

This Report will be made public on 1 June 2020



Report Number **OS/20/02**

**To:** Overview & Scrutiny Committee  
**Date:** 9 June 2020  
**Status:** Non- Executive Decision  
**Responsible Officer:** Ewan Green, Director of Place

**SUBJECT:** REVISED HACKNEY CARRIAGE AND PRIVATE HIRE (TAXI) LICENSING POLICY

**SUMMARY:** This report sets out proposed revisions to the Council's Hackney Carriage and Private Hire (Taxi) Licensing Policy. The policy was last reviewed in 2012 and whilst not time limited it is good opportunity to refresh the policy. The new policy will be sent for public consultation and then to Planning and Licensing Committee for approval. The purpose of this report is to give the Overview & Scrutiny Committee the opportunity to review the proposed changes and give feedback that can be incorporated in the development of the final policy.

**RECOMMENDATIONS:**

1. To receive and note report OS/20/02.
2. To consider and provide any feedback on the policy to be included in the consultation exercise and developed into final draft to be presented to the Planning and Licensing Committee for adoption.

## **1. BACKGROUND**

- 1.1 The council has adopted the Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 and as such is responsible for licensing the Hackney Carriage and Private Hire trade within the district. Licences are issued to drivers, vehicles and private hire operators
- 1.2 The council has a policy which sets out its approach to determining licensing applications and the conditions which it will apply to licence holders. Revisions to the policy have been limited and piecemeal. The most recent amendment was in 2012. There has been no formal review of the policy since that time.
- 1.3 The current policy “Hackney Carriage and Private Hire Vehicle and Driver Conditions and Procedures” is published on the council website  
  
[https://www.folkestone-hythe.gov.uk/media/46/Hackney-Carriage-and-Private-Hire-Vehicles-Driver-Conditions-and-Procedures/pdf/Hackney\\_Handbooklive\\_2012.pdf?m=637164963970970000](https://www.folkestone-hythe.gov.uk/media/46/Hackney-Carriage-and-Private-Hire-Vehicles-Driver-Conditions-and-Procedures/pdf/Hackney_Handbooklive_2012.pdf?m=637164963970970000)
- 1.4 A full review and update of the policy has been carried out. A copy of the draft policy is attached to this report. The policy does not propose any radical changes but seeks to modernise and refresh the policy to ensure it is fit for purpose.
- 1.5 The policy is brought to this committee for review and comment prior to a period of public consultation.

## **2. KEY CHANGES TO THE POLICY**

### **2.1 General Matters**

- Improved layout and wording to provide clear, easy to understand, information for prospective applicants, licence holders and decision makers.
- A commitment to review the policy every 5 years.
- Inclusion of an enforcement policy specific to taxi licensing.
- Introduction of a “penalty points” scheme for breaches of licence conditions to promote compliance and act as an “early warning” to licence holders.
- Revised (and more stringent) policy on approach to applicants and licence holders with convictions and cautions, to largely reflect current Institute of Licensing Guidance.

- Inclusion of a general policy on refunds for surrendered licences.
- Removal of the complicated “proposals from trade” process, which set a process for reviews of the policy by the relevant licence holders.

## **2.2 Drivers**

- Hackney Carriage only driver licence discontinued. Driver licences to be Private Hire only or Dual ( Hackney Carriage and Private Hire combined)
- Removal of a minimum age for drivers (other than statutory requirement to have held a full driving licence for one year).
- Introduction of requirement for new drivers to pass a Driving Standards Assessment.
- Applicants failing knowledge test 3 times in 3 month period to wait 6 months before further application accepted.
- Provision of Disclosure and Barring Service (DBS) certificate to tie in with licence renewal. Drivers must sign up to the DBS online update service.
- Drivers residing abroad within 10 years prior to application to provide certificate of good conduct from relevant embassy (increased from 12 months).
- Interval for medical certificates for drivers aged 45-65 reduced from 4 years to 3 years, to be supplied as part of a renewal application. There is a proposed transitional process for existing drivers, to align this with licence renewal periods.
- Condition to notify of any medical condition affecting ability to drive or safety of passengers. Council may require additional medical assessments where reasonably required.
- Legal Obligations for assistance of passengers in wheelchairs or with assistance dogs clearly set out and incorporated into licence conditions.
- Condition to issue receipts for payment, where requested.
- Revision of basic dress code.

## **2.3 Private Hire Operators**

- Condition requiring premises accessible to public to be covered by public liability insurance.

- Enhanced record keeping requirements concerning vehicles, drivers and booking details. Retention period for records increased from 3 months to 12 months.
- Correction to reflect Basic DBS is required for operators ( not enhanced)

## 2.4 Vehicles

- Extend maximum age for newly licensed vehicles from 3 to 4 years. Maximum age for standard vehicle renewals clarified at 7 years (with 2 further years if in exceptional condition).
- Maximum age for new and relicensed Wheelchair Accessible Vehicle (WAV) increased to 6 years and 12 years respectively ( matching that for “London Style” cabs ).
- Policy not to permit “dual plating” of vehicles (i.e. vehicles will not be licensed if they hold a licence with another authority).
- Update of vehicle specifications and conditions e.g. relating to LPG conversions, use of Space saver tyres, tinted windows.
- Introduction of specific policy and conditions for stretch limousines.
- Inclusion of policy on exemptions from display of plates.
- Introduction of published “statutory list “of WAVs, which will be subject to requirements of Equality Act 2010.
- Valid inspection certificates to be maintained for mechanical lifting equipment used on WAVs.
- Update of advertising restrictions on vehicles.

2.5 Some key areas of the policy remain unchanged. As follows:

- There is no proposal to introduce mandatory CCTV in vehicles.
- No proposal to restrict numbers of Hackney Carriage Vehicles
- No proposal to require vehicles to be Wheelchair Accessible.

2.6 The proposed changes will not result in any increased in costs to the council. The proposed changes around DBS and medical certificates should increase efficiency of the process.

2.7 The proposed changes will increase direct costs to licence holders estimated as follows:

- Practical Driving Assessment for new drivers - £90

- Up to 2 extra medical checks over a 20 year period for drivers age between 45 and 65. Cost dependent on medical provider charges but estimated from £55 per check.
- Maintenance of public liability insurance for licensed private hire operators (although responsible operators may already hold a policy).

2.8 The changes to DBS checks will result in a saving to drivers of up to £34.50 per each 3 year licence period. The relaxation on age of newly licensed vehicles will allow potential savings for owners when purchasing a vehicle.

### 3. CONSULTATION

3.1 An 8-week consultation period is proposed. This will include direct consultation with key stakeholders, including:

- Hackney Carriage and Private Hire licence holders in the district
- FHDC district councillors
- Town and Parish Councils
- Kent Police
- Kent County Council

The draft policy will also be published on the council website, inviting comments.

3.2 Following the consultation and amendments, the policy would be brought to the Planning and Licensing committee for consideration and adoption.

### 4. RISK MANAGEMENT ISSUES

4.1 Members of the Overview and Scrutiny Committee will be asked for their view of risks relating to this matter for consideration as the item is progressed

Perceived risk	Seriousness	Likelihood	Preventative action

### 5. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

#### 5.1 Legal Officer's Comments (TH)

The Council has a duty to provide for the licensing of hackney carriages under the Town Police Clauses Act 1847 and under the relevant adopted provisions of the Local Government (Miscellaneous Provisions) Act 1976. In addition, the adopted provisions of the 1976 Act mean that the Council must provide for the licensing of private hire drivers, vehicles and operators.

There is no statutory requirement to adopt a Taxi Policy however it is considered best practice to do so in order to have an open and transparent

licensing regime. Such a policy is necessary to ensure proper regulation of the trade and to ensure that high standards are maintained.

The fundamental purpose of the licensing regime is to protect the safety of the public. This means the Council must ensure that only fit and proper persons are licensed to be drivers, operators and holders of vehicle licences and that vehicles remain safe and fit for the purpose.

Failure of the Council to properly regulate Hackney Carriage and Private Hire licensing in the district and a failure to maintain a policy that is fit for purpose leaves the Council and any decisions made in relation to licensing open to legal challenge. Any such challenge carries both financial and reputational risk for the Council.

The Council must have regard to all relevant legislation and ensure that consultation process is followed correctly, in order to minimise the risk of any legal challenge.

## **5.2 Finance Officer's Comments (LH)**

There are minimal financial implications arising from this report other than staff time in preparing and sending the consultation documentation out however, any small cost should be able to be contained within the existing budget.

## **5.3 Diversities and Equalities Implications (GE)**

There are no negative equalities implications directly arising from this report. The policy makes clear reference to the obligations of drivers of both taxis and private hire vehicles to accommodate those with a physical disability under the Equality Act 2010. The notable introduction of a statutory list of wheelchair accessible vehicles (WAVs) to be publicised on the Council's website will positively assist wheelchair users in making more informed decisions about their day to day transportation needs.

## **6. CONTACT OFFICERS AND BACKGROUND DOCUMENTS**

Councillors with any questions arising out of this report should contact the following officer prior to the meeting

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Email: [sarah.pinkstone@folkestone-hythe.gov.uk](mailto:sarah.pinkstone@folkestone-hythe.gov.uk)

The following background documents have been relied upon in the preparation of this report:

### **Appendices:**

Appendix 1: Draft Hackney Carriage & Private Hire Licensing Policy 2020v1.4