

**Agenda Item No:** 6

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

**Date of Meeting:** 16 January 2024

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

**Report Author:** Trevor Ford

**Job Title:** Environmental Protection & Licensing Team Leader

**Portfolio Holder:** Cllr. Liz Wright

**Portfolio Holder for:** Communities and Health



**Summary:** The purpose of this report is to extend the current Taxi Licensing Policy until the existing policy and new DfT guidance is reviewed, consulted upon, and presented back to Committee.

**Key Decision:** NO

**Significantly Affected Wards:** All

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

- i. note the publishing of the DfT best practice guidance on taxi licensing,**
- ii. note the planned policy review process, and,**
- iii. recommend the extension of the current Taxi Licensing Policy 2017-2022**

**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:** The proposed extension to policy appears a pragmatic measure to allow the council to fully consider the new Department of Transport guidance against the general review of the Taxi Policy content. This approach is recommended to ensure that policy changes are well-managed and can be implemented with less burden on the  
*Text agreed by Principle Litigator on 28<sup>th</sup> December 2023*

licensed trade, whilst recognising our continued role in protecting public safety.

**Equalities Impact Assessment:** N/A

**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, pending full review, remain within the scope of the Act and ensures that our approach remains legally robust.

**Sustainability Implications:** None

**Other Material Implications:** None

**Exempt from Publication:** NO

**Background Papers:** Taxi Licensing Policy;  
<https://www.ashford.gov.uk/media/stycwvx0/taxi-licensing-policy-july22update.pdf>

DfT Taxi and Private Hire Vehicle Best Practice Guidance;  
[Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/612222/taxi-and-private-hire-vehicle-licensing-best-practice-guidance-for-licensing-authorities-in-england.pdf)

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## Report Title: Taxi Licensing Policy Review

### Introduction and Background

1. A taxi licensing 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.
2. The Council adopted the current iteration of its Taxi Licensing Policy on 12 October 2017. Amendments were adopted into the policy in 2018, 2021, and 2022 to ensure that it remained up to date with good practice, and continued to protect the safety of the travelling public.
3. That policy is due review and update, however tying up with that review, the Department for Transport (DfT) published the overdue/updated 'Taxi and Private Hire Best Practice Guidance' on 17 November 2023.
4. This guidance provides further grounds to review current taxi licensing requirements against best practice.
5. Initial review of the new DfT guidance highlights that the following potential changes required to meet the new best practice guidance;
  - Development of an inclusive service plan to assess and review accessible taxi services within the borough, develop a strategy to make transport from accessible, review courses and assessments for applicants with regard to accessibility, and develop an action plan to improve the inclusivity of the trade.
  - Amending enforcement schemes so that penalty points remain on record for 3 years for drivers, and 5 years for operators.
  - Amending application forms and policy to require drivers to declare intention to work predominately within the area in which they are licensed.
  - Requiring drivers to undertake driver training/assessment every three years
  - Requiring drivers to undertake disability awareness training
  - Requiring drivers to complete daily vehicle checks, and retain written checklist records
  - Requiring operators to train customer facing staff in disability awareness
  - Requiring operators to use suitably accessible booking platforms (if using a digital booking platform)
  - Requiring vehicles with window tinting rear of B-pillars to have a minimum 30% light transmission
  - Changing/updating vehicle age limits to take into account other factors such as emission limits, wheelchair accessibility, NCAP safety rating etc.

## **Proposal**

6. The Licensing team recommend that a full review of the policy should be conducted alongside the detailed review of the DfT best practice guidance.
7. As part of that process a meeting of the Taxi (trade) forum is planned for 17 January 2024, whereby the updated best practice requirements will be presented to the trade, and initial feedback sought as to the measure that will allow the council to adapt its services to operate in line with 'best practice'.
8. Following the Taxi Forum, proposals will be developed, and will be put out to formal consultation with the licensed trade, public, and other interested parties for a two month period.
9. The result of the formal consultation will be reviewed and an updated Taxi Licensing Policy for 2024-2029 will presented to the Regulatory Committee for further consideration in summer 2024.
10. As such it is proposed that the Regulatory Committee note the publishing of the updated best practice guidance, the proposed review process, and recommend to council that the existing Taxi Licensing Policy be extended until the full review is completed and new Taxi Licensing Policy for 2024-2029 published.

## **Equalities Impact Assessment**

11. 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.
12. An equalities impact assessment will be conducted in due course as part of any updated/amended policy.

## **Consultation Planned or Undertaken**

13. As there is no change to policy at this time, no public or trade consultation has been conducted or planned with reference to this extension.

## **Other Options Considered**

14. There are as always a number of options available to councils with respects to taxi licensing, the proposed measures however appear the only practical option available at this time.

## **Reasons for Supporting Option Recommended**

15. 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.

16. 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**

17. If the Regulatory Committee recommend the extension, and this is agreed by council, then the existing policy will continue to have effect until updated.
18. An updated policy following development and consultation will then be bought back before Committee for formal review, with the intent of publishing a new/updated Taxi Licensing Policy for 2024-2029.

## **Conclusion**

19. The proposed extension is being made based on good practice, coupled with the clear need to protect the public.

## **Portfolio Holder's Views**

20. *"The protection of the public must always be our over-riding concern, and I am satisfied that the measures proposed are fair and that they meet with best practice guidelines."*

Councillor Liz Wright  
Portfolio Holder for Communities and Health

## **Contact and Email**

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