

BABERGH DISTRICT COUNCIL

TO: Licensing & Regulatory Committee	REPORT NUMBER: BLR/23/5
FROM: Licensing Team	DATE OF MEETING: 19 April 2024
OFFICER: Kate Pearsall, Licensing Team Leader	KEY DECISION REF NO. N/A

REVISION OF HACKNEY CARRIAGE & PRIVATE HIRE LICENSING POLICY

1. PURPOSE OF REPORT

- 1.1 To provide members with information and guidance on a revised version of a single Hackney Carriage and Private Hire policy, attached at Appendix (a). This policy will be applicable to both Babergh and Mid Suffolk.
- 1.2 To seek member approval of the draft policy for public consultation.

2. OPTIONS CONSIDERED

- 2.1 To make no changes to the current policy.
- 2.2 This option is not recommended as to ensure the policy is effective and reflects best practices and procedures, it is important to review and amend as appropriate.

3. RECOMMENDATIONS

- 3.1 That the Licensing and Regulatory Committee agree the draft policy attached at Appendix A, for the purposes of consultation.
- 3.2 That the Licensing and Regulatory Committee agree a consultation period of six weeks with licence holders, key stakeholders and members of the public.

REASON FOR DECISION

A new single version of the Hackney Carriage and Private Hire licensing policy has been drafted following changes to legislation, best practice and statutory guidance.

It is recommended that this new policy is adopted following consultation to ensure the Council is up to date, transparent and consistent.

4. KEY INFORMATION

- 4.1 As a Licensing Authority we are entitled, but not required, to adopt a policy on hackney carriage and private hire licensing. The policy is viewed as being an integral part of the decision-making process enabling consistency and transparency. It is there to guide the licensing authority but each case must still be considered on its own merits.

- 4.2 There is currently an existing policy for Babergh District Council which needs to be updated, Appendix (b). The decision was taken that the current format was no longer fit for purpose, therefore, a review has taken place and a new single policy for both Babergh and Mid Suffolk has been drafted.
- 4.3 The licensing team has conducted significant research on private hire and hackney carriage licensing including reviewing other Council's policies, taxi licensing guidance and best practice from the trade.
- 4.4 The policy has been revised taking into account changes to private hire and hackney carriage legislation, in particular the Department for Transport 'Statutory Taxi and Private Hire Vehicle Licensing Standards' and the best practice guidance which was updated on the 17th November 2023.
- 4.5 The Department for Transport purpose for setting these standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles. The standards state that when formulating a policy, the primary and overriding objective must be to protect the public. This latest policy now incorporates these standards.
- 4.6 The initial draft policy was sent to all drivers and operators and a meeting was held with the Babergh trade on the 28th February 2024. Feedback was received at this meeting and via email. As a result, amendments were made which are reflected in this version of the draft policy, attached at Appendix (a).
- 4.7 The proposed policy has been drafted taking into account this information, however it must be stressed that this is in draft form currently and a full public consultation should be undertaken. It is essential that the trade and other interested parties have the opportunity to fully consider and contribute to the new policy.
- 4.8 Although the revised policy is in a new and different format to the former policy, any significant changes introduced as a result of the above changes has been indicated in blue text.
- 4.9 It is recommended that the draft policy is published for a full consultation for six weeks, enabling plenty of time for the trade, general public and other interested parties to fully consider the proposals and respond if needed. The Licensing Team will ensure that all existing Operators and drivers are aware of the consultation and have the opportunity to respond.
- 4.10 Following consultation, officers will review all feedback received and return to Committee for their consideration.

5. LINKS TO OUR PLAN FOR BABERGH

- 5.1 Customer – ensuring that the standards set protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 5.2 Economy - supporting the needs of new businesses by providing clarity on the council's approach to the licensing of drivers, vehicles and operators.
- 5.3 Environment – the policy outlines the Councils approach to meeting Central Government's plan in relation to zero emissions for all vehicles by 2035.

5.4 Community – the Council facilitates well-run and responsible businesses which provide essential services to the travelling public. The Council recognises the importance the licensed taxi trade offers to the local community particularly in rural areas where public transport may be limited, and connectivity may be compromised.

6. FINANCIAL IMPLICATIONS

6.1 The policy introduces new requirements for new applicants and in certain cases, current licence holders. These requirements will add additional costs, however, these new requirements are recommended by the Department for Transport ‘Statutory Taxi and Private Hire Vehicle Licensing Standards’ and the best practice guidance. This is to ensure that applicants meet the ‘fit and proper’ requirements laid out in Government statutory guidance.

7. LEGAL IMPLICATIONS

7.1 This policy ensures consistency and proportionality of approach and should be treated as a live document. The proposed changes ensure that the policy remains up to date and reflects current legislation and best practices, thereby ensuring that the council would be far less likely to be open to legal challenge.

8. RISK MANAGEMENT

8.1 Key risks are set out below:

Key Risk Description	Likelihood 1-4	Impact 1-4	Key Mitigation Measures	Risk Register and Reference*
Legal Challenge Reputation	2	2	Reviewing and ensuring policies are up to date and reflect correct legislation.	Public Protection Operational Risk Register for Service Planning 2023/24 Reference 016

**Name of risk register where risk is currently documented and being actively managed and it's reference number*

9. CONSULTATIONS

9.1 Should the Committee approve the draft policy for consultation, a period of six weeks is proposed for consultation. Appendix (d) lists the consultees. The draft policy will also be available for all on the Council's website.

10. EQUALITY ANALYSIS

10.1 An Equality Impact Assessment on the previous Hackney Carriage and Private Hire Policy was carried out in June 2021, attached at Appendix (c). It identified that there was no differential impact on the nine protected characteristics as defined by the Equality Act 2010. However, following the six week consultation period, an EQIA screening assessment will be completed to determine if a full assessment is needed.

11. ENVIRONMENTAL IMPLICATIONS

- 11.1 The policy addresses vehicle standards which link directly to vehicle emissions. This is in line with the Department for Transport Statutory guidance which state that the short-term objective should be to mitigate the harm from internal combustion engines through the setting of high Euro emission standards for example, Euro 6 but, in the long-term, the trade will need to be fully prepared for the end of the sale of new petrol and diesel cars and the need to transition to zero emission vehicles.
- 11.2 The policy specifies a date where vehicles that are newly licensed must be Euro 6 emission. This date allows a lead in period for the trade to incorporate this into their business plan and comply with.

12. APPENDICES

Title	Location
(a) Draft policy	Attached
(b) Current policy	Attached
(c) Equality Impact Assessment June 2021	Attached
(d) List of consultees	Attached

13. BACKGROUND DOCUMENTS

- 13.1 Taxi and Private Hire Vehicle licensing best practice guidance for Licensing Authorities in England: [Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/471222/taxi-and-private-hire-vehicle-licensing-best-practice-guidance-for-licensing-authorities-in-england.pdf)
- 13.2 Statutory taxi and private hire standards: [Statutory taxi and private hire vehicle standards - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/471222/statutory-taxi-and-private-hire-vehicle-standards.pdf)

14. REPORT AUTHORS

Kate Pearsall, Licensing Team Leader

Tracy Howard, Head of Public Protection