

**Agenda Item No:** 5

**Report To:** **REGULATORY COMMITTEE**

**Date of Meeting:** 19 July 2022

**Report Title:** **Taxi Licensing Policy Review**

**Report Author:** Trevor Ford  
**Job Title:** Environmental Protection & Licensing Team Leader

**Portfolio Holder:** Cllr. Peter Feacey  
**Portfolio Holder for:** Safety and Wellbeing



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| <b>Summary:</b> | The purpose of this report is to present an interim review of the councils Taxi Licensing Policy 2017-2022. |
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**Key Decision:** NO

**Significantly Affected Wards:** All

**Recommendations:** **The Committee is recommended to:-**

- i. **Note the Department of Transport (DfT) review of the Taxi and Private Hire Vehicle Best Practice Guidance**
- ii. **Recommend the extension of the current Taxi Licensing Policy 2017-2022 until 31 March 2023, with administrative amendments, and the amendment to the frequency of DVLA licence checks.**

**Policy Overview:** The determination of taxi and private hire driver, operator, and vehicle licence applications is a statutory duty and provides protection to the public ensuring vehicles, operators and drivers are fit and proper for the purposes of providing such services.

Our policy with respects to this subject area guides members of the public, applicants, elected members, and officers on such matters.

**Financial Implications:** None

**Legal Implications:** Proposed amendments ensure that changes and updates in legislation are captured within the current policy, whilst taking a pragmatic approach to wait for the publication of new DfT guidance before conducting a full review. This eliminates the risk to the council if one had delayed incorporating the changes, especially in respect of the Taxi and Private Hire

*Text agreed by Principle Litigator on 11 July 2022*

Vehicles (Disabled Persons) Act 2022 and ensures public safety

**Equalities Impact Assessment:** See Attached

**Data Protection Impact Assessment:** N/A

**Risk Assessment (Risk Appetite Statement):** Judicial review is a risk if the policy strays beyond the requirements of the act, or restricts legal activities without due and appropriate cause.

The extension of the existing policy and the increased DVLA licence checks remain within the scope of the Act and good practice, and ensures that our approach remains legally robust.

**Sustainability Implications:** None

**Other Material Implications:** None

**Exempt from Publication:** **NO**

**Background Papers:** Taxi Licensing Policy 2017-2022 available at; <https://www.ashford.gov.uk/media/xfn4o4f/taxi-licensing-policy-dec2020update.pdf>)

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## Report Title: Taxi Licensing Policy Review

### Introduction and Background

1. The Council adopted the Taxi Licensing Policy 2017-2022 on 12 October 2017, with further amendments being made in October 2018 adopting guidance surrounding the suitability of applicants and licensees, and in December 2020 following the publishing of the 'statutory taxi and private hire vehicle standards'
2. The policy relating to the determination of applications not only guides the decision-maker but also serves to inform an applicant about what they should consider in preparing their application. Furthermore, the policy sets out the standards to which the licensing authority will work and provides confidence to the public that the drivers are fit and proper, and that the vehicles are fit for purpose.
3. The purpose of this report is to present an interim review of this policy, which is due to be reviewed in October 2022.

### Proposal

4. At the current time the DfT are reviewing the 'Taxi and Private Hire Best Practice Guidance' which was last issued in March 2010, and is considered well overdue revision.
5. The Licensing team, in liaison with the then Regulatory Committee chair and Safety and Wellbeing Portfolio Holder, fed into the public consultation, which closed on the 20 June 2022.
6. We now await the publishing of the updated guidance document from the DfT
7. In light of the impending DfT guidance document and the current policy document, it is proposed and recommended to 'extend' the effect of the existing policy until 31 March 2023 in order that a single more meaningful review can be conducted in light of any updated guidance.
8. There is however a single interim amendment being sought to update *Paragraph 6.8.4* to increase the checks on existing licensees DVLA drivers licence from annually to six-monthly to tie up with the frequency of other criminal record checks as introduced by the 'statutory taxi and private hire vehicle standards'.
9. This change will further increase public safety, by allowing the Licensing Authority to detect undisclosed convictions or penalty points more quickly, whilst having no additional burden on the licensee. Due to cost savings previously achieved by switching service providers offering this service, this change is not considered to have any significant impact on the application fee.
10. Additionally administrative updates will be include to reflect the legal requirements introduced in June 2022 under the Taxi and Private Hire Vehicles (Disabled Persons) Act 2022. This act amends the duties on drivers and

operators with the aim of ensuring that disabled people can use taxi and private hire service with confidence that they will not be discriminated against.

11. It is otherwise considered that the current policy document is up to date, and not in need of any other immediate or urgent changes.

## **Equalities Impact Assessment**

12. The policy will affect all persons involved or affected in a relevant licensable activity in the Borough, irrespective of gender, race, disability, sexuality or age. Recipients of the policy include holders of licences, members of the council's Appeals Committee, authorities e.g. Kent Police, KCC Schools Transport, Kent Fire & Rescue Service, etc. and all of the Borough's businesses, residents of the borough and those who visit and use local taxi services.
13. An equalities impact assessment is attached as *Appendix A*

## **Consultation Planned or Undertaken**

14. Given the limited scope and impact of the proposed recommendations, no public consultation has been undertaken, nor is proposed. A full public consultation will be undertaken as part of any wider review or update of the Policy following the publishing of the DfT guidance.
15. An informal consultation on these proposals was undertaken with the five Taxi Forum representatives.
16. Only one response was received, from the independent diver representative, who supported the extension of the existing policy to avoid the need to complete two separate reviews, and also supported the more frequent DVLA licensed checks.

## **Other Options Considered**

17. There are as always a number of options available to councils with respects to taxi licensing. This includes conducting a full review of the existing Taxi Licensing Policy prior to the publishing of the DfT guidance, however such a measure in light of the pending DfT guidance does not appear necessary.

## **Reasons for Supporting Option Recommended**

18. It is felt that the options proposed are appropriate to the borough, act to ensure that public safety is protected, and ensure an efficient and effective licensing regime.
19. Overall this approach is recommended to ensure that the policy remains up to date, and can be effectively applied by the council, officers, applicants, and the general public.

## **Next Steps in Process**

20. Once adopted by council, the extended and amended policy will be published and the increased DVLA checks will be implemented immediately.
21. The policy will then be brought back for review following the publishing of the Department for Transport taxi licensing guidance or by the 31 March 2023 as appropriate.

## **Conclusion**

22. The proposed extension and amendment are being made based on good practice, coupled with the clear need to protect the public. The amendments will aid an efficient and effective licensing regime going forwards.

## **Portfolio Holder's Views**

23. "In light of the position regarding the national good practice guidance, I support the extension of the policy, and the proposed amendments which will ensure that our taxi licensing regime remains effective."

Councillor Peter Feacey  
Portfolio Holder for Safety & Wellbeing

## **Contact and Email**

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## **Appendix A: Equalities Impact Assessment**