

**South Lakeland District Council**  
**Licensing Regulatory Committee**

**Monday, 4 July 2022**

**Review of South Lakeland District Council Hackney  
Carriage and Private Hire Licensing Policy**

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**Portfolio:** Economy, Culture and Leisure Portfolio Holder  
**Report from:** Director of Customer and Commercial Services  
**Report Author:** Sean Hall – Principal Specialist (Health & Environment)  
**Wards:** (All Wards);  
**Forward Plan:** Not applicable

**Links to Council Plan Priorities:**

Working across boundaries – this is ensuring national standards are adopted by all local authorities to promote minimum safety standards for our communities.

Delivering a fairer South Lakeland – this policy seeks to ensure a consistent standard of Hackney carriage and private hire vehicle and driver.

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**1.0 Expected Outcome and Measures of Success**

1.1 That the Committee approves the revised Hackney Carriage and Private Hire Licensing Policy 2022 following public consultation. The Policy has been reviewed in line with Statutory and Best practice guidance for taxi and licensing authorities, with the suggested amendments listed from 4.1.1 to 4.1.19 inclusive. If Members approve the draft Policy, it will proceed to Overview & Scrutiny Committee prior to adoption.

**2.0 Recommendation**

**2.1 It is recommended that The Licensing Regulatory Committee:-**

- (1) Note the contents of this report; and**
- (2) Approve the draft Hackney Carriage & Private Hire Licensing Policy (Appendix 1) and agree that this is adopted following the meeting of the Overview and Scrutiny Committee meeting unless any matters are referred back to the Committee.**

**3.0 Background and Proposals**

3.1 The current Hackney Carriage and Private Hire Licensing Policy (the HCPH Policy) was approved by the Committee in December 2018, however, since this date there have been a number of changes to take into consideration.

3.2 Local Government Reorganisation within Cumbria is proposing a structural change to the existing arrangements of Local Government organisation. The outcome, determined by the Secretary of State, is that two unitary authorities are created, one

in the East and one in the West. The new East authority will be formed by the existing authorities of South Lakeland District Council, Barrow Borough Council, Eden District Council and Cumbria County Council (Westmorland and Furness Council). This change is likely to result in a combined approach to the licensing strategy across the revised area.

- 3.3 In July 2020, national standards for taxi and private hire vehicles were published by Department for Transport. The standards recognise that although licensing is a devolved matter dealt with by local authorities the Department expects these recommendations to be implemented unless there is a compelling local reason not to. Members can access the Statutory Taxi and Private Hire Vehicle standards at [www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards](http://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards).
- 3.4 From April 2022 local authorities (as licensing authorities) will be required to undertake new tax checks on licence renewal applications which will capture 'taxi licences'. Guidance has been published for local authorities on how to undertake these checks, and licence holders / applicants have been advised what information they must provide when seeking either a new license or renewal of an existing one. Members can access further information on the new tax checks at <https://www.southlakeland.gov.uk/business-and-trade/licensing-and-permits/tax-conditions-for-taxi-drivers-private-hire-operators-and-scrap-metal-dealers/>
- 3.4 The revised version of the HCPH Policy was taken before the Licensing Regulatory Committee on 7<sup>th</sup> February 2022 and approval was given for it to proceed to public consultation. Should members approve the revised policy, it will proceed to Overview & Scrutiny Committee prior to formal adoption

#### **4.0 Proposals**

- 4.1 The following amendments were agreed at the Licensing Regulatory Committee on 7<sup>th</sup> February 2022. Each amendment is referenced to the relevant paragraph of the draft policy included in brackets and are also highlighted in red within the draft policy at Appendix 1.
- 4.1.1 Inclusion of statement on Local Government Reorganisation (1).
- 4.1.2 Inclusion of the NR3 sharing register and barred lists with local authorities (4.10).
- 4.1.3 Inclusion of the common law police disclosure replacing the notifiable occupations scheme (4.12).
- 4.1.4 Vehicle Proprietor application to include an annual basic DBS disclosure if not in possession of a current Hackney Carriage or Private Hire Vehicle drivers licence with the authority (4.14).
- 4.1.5 Private Hire Operators licence application to include an annual basic DBS disclosure if not in possession of a current Hackney Carriage or Private Hire Vehicle driver's licence (7.4). Introduction of the same basic DBS disclosure for all staff working for the operator involved in taking bookings and dispatching vehicles, along with a mandatory maintained register (13 – Appendix Q).
- 4.1.6 Fare review for Hackney Carriage Vehicles tariff will be completed within the next 12 months (5.3)
- 4.1.7 Arrangements for the completion of medical examination report. The form must be completed by a GP with access to the applicant's full medical records/history (4.13).
- 4.1.8 The current policy provides for the testing awareness as regards disability and child sex exploitation. It is recommended such training be made mandatory for all drivers with agreed refresher training being introduced annually. An increased number of licensing authorities are mandating training with additional refresher training (11.2)

- 4.1.9 The Disclosure and Barring service provides an 'update service' at a cost of £13 per annum to applicants (in this case Hackney Carriage and Private Hire drivers). This enables the local authority as the licensing authority to receive up to date DBS information as soon as possible. The LGA and the Department for Transport suggest that licensing authorities consider making it mandatory for Hackney Carriage and Private Hire Vehicle drivers to sign-up to this service and nominate the licensing authority to be able to check their DBS status at any time. We are also aware that a number of licensing authorities require Hackney Carriage and Private Hire Vehicle drivers to mandatory sign-up to the DBS update service (4.11).
- 4.1.10 Incentives to purchase EV/HV and a commitment from the local authority to seek out government incentives and promote to the trade accordingly (3.2).
- 4.1.11 Assessment of Previous Convictions, specific identification of convictions when determining whether an individual is "fit and proper" with the recommendation of a minimum of 7 years successful rehabilitation (4.1).
- 4.1.12 Implementation of changes regarding assessment of previous convictions, with regard to the Statutory Taxi & Private Hire Vehicle Standards (Appendix H) (2.2) (2.5), (3.1.1) (5.2) (5.4) (5.5), (6.2) (6.4) (6.5).

#### **Additional proposals following public consultation**

- 4.1.13 Each amendment is referenced to the relevant paragraph of the draft policy included in brackets and are also highlighted in red within the draft policy at Appendix 1.
- 4.1.14 The Finance Act 2021 requires Licensing Authorities to check that applicants are registered to pay tax as part of their licensing renewal application process. A tax check code is now required to be submitted for renewals in relation to Hackney Carriage Driver, Private Hire Driver, and Private Hire Operator. Failure to submit a tax check code (4.15, appendix E).
- 4.1.15 Any vehicle that has been classified as a category 'A', 'B' or 'S' on the V5 will not be licensed for Hackney Carriage or Private Hire use. An application for a vehicle which has been classified as category 'N' should be accompanied with evidence that it has been repaired professionally. (Appendix A 1.6).
- 4.1.16 Drivers DVLA issued driving license must be valid for the duration of the Hackney Carriage/Private Hire license which they have applied for. The Licensing Authority may suspend the licence of any driver found to have an invalid DVLA issued driving license. (Appendix E, 2.0).
- 4.1.17 Minimum Euro 6 standards for new Hackney Carriage and Private Hire Vehicles (3.2).
- 4.1.18 The Licensing Authority will check all details of the applicants driving license information using the government digital enquiry service. (4.8)
- 4.1.19 Medical examination forms must not be more than 4 months old when submitted as part of the application process. (4.13)

## 5.0 Appendices Attached to this Report

Appendix No.	Name of Appendix
1	Revised Hackney Carriage and Private Hire Licensing Policy
2	Statutory Taxi & Private Hire Vehicle Standards – Assessment of previous convictions

## 6.0 Consultation

- 6.1 Following approval by The Licensing Regulatory Committee on 7<sup>th</sup> February 2022, the revised HCPH Policy commenced a public consultation on 10<sup>th</sup> April, 2022, which concluded on 11<sup>th</sup> May, 2022. In addition to this, all drivers currently licensed by SLDC were informed in writing of the revised policy and invited to comment. No public representations were received during the consultation period.
- 6.2 Both the tax check provision of The Finance Act 2021, and The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2021, have been enacted since the revised policy was last presented to The Licensing Regulatory Committee which have resulted in several further proposed amendments (detailed in 4.1.13 – 4.1.15).
- 6.3 A consultation response was received by SLDC Climate Change and Biodiversity Specialist which has resulted in the inclusion of minimum Euro 6 standards for new vehicles (4.1.17)
- 6.4 Recent changes to how driving license checks are undertaken using the governments digital enquiry service has resulted in revised wording in s4.8 of the policy (4.1.18).
- 6.5 Previous requirements for medical reports to be submitted to the Licensing Authority within 28 days of the date of the report, have been extended to 4 months which is the time frame for which the reports are medically valid.

## 7.0 Alternative Options

- 7.1 The alternative is not to adopt the revised policy. This is not recommended as it will leave the Council with an out-of-date policy which does not reflect current licensing practices or changes in legislation nor does it safeguard the public. The policy gives clarity, transparency and guidance to the Licensing Authority's position in enforcing matters relating to Hackney Carriage and Private Hire licensing

## 8.0 Implications

### Financial, Resources and Procurement

- 8.1 There are no financial implications as the changes in practice are met from existing budget.

### Human Resources

- 8.2 There are no Human resource implications; however, any changes in practice will be supported through training and delivering any development needs identified through Licensing Officer's appraisal and one to one process

### Legal

- 8.3 Sections 45 and 46 of the Local Government (Miscellaneous Provisions) Act 1976, as amended, places a duty on South Lakeland District Council to carry out its licensing function as to Hackney Carriage and Private Hire Vehicles.
- 8.3.1 Section 51(1) covers Private Hire drivers and section 59(1) covers Hackney Carriage drivers, adding the basic requirement to hold a licence contained in section 46 of the Town Police Clause Act 1874.

8.3.2 While there is no legal requirement for the Licensing Authority to introduce and implement a Hackney Carriage and Private Hire Licensing policy section 47 and section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976, state that a Licensing Authority may attach conditions to Hackney Carriage Vehicles and Private Hire Vehicles. These conditions are contained within the Policy.

8.3.3 Within the statutory taxi and private hire vehicle standards, 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. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.

### Health and Sustainability Impact Assessment

9.4 Have you completed a Health and Sustainability Impact Assessment? No

9.5 If you have not completed an Impact Assessment, please explain your reasons: This revised policy is considered to have a neutral impact.

9.6 Summary of Health and Sustainability Impacts

		Positive	Neutral	Negative	Unknown
<b>Environment and Health</b>	Greenhouse gases emissions		x		
	Air Quality	x			
	Biodiversity		x		
	Impacts of Climate Change	x			
	Reduced or zero requirement for energy, building space, materials or travel		x		
	Active Travel		x		
<b>Economy and Culture</b>	Inclusive and sustainable development		x		
	Jobs and levels of pay		x		
	Healthier high streets		x		
	Culture, creativity and heritage		x		
<b>Housing and Communities</b>	Standard of housing		x		
	Access to housing		x		
	Crime		x		
	Social connectedness		x		

### Equality and Diversity

9.7 Have you completed an Equality Impact Analysis? No

9.8 If you have not completed an Impact Analysis, please explain your reasons: This policy is considered to have a neutral impact on equality and diversity.

## 9.9 Summary of Equality and Diversity impacts

Please indicate: P = Positive impact; 0 = Neutral; N = Negative; Enter "X"					
Age	P		0	x	N
Disability	P		0	x	N
Gender reassignment (transgender)	P		0	x	N
Marriage & civil partnership	P		0	x	N
Pregnancy & maternity	P		0	x	N
Race/ethnicity	P		0	x	N
Religion or belief	P		0	x	N
Sex/gender	P		0	x	N
Sexual orientation	P		0	x	N
Armed forces families	P		0	x	N
Rurality	P		0	x	N
Socio-economic disadvantage	P		0	x	N

Risk Management	Consequence	Controls required
Failure to publish and implement a Hackney Carriage and Private Hire Licensing Policy may lead to the taxi objectives not being met in a transparent way.	In such circumstances, the Council would be unable to properly fulfil its statutory licensing responsibilities	Ensure that the Policy is regularly updated and approved by Members.

### Contact Officers

Sean Hall - Principal Specialist (Health & Environment) – [s.hall@southlakeland.gov.uk](mailto:s.hall@southlakeland.gov.uk)

### Background Documents Available

Name of Background document	Where it is available
Current HCPH Policy 2018	<a href="https://www.southlakeland.gov.uk">Taxi Licensing Policy (southlakeland.gov.uk)</a>
Statutory Taxi & PH Vehicle Standards for Licensing Authorities	<a href="https://publishing.service.gov.uk">Statutory &amp; Best Practice Guidance for taxi and PHV licensing authorities (publishing.service.gov.uk)</a>

### Tracking Information

Signed off by	Date sent	Date Signed off
Section 151 Officer	24/5/22	25/5/22
Monitoring Officer	24/5/22	25/5/22

Circulated to	Date sent
Lead Specialist	24/5/22
Human Resources Lead Specialist	N/A
Communications Team	N/A
Leader	N/A

<b>Circulated to</b>	<b>Date sent</b>
Committee Chairman	N/A
Portfolio Holder	N/A
Ward Councillor(s)	N/A
Committee	N/A
Executive (Cabinet)	N/A
Council	N/A