

## GENERAL PURPOSES AND LICENSING COMMITTEE – 5 JANUARY 2024

### REVIEW OF THE TAXI LICENSING POLICY

#### 1. RECOMMENDATIONS

- 1.1 That the draft Taxi Licensing Policy within **Appendix 1** be approved for public consultation from 15 January to 15 March 2024.

#### 2. INTRODUCTION

- 2.1 The purpose of this report is to provide background information on the revision of the Licensing Authority's Taxi Policy and ask Members to agree consultation of the draft policy.

#### 3. BACKGROUND

- 3.1 The Taxi Licensing Policy should provide a clear statement of how this Licensing Authority intends to carry out its' statutory duty with regard to the licensing of drivers, vehicles and operators and providing transport to members of the public. It is also a guide for officers and Elected Members with responsibility for licensing matters; the licensed trade and new applicants. In addition, the policy will support any hearings at Magistrates Court, following decisions made by New Forest District Council (NFDC).
- 3.2 The Policy sets out standards and boundaries that the Licensing Authority considers acceptable. The Policy is an integral part of a Local Authority's decision-making process; informing and guiding decision makers and providing a valuable aid to consistency.
- 3.3 The policy is intended to promote public safety and ensure that the requirements of the district, in respect of the taxi and private hire trade, are met.
- 3.4 Prior to the issue of a revised policy, the Council must consult with those who will be affected by the new policy. This will include taxi and private hire licence holders, neighbouring authorities, Unions representing drivers, Councillors, Town and Parish Councils and the public. The draft Policy will also be published on the NFDC website.
- 3.5 Legislation governing taxi and private hire licensing (Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976) is outdated and has fallen behind modern communication and vehicle standards. However, the government has issued revised statutory guidance with enhanced requirements to further protect those who travel in licensed vehicles and this policy takes into account this guidance.
- 3.6 The Council's Policy for Taxi and Private Hire Licensing was reviewed a number of years ago and has only had minor changes, as required. This is the first wholesale revision of the Policy which includes recent changes to statutory guidance and secondary legislation. In the absence of new legislation, it is important that policies are current, fit for purpose and reflect local issues. The current policy is provided as **Appendix 2**.
- 3.7 Policy documents should be dynamic and reviewed periodically (statutory guidance suggests at least every five years) to ensure it reflects current best practice and recent case law, and changes in technology, social climate, and vehicle specifications. A review should also be considered where specific issues arise in our area or there are significant changes to legislation or guidance.

## 4. KEY UPDATES

- 4.1 The draft policy and appendices to the policy are provided as **Appendix 1**. The Key Changes document provided as **Appendix 3**, indicates the main changes proposed and the rationale for these changes.
- 4.2 A number of documents have been taken into account when drafting the policy, including the Statutory Taxi and Private Hire Vehicle Standards, produced by the Department for Transport.
- 4.3 Proposals in the draft policy require that diesel and petrol vehicles being licensed by NFDC for the first time, are less than 5 years old and hybrid vehicles are less than 7 years old. The age policy will not apply to fully electric vehicles. These standards are either consistent with neighbouring authorities or higher than a few. The new fleet standards will reduce the impact of emissions from our vehicles on the air quality, in both the new Forest and other areas where our licensed vehicles work.
- 4.4 It is proposed that all existing NFDC licensed vehicles remain on the fleet until 1 January 2026. After this date, only those less than 10 years old will be renewed. This lead in time will assist our trade in planning vehicle replacements to comply with the increased standards. Replacement vehicles will then need to meet the age policy at 4.3 above. The age policy will not apply to fully electric vehicles.
- 4.5 During the three-month consultation period, objections could be expected in respect of the tighter restrictions on vehicles. However, benchmarking with all Hampshire (and BCP and Wiltshire) authorities indicates that most have a higher specification for at least new vehicles, with various measures in place for existing vehicles on the fleet.
- 4.6 The proposal for door signage on private hire vehicles is included in the draft policy, to aid the identification of vehicles for the public and also to support any investigation or enforcement, when drivers are working in other areas. This has also been recognised as good practice in the guidance.
- 4.7 There is a proposal to amend the frequency of interim mechanical assessments for vehicles. Currently all new and renewal vehicles must pass the mechanical assessment, with those eight years and older, having an additional test halfway through the licence period, at six months. The proposal is to lower the age when the six-monthly test is required, to those vehicles five years and older. This will raise the standard across the fleet and ensure that older vehicles remain suitable to be licensed for the duration of the twelve-month licence period.
- 4.8 The Licensing Service has always applied stringent checks for applicants and drivers to ascertain an applicant's fitness and propriety to work including enhanced DBS checks). A new proposal (in line with statutory guidance) will require the Authority to check the licence holder's DBS record every six months. This will highlight any new convictions the driver may have received during the term of their licence.
- 4.9 There are further changes outlined in the Key Changes document (in addition to those highlighted above), which are reflected in the draft policy and these include:
- Enhanced fit and proper checks for drivers and operators.
  - A clear convictions policy.
  - A code of conduct for behaviour and appearance of drivers.
  - Revised conditions for licence holders.
  - Recognition of the increased use of technology
  - Clear requirements for licence holders on reporting matters.
  - Technical standards used for the assessment and testing of vehicles.

- Requirements based on the unique nature of the Forest regarding roaming wildlife on the roads and the lack of lighting.
- Reference to the new statutory guidance and secondary legislation.
- Requirements to increase safety for passengers.
- Greater consistency with neighbouring authorities.

## **5. CONSULTATION**

5.1 A consultation process must take place with key stakeholders prior to introducing a new policy and it is proposed that the consultation takes place between 15 January to 15 March 2024, following agreement by Members at this meeting.

5.2 All responses received will be collated, reviewed and presented to Members at a General Purposes and Licensing Committee following the end of the consultation period. Members will discuss and agree any changes based on the responses.

5.3 The updated policy will be presented to Full Council for Members to agree the adoption of the final policy.

5.4 The proposed timeline for the review of the policy is:

5 Jan 2024	Draft policy presented to GP&L Committee and approval sought for consultation.
15 Jan – 15 Mar 2024	Consultation.
21 June 2024 (or special meeting)	GP&L to discuss consultation responses and agree changes.
8 July 2024	Final policy adopted by Full Council for circulation.
9 July 2024	Final Policy published.

## **6. CONCLUSION**

6.1 The policy states the principles the Licensing Authority will apply to taxi licensing as authorised under statutory legislation. It references relevant guidance and case law and acts as a basis for decision making.

6.2 The policy has been updated to reflect changes in statutory guidance, technology, best practice and to provide consistent approach with other Licensing Authorities, whilst also reflecting local requirements. The policy may be departed from, on occasion, as each case will continue to be judged on its own merits. Once adopted the policy will be reviewed when required, but no later than five years.

## **7. FINANCIAL IMPLICATIONS**

7.1 Any costs associated with this review will be met through the taxi licensing income.

## **8. CRIME & DISORDER IMPLICATIONS**

8.1 The Policy will address the approach taken by the Council to address crime and disorder implications.

## **9. ENVIRONMENTAL IMPLICATIONS**

9.1 The Policy will address the approach taken by the Council to address environmental implications.

## **10. EQUALITY & DIVERSITY IMPLICATIONS**

10.1 An Equality Impact Assessment will be completed for the introduction of this policy.

## **11. APPENDICES**

Appendix 1 - Draft Policy  
Appendix 2 - Current Taxi Policy  
Appendix 3 - Key changes document

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### **Background Papers:**