

# **Cherwell District Council**

## **Licensing Committee**

**18 January 2023**

### **Consultation on Revisions to the Council's Taxi and Private Hire Licensing Policy**

#### **Report of Assistant Director of Regulatory Services & Community Safety**

This report is public

#### **Purpose of report**

The Council is currently consulting on proposals to amend the Taxi and Private Hire Licensing Policy ('the policy'). This report provides a summary of the background to the proposed changes to the policy and the consultation process being followed. It also outlines the intended timetable for formal decision on any changes to the policy.

The Council's Taxi and Private Hire Licensing Policy must be approved by Full Council. The Licensing Committee is constituted to "deal with all matters which are the responsibility of the Council in relation to hackney carriage and private hire vehicles licensed by the Council". Therefore, it is appropriate that the Licensing Committee should consider any proposed changes to the policy and provide comment for consideration when preparing the final policy to be proposed to Full Council for adoption.

The Council has a statutory duty to ensure the proper administration of taxi licensing legislation in the district. Taxi services are an important part of the local economy and therefore fulfilling this statutory duty contributes to the Council's priority to ensure the district has an enterprising economy with strong and vibrant local centres. The primary purpose of the licensing regime is to promote public safety and therefore the Council's work to licence taxi drivers, vehicles and operators also supports the commitment to work with partners to reduce crime and antisocial behaviour. Further, the proposed revisions to the licensing policy include measures to reduce the carbon emissions of the taxi fleet in support of the council's commitment to protect the environment and to help achieve net zero targets.

#### **1.0 Recommendations**

The Committee is recommended to:

- 1.1 Review the proposed changes to the Council's Taxi and Private Hire Licensing Policy, and responses received to date during the public consultation on those proposed changes, and provide comment for consideration in the preparation of the final policy to be proposed to Full Council for adoption.

#### **2.0 Introduction**

- 2.1 The Department for Transport recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. The Council's Taxi and Private Hire Licensing Policy addresses the Council's primary aim in carrying out its taxi and private hire licensing function to protect and promote public safety. The Council must ensure that licensed vehicles are fit for purpose and that licensed drivers are 'fit and proper' in accordance with the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976.
- 2.2 The Government's Modern Crime Prevention Strategy included a commitment to protect children and young people from the risk of child sexual abuse and exploitation by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. As a result, the Department for Transport has introduced Statutory Taxi and Private Hire Vehicle Standards to replace relevant sections of the Best Practice Guidance that was issued in 2010. The Council must have regard to these standards when carrying out its taxi and private hire licensing functions.
- 2.3 In 2022 a new National Register of Revocations and Refusals was introduced to enable local authorities to better share information about refusals or revocations of taxi driver or private hire vehicle driver's licences. The Council utilises this new register.
- 2.4 In 2020 the Council introduced a Climate Action Framework following the declaration of a climate emergency. In doing so the Council committed to "do its part to achieve a net zero carbon district by 2030". Emissions from taxis and private hire vehicles contribute to vehicle emissions in the district and therefore the Climate Action Framework included a commitment to facilitate and encourage electric taxis.
- 2.5 These changes provide the background to the requirement to update the Council's taxi and private hire vehicle licensing policy.

### **3.0 Report Details**

- 3.1 The hackney carriage ("taxi") and private hire vehicle (minicab and chauffeur driven vehicle) trades provide a vital service to residents and visitors to Cherwell District in both the day and night-time economy, in particular in the areas of the district with limited public transport.
- 3.2 Currently the Council, through the Licensing Team, licences:
- 484 Hackney Carriage / Private Hire Drivers (dual licences)
  - 123 Hackney Carriage Vehicles
  - 313 Private Hire Vehicles
  - 80 Private Hire Operators (providers of a base and radio network)
- 3.3 In order to effectively administer the licensing regime, the Council requires a policy framework. The purpose of the policy is to:
- Ensure the safety of the public.
  - Ensure that drivers are fit and proper and vehicles are safe and suitable.
  - Provide a robust, and legally compliant, decision-making framework which protects the Council should decisions be challenged in the Courts.

- Provide information to the trade, elected members, officers and the wider public on how the Council administers taxi / private hire licensing.
- 3.4 The authority's current Taxi and Private Hire Licensing Policy was adopted by Council at its meeting on 14 December 2015 and took effect in January 2016.
- 3.5 The Council's licensing team have prepared a revised draft taxi licensing policy. This draft policy is in appendix 1 of this paper (with amendments shown in red). A list of the proposed changes is in Appendix 2. In 2022 the Council's Executive agreed that a public consultation should be instigated on introducing this revised policy.
- 3.6 The proposed updates to the policy include:
- Requirements of the new National Standards issued by the Department for Transport in July 2020.
  - Updated driver "fitness and propriety", and "safety and suitability" requirements (driving and medical records, criminal history, knowledge test, personal conduct and behaviour).
  - The introduction of the National Register of Revocations and Refusals (NR3) and how the council will use this register.
  - Changes to the policy requirements on the relevance and significance of any previous criminal convictions.
  - Amended driver testing and training requirements (both pre- and post-licence).
  - Amended vehicle testing, safety, access and condition requirements.
  - Clarification on duration of licences.
  - Updated driver and vehicle licence conditions (for example: on-going training, notifying changes in circumstances, dress code, etc.).
  - Clarified criteria for deciding whether to grant, renew, suspend or revoke licences.
  - Clarifications on enforcement of licence conditions.
- 3.7 In addition, the revision of the policy provides opportunity to set a framework for the reduction in emissions of the taxi fleet over time. There is clearly a need to balance the environmental benefits of reducing the emissions of the taxi fleet against the financial impact on drivers and operators of replacing vehicles. A new appendix G of the policy proposes a phased approach to raising the emissions standard requirements for licensed vehicles, leading to a requirement that all vehicles issued with new licences after 1st January 2030 must meet the Ultra-Low Emission (ULEV) standard and vehicle licences will only be renewed for vehicles meeting this standard after this date.
- 3.8 Concern has been expressed in recent years over the role played by taxi and private hire drivers in large scale organised Child Sexual Exploitation (CSE). In response the Council already has robust procedures in place for both the licensing of drivers and the investigation of complaints. The Council continues to work with partners in order to strengthen licence conditions in relation to awareness and prevention of CSE. The proposed policy changes reflect the latest operating arrangements with the Police and local partners.
- 3.9 The National Register of Revocations and Refusals (NR3) is a nationally agreed mechanism enabling all licensing authorities to share information concerning

individuals who have had licences refused or revoked. The Council's Licensing Team have started to use this register. The objective is to ensure that this authority is able to take properly informed decisions on whether an applicant is fit and proper, in the knowledge that another authority has previously reached a negative view on the same applicant. The Register also ensures that all other subscribed authorities are made aware of instances where Cherwell District Council has refused or revoked a licence, so ultimately improving public safety nationally.

- 3.10 Consultation on the proposed changes to the policy commenced on 1<sup>st</sup> December 2022 and closes on 31<sup>st</sup> January 2023. All current holders of taxi or private vehicle licences have been contacted directly to notify them of this consultation and two opportunities have been provided for licensees to meet with Licensing Team members to discuss the proposed changes and clarify any aspect of the proposed policy revisions. In addition, key partner organisations (e.g. Thames Valley Police, Oxfordshire County Council, etc.) have also been notified of the consultation and invited to comment.
- 3.11 In discussion with the Executive Member for Safer Communities it was agreed that we would seek to prepare a final policy for approval by Full Council at their meeting on 28<sup>th</sup> February 2023. To meet the deadline for submission of papers for this Council meeting the final proposals for amendments to the policy need to be considered by the Executive on 6<sup>th</sup> February 2023.
- 3.12 This timetable does require that the Licensing Committee review the proposed policy revisions before the formal public consultation period has ended in order to be able to provide comment to inform the policy draft to be taken to the Executive. An interim report on the consultation responses to date will be provided to the Committee at the meeting to assist Committee members in the considerations of the proposed policy revisions.

## **4.0 Conclusion and Reasons for Recommendations**

- 4.1 In order to effectively discharge the Council's taxi licensing legal obligations a policy framework is required. The current policy requires updating. The proposed new policy reflects changes to the statutory standards, provides clearer guidance on the taxi and private hire licensing process, and explains how the Council will make decisions in relation to the licensing of vehicles, drivers and operators. It also seeks to reduce the carbon emissions of the taxi fleet in the district.
- 4.2 It is recommended that the Committee review the draft new policy and provide comment for consideration by the Executive when determining the revisions to be made to the policy for recommendation to Full Council in February 2023.

## **5.0 Consultation**

- 5.1 As outlined above, a public consultation on the proposed changes to the policy is currently taking place. This consultation is taking place through the council website with information being sent to all of the taxi licensed trade in the district to notify them of the consultation process. In addition, key stakeholders have also been notified of the consultation process being followed. An interim report on the

consultation responses to date will be provided to the Committee at the meeting and a full consultation report will be prepared for the Executive to consider before finalising the proposed policy revisions.

## **6.0 Alternative Options and Reasons for Rejection**

6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Not review the policy. It is a requirement that the policy is reviewed at least every five years, so this option is rejected.

6.2 Option 2: Re-issue the policy with no changes. This option was rejected since revisions of the policy were considered necessary to take into account changes in policy and guidance and commitments provided.

## **7.0 Implications**

### **Financial and Resource Implications**

7.1 Financial and resource implications will be assessed once the final revisions to the policy have been identified and will be included in the subsequent reports to the Executive and Full Council.

Comments checked by:

Kimberley Digweed, Service Accountant

[Kimberley.digweed@cherwell-dc.gov.uk](mailto:Kimberley.digweed@cherwell-dc.gov.uk) 01295 221632

### **Legal Implications**

7.2 The Council's Taxi and Private Hire Licensing Policy must assist the Council in its aim to protect and promote public safety, and ensure licensed vehicles are fit for purpose and that licensed drivers are 'fit and proper' in accordance with the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976; must have regard to the Statutory Taxi and Private Hire Vehicle Standards to protect the most vulnerable; utilise the new National Register of Revocations and Refusals to better share information; and uphold its commitment to achieve a net zero carbon district by 2030. Legal implications will be assessed once the final revisions to the policy have been identified and will be included in the subsequent reports to the Executive and Full Council.

Comments checked by:

Nathan Mountney, Litigation Solicitor

[nathan.mountney@cherwell-dc.gov.uk](mailto:nathan.mountney@cherwell-dc.gov.uk) 01295 753776

### **Risk Implications**

7.3 Risk implications will be assessed once the final revisions to the policy have been identified and will be included in the subsequent reports to the Executive and Full

Council. Any arising risks will be managed within service operational risk, and the Leadership Risk Register, as and when deemed necessary.

Comments checked by:

Celia Prado-Teeling, Performance and Insight Team Leader

[Celia.Prado-Teeling@Cherwell-DC.gov.uk](mailto:Celia.Prado-Teeling@Cherwell-DC.gov.uk), 01295 221556

## **Equalities and Inclusion Implications**

- 7.4 Equalities and Inclusion implications will be assessed as part of the policy review and proposal. All council's proposals, changes and decisions are done taken careful consideration of our commitments to equalities and inclusion as set in our equalities framework, keeping those principles at the core of all we do.

Comments checked by:

Celia Prado-Teeling, Performance and Insight Team Leader

[Celia.Prado-Teeling@Cherwell-DC.gov.uk](mailto:Celia.Prado-Teeling@Cherwell-DC.gov.uk) 01295 221556

## **7.5 Sustainability Implications**

Sustainability implications will be assessed once the final revisions to the policy have been identified and will be included in the subsequent reports to the Executive and Full Council.

Comments checked by:

Ed Potter, Assistant Director Environmental Services

[ed.potter@cherwell-dc.gov.uk](mailto:ed.potter@cherwell-dc.gov.uk) 0300 003 0105

## **8.0 Decision Information**

**Key Decision:** N/A

**Financial Threshold Met:** N/A

**Community Impact Threshold Met:** N/A

### **Wards Affected**

All

### **Links to Corporate Plan and Policy Framework**

The work contributes to the Council's strategic priorities as outlined in the report above.

### **Lead Councillor**

Councillor Eddie Reeves; Executive Member for Safer Communities

## **Document Information**

**Appendix number and title**

- Appendix 1 - Draft updated Taxi and Private Hire Licensing Policy
- Appendix 1b - Draft updated Taxi and Private Hire Licensing Policy Appendices
- Appendix 2 - Summary of proposed changes to the Taxi and Private Hire Licensing Policy

**Background papers**

None

**Report Author and contact details**

Richard Webb – Assistant Director; Regulatory Services and Community Safety  
07831 161996 [richard.webb@cherwell-dc.gov.uk](mailto:richard.webb@cherwell-dc.gov.uk)