

## MID SUFFOLK DISTRICT COUNCIL

<b>TO:</b> Cabinet	<b>REPORT NUMBER:</b> <b>MCa/21/32</b>
<b>FROM:</b> Jessica Fleming – Cabinet Member for Environment	<b>DATE OF MEETING:</b> 6 December 2021
<b>OFFICER:</b> Cassandra Clements – Assistant Director of Environment and Commercial Partnerships	<b>KEY DECISION REF NO.</b> CAB308

### NEW HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING POLICY

#### 1. PURPOSE OF REPORT

- 1.1 This report is to adopt the revised Hackney Carriage and Private Hire Vehicle Licensing Policy, which was considered by the Licensing and Regulatory Committee, report MLR/21/7 at the Meeting of 15 October 2021, following the wide and balanced public consultation exercise.

#### 2. OPTIONS CONSIDERED

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

#### 3. RECOMMENDATION

- 3.1 That Cabinet following consideration of Licensing and Regulatory Committee's recommendation adopt the post consultation draft Hackney Carriage and Private Hire Vehicle Licensing Policy, attached as **Appendix A**.

#### 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. Unless there is a compelling local reason not to these standards must be implemented as issued by the Secretary of State for Transport under the Policing and Crime Act 2017.
- 4.4 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.
- 4.5 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.
- 4.6 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

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 was undertaken over a period of 28 days, through various channels and media.
- 9.2 Following the Consultation exercise Mid Suffolk received a significant number of responses. Officers on reviewing the consultation responses made several amendments to the proposed policy which are attached as Appendix B to this report.

## 10. EQUALITY ANALYSIS

- 10.1 There are no equality implications arising directly from this report.
- 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.

## 12. APPENDICES

Title	Location
(a) Draft Hackney Carriage and Private Hire Vehicle Policy	Attached
(b) Overview of changes made to the policy from Consultation responses received	Attached

### **13. BACKGROUND DOCUMENTS**

13.1 Report MLR/21/7

13.2 DFT: Taxi and Private Hire Vehicle Licensing: Best Practice Guidance

13.3 DFT: Statutory Taxi and Private Hire Vehicle Standards & determination of those keeping, amended, or rejecting

13.4 Local Government (Miscellaneous Provisions) Act 1976

13.5 Town Police Clauses Act 1847

### **14. REPORT AUTHORS**

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