



Hackney Carriage & Private Hire Licensing Policy Review 2021

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	All Members and Wards
Date of consultation with Ward Member(s):	17 February 2021
Exempt Information:	No

1 Summary

- 1.1 The purpose of this report is to present to the Committee a revised Hackney Carriage & Private Hire Licensing policy which also introduces changes required following the issue of the guidance from the Department for Transport Statutory Taxi & Private Hire Vehicle standards issued in July 2020.

2 Recommendation(s)

That Committee:

1. Approve the revised Hackney Carriage & Private Hire Vehicle Policy to be effective from 01 August 2021 at Appendix 1 which includes amendments following the public consultation.
2. Delegate authority to the Regulatory Services Manager to make any minor amendments and /or those required by changes in legislation/guidance in consultation with the Portfolio Holder.

3 Reason for Recommendations

- 3.1 The Hackney Carriage and Private Hire Vehicle Policy was last reviewed in September 2018. In July 2020 new Statutory Taxi & Private Hire Vehicle standards (**See Appendix 2**) were issued by the Department for Transport with an aim to standardise good practice within each local authority's licensing regimes especially with regard to the safeguarding of children and vulnerable adults. Following which the policy was revised to ensure it is fit for purpose.

- 3.2 The revised policy also includes the recommendations from the Institute of Licencing - Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades (**See Appendix 3**)
- 3.3 The Hackney Carriage and Private Hire Vehicle Policy has taken into account the comments raised by those who responded to the consultation (**See Appendix 4**) and is now deemed compliant with the latest legislation and guidance.

4 Background

- 4.1 The Hackney Carriage and Private Hire Vehicle Policy enables this Council to have a clear policy on all matters relating to vehicles and drivers.
- 4.2 The Policy was last reviewed in September 2018 and must be reviewed at least every 5 years.
- 4.3 This Policy has been revised, amended and updated to ensure it meets the minimum standards including those set out in the Department for Transport's (DfT) - Statutory Taxi & Private Hire Vehicle standards 2020, as well as the Institute of Licencing's - Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades April 2018.

5 Main Considerations

- 5.1 The existing policy has been reviewed, revised and updated in its entirety to ensure it is fit for purpose and incorporates the new guidance from the DfT and recommendations from the Institute of Licensing.
- 5.2 The revised Hackney Carriage and Private Hire Vehicle Policy seeks to provide a clear framework for drivers, proprietors, operators and licensing officers for matters relating to Hackney Carriages, Combined Drivers, Private Hire Vehicles, and Operators. The purpose of the Policy is to set out the terms and conditions that will apply to those seeking licences for the Hackney Carriage or Private hire trade, to protect the public and help ensure they receive a good service. The policy brings together all the various strands of the Council's existing conditions and practices.
- 5.3 When considering both the current and any proposed policy, the Council's role in safeguarding and protecting the travelling public cannot be understated, and that strong measures to improve standards in the trade should be built upon and not diluted.
- 5.4 Section 177 of the Policing and Crime Act 2017 enables the Secretary of State for Transport to issue Statutory Guidance on exercising Taxi and PHV licensing functions to protect children and vulnerable individuals from harm when using these services.
- 5.5 In August 2020 the DfT issued their Statutory Guidance document. The Guidance document recommends that these measures should be put into practice and administered appropriately to mitigate the risk posed to the public. The purpose of setting these standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 5.6 Licensing authorities "must have regard" to the Statutory Guidance when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. "Having regard" is more than having a cursory glance at a document before arriving at a preconceived conclusion. The Guidance further states "Given that the standards have been set directly to address the safeguarding of the

public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.”

- 5.7 The Policy contains the requirements of the statutory standards and guidance on the suitability of applicants and licensees enabling the licensing authority to meet its legal obligations and if not adopted the Council would not be undertaking its statutory function and could be open to legal challenge.
- 5.8 This policy has been written with Public Safety in mind and it endeavours, as far as is possible, to ensure that the public are safe both in respect of the suitability of the driver, Operator and the mechanical soundness of the vehicle.
- 5.9 Protecting children and the vulnerable is of paramount importance which is why the new statutory standards were introduced but the standards and this revised policy will benefit all passengers.
- 5.10 The proposed policy has been through a public consultation. Four responses were received. A breakdown of the responses are detailed in Appendix 4.
- 5.11 The revised policy is contained at Appendix 1. The changes incorporate the responses received as a result of the consultation (Appendix 4) as well as the DFT’s Statutory Guidance.
- 5.12 There is a recognition that Covid 19 has had a severe impact on the taxi trade in the Borough of Melton and whilst the trade is recovering from this, due consideration will be given of any impact of this policy.
- 5.13 Members are asked to consider and approved the revised policy to be effective from 01 August 2021.

6 Options Considered

- 6.1 Not to amend/update the policy – rejected. The Council adopted the existing Policy in 2018. The Policy states that it will be reviewed every five years or to reflect legislative changes. The introduction of the DFT Statutory Guidance recommends that their safety measures should be put into practice and administered appropriately to mitigate the risk posed to the public specifically children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles. The revised Policy addresses their Statutory guidance. Failure to update the existing policy could leave the Council open to challenge.

7 Consultation

- 7.1 The A consultation period commenced on 17 February 2021 and ended on 14 April 2021. The following individuals and groups were consulted as well as the draft Policy being displayed on the Council website and available for viewing at reception during open times:-
- 7.2 Copies of the draft Hackney Carriage and Private Hire Vehicle Policy were circulated to:
 - 7.2.1 Members
 - 7.2.2 drivers
 - 7.2.3 owners and
 - 7.2.4 operators of Hackney Carriages and private hire vehicles.
- 7.3 Copies were also sent to:

- 7.3.1 Local Councillors
- 7.3.2 Parish Councils
- 7.3.3 Melton Mowbray Town Estate
- 7.3.4 Leicestershire & Rutland Safeguarding Children Partnership and Safeguarding Adults Board
- 7.3.5 East Midlands Chamber of Trade
- 7.3.6 Regional licensing authorities
- 7.3.7 Local transport bodies
- 7.3.8 Local Community groups
- 7.3.9 national taxi bodies

7.4 The outcome of the consultation process and responses are detailed in **Appendix 4**

8 Next Steps – Implementation and Communication

- 8.1 All licence holders will be notified of the revised Policy
- 8.2 The new Policy will be effective from 1 August 2021

9 Financial Implications

- 9.1 The proposed Hackney Carriage and Private Hire Vehicle Policy will not have any financial implications for Melton Borough Council.
- 9.2 All staffing costs associated with the preparation, consultation, adoption and enforcement of the Policy can be met by the existing budgets. There will also be some financial implications to proprietors and operators of fleets in excess of 5 vehicles who will be required to source a wheelchair accessible vehicle (WAV) to provide versatility of available vehicles. This is offset with a zero fee for registering this class of vehicle along with a removal of some age restrictions.

Financial Implications reviewed by: Director for Corporate Services

10 Legal and Governance Implications

- 10.1 The Local Government (Miscellaneous Provisions) Act 1976 (LG(MP)A) gives the local authority the following discretionary powers in relation to hackney carriage licences:
 - 10.1.1 Section 47(1) states, a district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 (Town Police Clauses Act 1847) such conditions as the district council may consider reasonably necessary.
 - 10.1.2 Section 47(2) states, without prejudice to the generality of the foregoing subsection, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.
 - 10.1.3 Section 47(3) Any person aggrieved by any conditions attached to such a licence may appeal to a magistrates' court.
 - 10.1.4 Under Section 48(2) of LG (MP)A 1976 a district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions

of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.

- 10.2 Under section 177(1) of the Policing and Crime Act 2017, the Secretary of State for Transport may issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. Under section 177(4), licensing authorities “must have regard” to this guidance when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion. “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence.

Legal Implications reviewed by: Monitoring Officer

11 Equality and Safeguarding Implications

The policy is intended to protect the public, including those who are vulnerable owing to their age or disability, and through our consultation with a range of stakeholders, including the police, we would seek to ensure we have got the balance right in this respect. Measures which improve safety and standards in the taxi and private hire trades would improve access to the service for customers from all groups and we will seek to ensure we have got the balance right in this respect.

12 Community Safety Implications

- 12.1 The Hackney Carriage & Private Hire Vehicle Policy sets out to strengthen the licensing regime with its sights on safeguarding children and vulnerable adults but will as a result strengthen the safeguarding of the travelling public within the Borough of Melton.

13 Environmental and Climate Change Implications

- 13.1 The policy will continue to support the reduction of emissions from Hackney carriage & Private hire vehicles with a reduction of 25% off the current fees for vehicles that use alternative fuels.
- 13.2 The continued age restriction for new and existing vehicles will enable the European emissions standards to be maintained as older, less environmentally friendly vehicles are no longer licensable.

14 Other Implications (where significant)

Consideration has been given to the potential risks associated with the recommendations set out in this report. Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law. It may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence.

15 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Negative public reaction to the change in policy	Low	Negligible	3
2	Impact on authority if policy is not adopted in not following statutory standards	Low	Marginal	6

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
Likelihood	Score/ definition	1	2	3	4
	6 Very High				
	5 High				
	4 Significant				
	3 Low	1	2		
	2 Very Low				
	1 Almost impossible				

Risk No	Mitigation
3	Adopt the new policy in line with Government requirements

16 Background Papers

- 16.1 Department for Transport - Statutory Taxi & Private Hire Vehicle Standards 2020
 Institute of Licencing - Guidance on determining the suitability of applicants and Licensees in the hackney and private hire trades April 2018
 Existing Hackney Carriage & Private Hire Licensing Policy

17 Appendices

- 17.1 Appendix 1: Proposed Hackney Carriage and Private Hire Vehicle Policy.

17.2 Appendix 2: [Statutory-taxi-and-private-hire-vehicle-standards-english.pdf](#).

17.2.1 Appendix 3:

[Guidance on Suitability of applicants and licensees in the hackney and private hire trades \(16 May 2018\).pdf](#)

17.3 Appendix 4: Table of responses.

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