

MID SUFFOLK DISTRICT COUNCIL

TO: Licensing & Regulatory Committee	REPORT NUMBER: MLR/21/7
FROM: Jessica Fleming – Cabinet Member for Environment	DATE OF MEETING: 15 October 2021
OFFICER: Cassandra Clements – Assistant Director of Environment and Commercial Partnerships	KEY DECISION REF NO. N/A

NEW HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING POLICY

1. PURPOSE OF REPORT

- 1.1 To report back to the Licensing & Regulatory Committee the outcome of a full targeted and public consultation, which ran between the 20 August 2021 and 16 September 2021, in respect of the Hackney Carriage and Private Hire Vehicle Licensing Policy for the controlled zone of Mid Suffolk District Council.

2. OPTIONS CONSIDERED

- 2.1 All options to be considered are contained within the body of this report.

3. RECOMMENDATION
3.1 That the post consultation draft Hackney Carriage and Private Hire Vehicle Licensing Policy, attached as Appendix A , be approved.
RECOMMENDATION TO CABINET
3.2 That the Hackney Carriage and Private Hire Vehicle Licensing Policy document be adopted.
REASON FOR DECISION
Following the publication of the new Statutory Standards for Taxi's and Private Hire Vehicles, Councils are required to review the recommendations from the Department for Transport (DFT) and consult on any changes to their current policies.

4. KEY INFORMATION

- 4.1 Hackney Carriage and Private Hire licensing is based on complex statute and case law. The legislation is antiquated and has been subject to many amendments. A clear Policy is therefore required to set out the standards expected of the trade by Mid Suffolk.
- 4.2 Applications made for driver, vehicle or operator licences are each on merit consideration for the District Council within its general scheme framework and controlled zone.

A local authority has discretionary, and wide ranging, powers in relation to attaching criteria/conditions to a licence for a Hackney Carriage under section 47, Private Hire vehicles under section 48, drivers under section 51 and operators under section 55, of the Local Government (Miscellaneous Provisions) Act 1976.

- 4.3 On 21 July 2020 the DFT published its long-awaited Statutory Standards for Taxi and Private Hire Licensing. The new Standards brought in a raft of recommendations/requirements which Councils **must have regard to** in exercising their functions under Hackney Carriage and Private Hire Vehicle Licensing. The Standards also replaced relevant sections of the Best Practice guidance issued by the DFT in 2010, where there is a conflict between the Standards and Best Practice the Standards will take precedence.
- 4.4 The DFT will update its Best Practice guidance for Councils in due course, however in the meantime it expects Councils to adopt its recommendations in the New Standards document, so that past failings of some licensing regimes are never repeated.
- 4.5 Whilst the focus of the New Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to better regulate the taxi and private hire vehicle sector. The overarching aim of the Statutory Standards is public protection.

5. LINKS TO CORPORATE PLAN

- 5.1 The Council's Hackney Carriage and Private Hire Vehicle Licensing Policy is the overarching set of principles which guides the Councils in carrying out its Taxi and Private Hire Licensing functions. The policy assists in supporting businesses to thrive and prosper, whilst promoting the health and wellbeing of the travelling public.

6. FINANCIAL IMPLICATIONS

- 6.1 This is a statutory function, and the legislation provides for recovery of the reasonable costs of administration, inspection and supervision of the licensing scheme.
- 6.2 The cost of providing the consultation is contained within the fees collected as part of existing Licensing budget.

7. LEGAL IMPLICATIONS

- 7.1 The Local Government (Miscellaneous Provisions) Act 1976 provides that the Council can attach conditions to the grant of a licence as reasonably necessary. Any person aggrieved by the decision of the District Council to attach conditions to a licence is entitled to appeal to the Magistrates' Court. Appeals carry an associated cost and resource implication for the Council.

8. RISK MANAGEMENT

- 8.1 This report is most closely linked with the Council's Significant Business Risk No. 14 – Councils may be perceived to be untrustworthy and have a poor reputation. Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
Failure to regularly review and consult upon the Council's Hackney Carriage and Private Hire Vehicle Policy containing conditions and criteria for how the Council will administer its licensing function may result in legal challenge	2 – Unlikely	2 – Noticeable	Regularly review, revise and consult on the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy in accordance with amendments to Statutory Guidance and Regulatory amending the Law.

9. CONSULTATIONS

- 9.1 This will be the third edition of the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy and the first aligned policy with Babergh District Council. The Licensing Team has the necessary experience, stakeholder contacts and networking in place to ensure that a wide and balanced consultation has taken place. The consultation, which was undertaken over a period of 28 days, through various channels and media.
- 9.2 Adoption of the Hackney Carriage and Private Hire Vehicle Licensing Policy is a function reserved for Cabinet
- 9.3 Following the Consultation exercise Mid Suffolk received 12 responses these are attached this report as **Appendix B**. Officers responses to the comments from consultees are attached to this report as **Appendix C**. For ease of reference, some common themes have been colour coded.
- 9.4 From the responses received the changes made are attached as **Appendix D**.

10. EQUALITY ANALYSIS

- 10.1 There are no equality implications arising directly from this report. The Council recognises its obligations under the Equality Act 2010, in the exercise of its licensing functions, and shall have due regard to any comments received during the consultation, or individual applications, on equality issues.
- 10.2 The Council also recognises its obligations under the Equality Act 2010, in the exercise of its licensing functions, and shall have due regard to any comments received during the consultation, or individual applications, on equality issues.

11. ENVIRONMENTAL IMPLICATIONS

- 11.1 The recommendation to switch to Hybrid and Fully Electric Vehicles could mean that either the Hackney Carriage ranks in the Mid Suffolk district need to be adapted or infrastructure will be needed nearby to support the change to Greener energy efficient vehicles. With the changes Councils are already making to infrastructure for energy efficient vehicles this will mitigate any possible disruption to habitat.

12. APPENDICES

Title	Location
(a) Draft Hackney Carriage and Private Hire Vehicle Policy	Attached
(b) Responses from Consultees	Attached
(c) Responses from Officers on Consultee Comments	Attached
(d) Overview of changes made to the policy from Consultation responses received	Attached
(e) Consultee List	Attached

13. BACKGROUND DOCUMENTS

- 13.1 DFT: Taxi and Private Hire Vehicle Licensing: Best Practice Guidance
- 13.2 DFT: Statutory Taxi and Private Hire Vehicle Standards & determination of those keeping, amended, or rejecting
- 13.3 Local Government (Miscellaneous Provisions) Act 1976
- 13.4 Town Police Clauses Act 1847

14. REPORT AUTHORS

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