

# General Licensing Committee

Report of Head of Housing and Environment

Author: Laura Driscoll

Telephone: 01235 422561

E-mail: [laura.driscoll@southandvale.gov.uk](mailto:laura.driscoll@southandvale.gov.uk)

Executive member responsible: Helen Pighills

Tel: 01235 534446

E-mail: [helen.pighills@whitehorsedc.gov.uk](mailto:helen.pighills@whitehorsedc.gov.uk)

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## Review of Joint Taxi Licensing Policy

### Recommendation(s)

- (a) that the Committee considers the results of the consultation exercise at Appendix A, and
- (b) subject to any further amendments approves the revised joint taxi licensing policy at Appendix B

### Purpose of Report

1. To provide the General Licensing Committee with an opportunity to review the results of the consultation in respect of the revised joint taxi licensing policy and to consider adoption of the new policy.

### Strategic Objectives

2. The relevant strategic objectives are 'Working in an open and inclusive way' and 'Building Healthy Communities'. The policy will also ensure the council is meeting its statutory responsibilities.

### Background

3. The current Joint Taxi Licensing Policy (policy) was published in 2013. There are no statutory requirements in respect of a review of this policy, but the aim is to review it every five years.

4. At the General Licensing Committee meeting on 28 January 2021, the committee approved a consultation exercise to seek the views of the trade and relevant stakeholders on a revised policy, and to authorise the Head of Housing and Environment to make minor editorial changes before the document was sent out to consultation.

## Consultation

5. The consultation ran for six weeks from 10 February to 24 March 2021. It was a public consultation and was also sent to
  - all licensed drivers and operators
  - Community Safety and Thames Valley Police
  - all registered on the council's corporate consultation database (including residents, businesses and organisations)
  - all local authorities in Oxfordshire (including Oxfordshire County Council) and other neighbouring local authorities
6. The report on the result of the consultation can be found at **Appendix A**, with the consultation report appendix separately available at <http://whitehorsedc.gov.uk/taxipolicy>.
7. There were 52 individual changes being proposed in the consultation. In total 182 survey responses were received.
8. Most of the responses, 69%, were received from individuals/members of the public and 16% from drivers or proprietors licensed by the district council. Over half of the individuals/members of the public said they lived in South Oxfordshire (59%), and around a third (35%) lived in Vale of White Horse.
9. The consultation highlighted that there is overall agreement for the proposed changes. Respondents took the opportunity to comment 505 times, and this provided 655 individual comments that are summarised and analysed in the consultation report.
10. The changes made to the proposed new policy at **Appendix B** as a result of feedback from the consultation are as follows:

### Change of details

5.2 amended to state that it is recommended that all licence holders notify the council if they are likely to be unable to be contacted for more than four weeks; the original proposal was two weeks.

### DBS checks for vehicle licence applicants

7.5 amended to clarify who would supply the DBS in respect of partnership applicants.

### Hackney carriage tariff

7.27 amended to make it clearer that for journeys outside the district, the fare should not exceed the tariff unless a fare is agreed in advance.

## **Operators**

9.11 has been added to clarify who should do the knowledge test in the cases of company/partnership applicants – a nominated person who is either a director, partner or company secretary.

9.16 and 9.19 amended to reflect disability awareness and safeguarding training is to be repeated every three years, rather than five. This mirrors the same requirement for drivers and is as per the consultation survey and summary changes document published.

Amended numbering in this section as there were two paragraphs numbered 9.19, two paragraphs numbered 9.20 and no 9.14.

## **Appendices A and B – vehicle equipment**

The requirement to have a fire extinguisher is recommended to be retained. Whilst advice will remain to get away from the vehicle and allow the fire and rescue service to deal with the situation, it is recognised that it may be a crucial item in case of emergency.

## **Appendix B – Specification for special vehicles**

The terminology ‘executive vehicles’ was removed from section 34 as this was unclear and included in error.

## **Appendix I**

One reference to ‘guide dog’ has been changed to ‘assistance dog’.

11. Some of the comments received were not within the scope of the consultation but will be noted for the next review of the policy, such as suggestion that all licensed vehicles should display plates, a dress code for drivers, and making it mandatory to be able to accept card payments.
12. In addition, some comments are not directly related to the policy itself but will be considered separately, such as the request for an online system that licence holders could use in order to update contact details, and changing the knowledge test format.
13. Finally, it is noted that comments were received about the maximum tariff which Vale of White Horse hackney carriages are able to charge for journeys within the district. A separate project will commence shortly to review this tariff to ensure it is set at an appropriate level, given it has not changed since 2014.

## **Proposed new policy**

14. Some of the changes that were made to the policy reflect new legislation, such as the Deregulation Act 2015 and the Immigration Act 2016. The working practices of the licensing team have already been amended to ensure that the council complies with the requirements of such legislation.
15. A number of changes come directly from the Department for Transport (DfT) Statutory Taxi and Private Hire Vehicle Standards which was published in July

2020. In their introduction to this document, the DfT states that they expect the standards to be implemented “unless there is a compelling local reason not to” (1.3) and that “as the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice...any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence” (2.8).

16. The DfT also confirms that any changes in licensing requirements should be followed by a review of the licences already issued, but there should be a pragmatic approach to allow licence holders the opportunity to adapt or change their vehicles, or obtain the relevant training course or qualification.
17. Therefore, whilst the policy takes effect as soon as it is adopted, certain changes will be phased in and only imposed at the time the licence is next renewed. As a practical example of this, where existing licensed drivers are next due for renewal, the condition that they are required to attend refresher safeguarding and disability awareness training will then take effect, but the council would allow a six month window to allow the driver time to attend the training before considering any enforcement action.

### **Climate and ecological impact implications**

18. The climate implications have been taken into consideration when drafting the policy and in particular the wording in paragraphs 7.16 and 7.17.

### **Financial Implications**

19. There are no anticipated financial implications arising from the adoption of the proposed policy.

### **Legal Implications**

20. The policy has been drafted to reflect current legislative requirements and statutory guidance. The policy must be taken into consideration when making decisions in respect of matters relating to hackney carriage and private hire.

### **Risks**

21. Failure to properly consider the policy could result in the councils not complying with the legislation or statutory guidance. Having a clear policy helps to ensure that licensing decisions are fair, consistent and comply with the legislation.

### **Other Implications**

22. There are no other implications at this stage.

### **Conclusion**

23. Committee is recommended to (a) consider the results of the consultation exercise at Appendix A, and (b) subject to any further amendments approve the revised joint taxi licensing policy at Appendix B.

**Background Papers**

Appendix A – Report on results of consultation

Appendix B – Revised Joint Taxi Licensing Policy