

Licensing and Appeals Committee 11 October 2022

Report Title	North Northamptonshire Council Taxi and Private Hire Policy	
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List of Appendices

Appendix 1 : Draft North Northamptonshire Taxi and Private Hire Policy

Appendix 2: Consultation Responses

Appendix 3: Officer Comments on Consultation Responses

1. Purpose of Report

- 1.1 To seek approval for the North Northamptonshire Taxi and Private Hire Policy and appendices to be adopted by North Northamptonshire Council.

2. Executive Summary

- 2.1 Following vesting day on 1 April 2021, North Northamptonshire Council has been continuing to use the taxi and private hire policies of the sovereign authorities.
- 2.2 These policies contain varying requirements and specifications leading to confusion and inconsistency for the existing taxi and private hire trade, potential new businesses and the public.
- 2.3 The proposed new policy included within **Appendix 1**, deals with those issues and gives North Northamptonshire Council a policy which reflects current legislation and guidance and also gives an eye to the future in relation to climate change and emission control requirements. It also gives the Licensing and Appeals Committee a council wide consistent policy on which to base its decision making.
- 2.4 It is proposed that this policy is subject to review 2 years after it takes effect although it can be reviewed at any time during the period if required.

3. Recommendations

- 3.1 Consultation responses were received covering a range of requirements within the policy, however there were four matters in particular which appeared to raise the highest level of concern and the Committee is asked to provide its recommendations on these matters, which are detailed in paragraphs 4.7 to 4.15.
- 3.2 The Committee is asked to recommend to the Executive that the Policy and Appendices be adopted by North Northamptonshire Council, with the recommended review period of 2 years.
- 3.3 The Committee is also asked to recommend that the Policy will take effect from 1 April 2023 to ensure that sufficient time is available for all new administrative processes required by the policy to be put into place.

4. Report Background

- 4.1 Each of the sovereign authorities has their own Taxi and Private Hire Policies and standards in place. Those policies are very different in terms of vehicle specifications, driver requirements and supporting policies.
- 4.2 The policy before the Licensing and Appeals Committee, is a document which pulls together what is considered to be the highest standards applied by each of the sovereign authorities, legislative requirements and current national guidance.
- 4.3 The draft policy has been out to consultation for a period of 8 weeks. Fourteen responses were received to the consultation and these are included within **Appendix 2**.
- 4.4 The council is keen to have a policy which meets good practice requirements, whilst also recognising the needs of the licensed trade and as such the consultation responses were carefully considered and reviewed by officers. The responses have been grouped together according to relevant sections within the policy and any actions considered to be required relating to each one is detailed within **Appendix 3**.
- 4.5 Where deemed to be appropriate, the consultation responses have resulted in changes being made to the policy and these are incorporated and highlighted in the version within Appendix 1.
- 4.6 Where officers have determined that due to safeguarding; public safety; climate change; or any other relevant consideration, it is not appropriate to alter the proposals in accordance with consultation responses, no changes have been made.
- 4.7 Concerns were raised by a number of parties over the following issues which will require the Committee's consideration:
- Age limits on licensed vehicles

- Testing regime for drivers
 - Fold down seats in vehicles
 - Emission standards
- 4.8 The draft policy proposes that vehicles must be less than 4 years old from date of first registration when first licensed by the Authority. It also requires that vehicles cease to be licensed when 10 years old. Some consultation responses were received objecting to these requirements, on the basis that it will negatively impact upon the number of wheelchair accessible vehicles available and the cost implications of replacing older vehicles.
- 4.8 The consultation identified that the London style cab (TX series) by their design would have a longer life than other vehicle types. The previous sovereign authority of Corby gave them a life of up to 15 years. It is proposed that this be continued in the new policy, which will assist in addressing the concerns raised over maintaining the number of wheelchair accessible vehicles that are available. It is important that licensed vehicles are of a high standard and reach the latest emission control requirements and it is considered that controlling the age of vehicles which are permitted to hold a vehicle licence is the most effective way of controlling this.
- 4.10 It needs to be reinforced that exceptions to these age limits will only be in exceptional circumstances and not the norm. The new policy does however provide a 5 year grandfather rights period from its introduction for existing licensed vehicles. This period overrides the detailed age limits.
- 4.11 The draft policy provides a new standard for driver testing. The Authority expectation is that drivers licensed under the new regime will meet the highest standards. To that end the proposal was that all drivers will do all tests either at new application or at first renewal after the new policy has effect. Following consideration of the consultation responses, it is proposed that the 'zone knowledge test' relating to geographical knowledge of the area will not need to be completed for existing drivers continuing to drive in that zone. Drivers will still need to complete the test for any other zones that they wish to work in and all other parts of the new tests. All drivers will need to complete a new knowledge test should the zones be removed.
- 4.12 Objections were raised during the consultation regarding the need for existing drivers to sit the Taxi Drivers Standard Assessment (DSA), or Enhanced Assessment for wheelchair accessible vehicles test. It is however considered to be important that drivers are able to demonstrate high professional standards of driving to ensure public safety. It is therefore proposed that existing drivers renewing for the first time under this policy, must pass the DSA test prior to submitting the first renewal application, but there will be no requirement for existing drivers that have already completed the test to re-sit this, providing that they can produce their certificate.
- 4.13 Concern has been raised with regards to the cost implications of the proposed vehicle specifications which remove those seats which cannot be accessed directly by an adjacent door and which normally fold down into the boot space behind the rear passenger seat. The reasoning behind this requirement is that these seats are difficult to access, requiring a seat in front to be either tipped forward or climbed over. The new policy aims to increase accessibility in

licensed vehicles and allowing these vehicles to be licenced is considered to be contrary to this aim. Exit from the seats in the event of an accident is also difficult and the seats are not usually designed for the seating of adults on a permanent basis. The recommendation therefore remains that these seats are not licensed.

- 4.14 A number of responses were received raising concerns about the cost of moving to zero emission vehicles. The draft policy provided a two stage approach to help meet the Authority's climate change target ;
- From 2025 no new applications would be accepted for vehicles fuelled only by diesel or petrol and all new vehicle licence applications were required to be zero emission vehicles (there is an error in the consultation document which states zero not low at this stage).
 - No licences for vehicles fuelled by petrol only or diesel only would be renewed after 31 December 2030 and all existing licences for petrol only and diesel only fuelled vehicles would expire on 31 December 2030.
- 4.15 In view of the feedback received, it is recommended that the first stage is removed from the policy. This would mean that the Authority still moves to requiring zero emission vehicles from 1 January 2031. All licences for non-zero emission vehicles would expire on 31 December 2030. There would be no extensions beyond this date, as these vehicles will not meet the Authority's policy.
- 4.16 Following approval of the new policy, it is proposed that work will commence on producing common fees and charges relating to delivery of the service in North Northamptonshire. The issue of hackney carriage zoning will also be considered later in the year.

5. Issues and Choices

- 5.1 To ensure that all parties involved in taxi and private hire licensing have consistent and transparent guidelines which reflect good practice, members are advised to recommend approval of the policy.
- 5.2 Members are invited to consider officer comments to the consultation responses within Appendix 3 and determine whether any further amendments are required to the proposed policy.

6. Implications (including financial implications)

6.1 Resources, Financial and Transformation

- 6.1.1 The licensing of taxis and private hire proprietors, operators, drivers and vehicles is a self-funding service. The Authority must ensure that no loss is made in providing this service and similarly any profit must be fed back in and taken account of in future years fees and charges setting. The introduction of a North Northamptonshire Council policy will allow clarity of that future fee setting process. Accordingly the fees and charges for taxi licensing will be reviewed once the new policy has been approved.

6.2 Legal and Governance

- 6.2.1 The introduction of this policy ensures that all decisions made under it are legally compliant and ensures that, when correctly applied, any decision may be defended robustly if challenged.
- 6.2.2 The overriding aim of any Licensing Authority when carrying out its functions relating to the licensing of Hackney Carriage or Private Hire Drivers, Vehicle Proprietors and Operators, must be the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services.
- 6.2.3 The relevant legislation provides that any applicant or licence holder must satisfy the authority that they are a fit and proper person to hold a licence. They must also complete any checks considered to be necessary to make this assessment, including the Disclosure and Barring Service check, DVLA check and the National Anti-Fraud Network database for refusals and revocations of Hackney Carriage and Private Hire licences
- 6.2.3 Once all necessary tests and checks have been completed, a decision will be taken on whether to grant a licence, either by a committee, sub committee or an officer under the Scheme of Delegation. To inform this decision making a detailed examination should be undertaken of the applicants entire character in order to make a judgment as to their fitness and propriety.
- 6.2.4 If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.
- 6.2.5 There is no recent Statutory or Ministerial guidance as to how such decisions should be approached or what matters are relevant or material to a decision and so this policy and accompanying information provides that support.
- 6.2.6 The policy complements the LGA's Taxi and Private Hire Licensing Councillor's Handbook and any existing and forthcoming Government guidance.
- 6.2.7 As with any guidance, the policy need not be slavishly followed, but it provides a starting or reference point from which decisions can be made by officers and Members, taking into account the particular merits of each case.
A licensing authority policy may state "never" in a policy, without this being considered to have fettered the discretion of the authority. Each case will always be considered on its merits having regard to the policy, and the licensing authority can depart from the policy where it considers it appropriate to do so. This will normally happen where the licensing authority considers that there are exceptional circumstances which warrant a different decision.

6.3 Risk

- 6.3.1 There are perceived risks for the trade in relation to the zero emission vehicle requirements, concerning the availability of suitable vehicles, together with the associated cost. However there is a national government requirement to

move to zero emission vehicles and this policy has been drawn up to focus the trade on this future demand. It has to be assumed at this time that the motor industry and more specifically the specialist hackney carriage manufacturer/conversion industry will (must) in the future meet this demand. The risk of significant impact on the trade may only get worse if these changes are not implemented until nearer the government deadline.

6.3.2 There is a risk of decisions made by the Authority in relation to the Hackney Carriage and Private Hire licensing process, being subject to challenge through the courts if no adopted policy is in place.

6.4 Relevant Policies and Plans

6.4.1 Introduction of one consistent policy will ensure that the Hackney Carriage and Private Hire trade meets legislative and good practice requirements and will assist the council in achieving its Corporate Plan priority of enabling people to travel across North Northamptonshire, and beyond.

6.5 Consultation

6.5.1 A consultation process was carried out for 8 weeks and the below bodies were contacted;

- All North Northamptonshire Council Hackney Carriage and Private Hire Licence Holders
- North Northamptonshire Hackney Carriage Associations
- NNC School Transport
- Northamptonshire Police
- Northamptonshire Police Fire & Crime Commissioner
- Wellingborough Norse
- East Midlands Trains
- All NNC Councillors
- All Town and Parish Councils
- Community Transport
- Chamber of Commerce
- Citizens Advice Bureau
- Chief Executive
- Friends of Glamis Hall
- Tresham College
- West Northamptonshire Council
- All Local Authorities bordering North Northamptonshire Council
- Community groups
- Northamptonshire MIND
- Mencap
- National Autistic Society
- Age UK (Northamptonshire)
- Northamptonshire Rights and Equality Council
- Northamptonshire Association for the Blind
- Shop Mobility

The policy was also accessible to the public on the North Northamptonshire Council website during this period.

6.6 Consideration by Executive Advisory Panel

6.6.1 This report has not been considered by the Executive Advisory Panels.

6.7 Consideration by Scrutiny

6.7.1 This report has not been considered by the Scrutiny Committee but could form part of the future work programme.

6.8 Equality Implications

6.8.1 An equalities impact assessment has been carried out in relation to this policy. For the majority of protected groups the policy has been identified as having neutral impact, while for protected groups affected by disability the policy is viewed as being positive.

6.9 Climate Impact

6.9.1 As well as protecting the safety of the travelling public through the vehicle specifications in the document, the Policy also recognises climate change for the first time. Policy requirements which move towards zero emissions vehicles, are a positive step in reducing greenhouse gas emissions from licensed vehicles.

6.9.2 To that end, challenging targets for the introduction of zero emission licensed vehicles are set within the policy, to assist in meeting the Authorities aim to reduce CO2 levels.

6.10 Community Impact

6.10.1 In recent years there have been a number of high profile investigations concerning the welfare of children, young people and adults at risk. These investigations have identified both the positive and negative impact that licensed drivers and operators have in this area. This policy ensures that controls and procedures regarding safeguarding are robust, and that licensed drivers, as key people within our communities, are equipped to carry out their safeguarding responsibilities in a positive manner.

6.10.2 However when considering taxi and private hire licensing policy the outcome of the Rotherham Child Sexual Exploitation investigation must not be forgotten. It identified that at least 1,400 children had been victims of sexual exploitation over 16 years and that there was a 'prominent role' of taxi drivers in such offending.

6.10.3 This is not to say that there is any identified issue with the current licensed drivers in North Northamptonshire but the Authority must continue to maintain high safeguarding standards. The function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must be able to trust the driver. The travelling public must, and do, rely on the licence as the warranty of the driver's safety and suitability for the

task at hand and also the condition of the vehicle in which they travel.

6.10.4 The Rotherham case stands as a stark testament to what can happen when licensing performs its safeguarding role inadequately. But the extremity of that appalling story should not distract us from the job of protecting the public from more mundane incompetence, carelessness or dishonesty. The standards of safety and suitability do not have to be set as a base minimum. To the contrary, they may be set high, to give the public the assurance it requires when using a taxi service. This policy is aimed at ensuring that those involved in the North Northamptonshire hackney carriage and private hire trade meet a high standard and recognise the expectation that that brings with it. Crucially, this is not a field in which the licensing authority has to strike a fair balance between the driver's right to work and the public's right to protection. The public are entitled to be protected. This means that the licensing authority is entitled and bound to treat the safety of the public as the paramount consideration. It is, after all, the point of the exercise.

6.10.5 For this reason the Policy before the Committee sets high standards to be met by both existing and new licence holders. This recognises the points raised above, are fair and consistent to all and provides a new baseline standard by which all can and will be measured.

6.10.6 It is acknowledged that not everyone will pass the tests required to hold a licence with the Authority but policies must reflect the overriding aim of safeguarding the public. Those who are successful in obtaining one of the Authority's driver licences are considered to be professional drivers and are key to that aim as they travel around our communities transporting people from A to B.

6.10.7 The policy also requires a fleet of accessible hackney carriages. These vehicles can be flagged down by anyone, anywhere, at any time. It is therefore expected that accessibility must not be an issue in these circumstances.

7. Background Papers

- Taxi and private hire vehicle licensing: best practice 2010
- Taxi and private hire vehicle licensing: best practice consultation 2022
- Institute of Licensing Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades