Regulatory & Appeals Committee held on the 12 March 2024, Members determined that the draft Policy be referred to Council to request adoption.

Recommendations

That Council approves adoption of the Hackney Carriage and Private Hire Licensing Policy attached at Appendix 1 to this report.

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

None

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 proposed amended policy combines the existing documents and make such alterations and additions as necessary to transform them into one robust policy covering all aspects of the taxi licensing regime.

2. Report

- 2.1 The policy review has been carried out with the aim of combining the previous two policy and guidance documents along with additional requirements and alterations to provide the Council with a single, robust policy covering all aspects of the taxi licensing regime.
- 2.2 The Regulatory & Appeals Committee convened on 12 December 2023 to review the proposed amendments and additions to the Council's Taxi Licensing Policy. At this meeting the Committee made a number of recommendations in relation to the policy which were duly incorporated into the document and public consultation was approved.
- 2.3 A five week consultation period 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.
- 2.4 The Regulatory & Appeals Committee convened again on 12 February 2024 to consider responses received during the consultation. A number of minor amendments deemed appropriate were made and the policy approved for referral to Full Council to request adoption and publication. A copy of the finalised policy can be found at **appendix 1**.

3. Conclusion

- 3.1 Licensing Authorities must work to ensure that, above all else, the taxi and private hire vehicle services the public use are safe. The policy sets out a range of robust measures to protect taxi and private hire vehicle passengers and the addition of a penalty point scheme will result in the Council having clear measures in place for early intervention where minor compliance infringements occur.
- 3.2 The Licensing Authority has a duty to ensure their policies promote the safeguarding of the public and that its' primary objective is to ensure the safety of passengers using taxi and private hire services.
- 3.3 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.

3.4 It is requested that Council determine to adopt the policy.

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 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

None

Acronyms

None

Appendices

Appendix 1

Proposed Hackney Carriage and Private Hire Licensing Policy

Background Papers

None

Chronological history of this report

Name of body	Date
<i>Regulatory & Appeals Committee</i>	<i>12 December 2023</i>
<i>Regulatory & Appeals Committee</i>	<i>12 March 2024</i>

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