

General Licensing  
Committee

Lynda Eastwood

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9 March 2023

To All Members of the General Licensing  
Committee,  
Internal and External Circulation and  
Press

Dear Councillor,

**Re: General Licensing Committee Agenda - Monday, 13th March, 2023**

Further to the compilation of the above General Licensing Committee Agenda,  
please find enclosed the following reports which were detailed to follow on your  
Agenda:

Agenda Item 4. Annual Review of Maximum Hackney Carriage Fare  
Structure: (Pages 1 - 14)

Report to follow.

Agenda Item 5. DBS Update Service - Hackney Carriage & Private Hire  
Vehicle Drivers: (Pages 15 - 20)

Report to follow.

Please accept my apologies for any inconvenience caused.

Yours sincerely,

*L. Eastwood*

Lynda Eastwood  
Democratic Services Officer

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<b>REPORT TO:</b>	<b>GENERAL LICENSING COMMITTEE</b>
<b>DATE:</b>	<b>13 MARCH 2023</b>
<b>SUBJECT:</b>	<b>ANNUAL REVIEW OF THE MAXIMUM HACKNEY CARRIAGE FARE STRUCTURE</b>
<b>PURPOSE:</b>	To undertake the annual review of the maximum hackney carriage fare structure.
<b>REPORT OF:</b>	Assistant Director – Regulatory.
<b>REPORT AUTHOR:</b>	Mr Adrian Twiddy (Principal Licensing Officer)
<b>WARD(S) AFFECTED:</b>	All Wards.
<b>EXEMPT REPORT?</b>	<b>NO</b>

#### **SUMMARY**

To undertake the annual review of the maximum hackney carriage (taxi) fare structure. Members may wish to note that the last variation of the hackney carriage fare structure took place in June 2022.

The Council has received separate submissions from the Skegness Taxi Owners Association and the Skegness & District Taxi Drivers Association regarding the fare structure review. The submissions can be found at **Appendices B and C** of this Report.

Officer advice is that the Committee should always be persuaded of the need to vary the fare structure before embarking on such a course of action. In reviewing the fare structure, the Committee should look to ensure customers receive a fair deal whilst ensuring that hackney carriage vehicle drivers are able to make a living working in the trade.

#### **RECOMMENDATIONS**

That the Committee consider the annual review of the maximum hackney carriage fare structure and make any amendments to the fare structure that it considers necessary.

Should the Committee decide to make amendments to the fare structure then any amendment will be subject to the necessary statutory notice being advertised and there being no objection from the public or the taxi trade.

## REASONS FOR RECOMMENDATIONS

It is this Authority's policy to undertake an annual review of the fare structure with the review normally being programmed to take place in the January to March period.

## OTHER OPTIONS CONSIDERED

There are no other options for consideration – it is this Authority's adopted policy to undertake an annual review of the fare structure.

## 1. BACKGROUND

- 1.1. As the Licensing Authority the Council sets the maximum hackney carriage (taxi) fare structure (for hirings beginning and ending within the District) and it is unlawful to charge a rate above that set by the Authority. Members may wish to note that the Council cannot set a maximum fare structure for private hire vehicles.
- 1.2. Any proposed variation of the hackney carriage fare structure must be advertised by the Council in a local newspaper and a period of time allowed for objections. In addition, the Council must issue all hackney carriage vehicles with a new tariff card (to be displayed in the vehicle) when any change in the structure is enacted.
- 1.3. A copy of the present maximum fare structure is attached to the rear of this Report at **Appendix A**. The last variation of the fare structure was introduced in June 2022.
- 1.4. In June 2022 the Committee authorised the following changes to the fare structure:
  - The daytime flagfall (initial charge) part of the fare structure was amended from £3.40 for the first 800 yards to £4.00 for the first 1000 yards.
  - The fuel surcharge was reworded to come into play when the price of diesel fuel reaches £1.55 a litre and beyond – previously the threshold for its use was £1.40 a litre and beyond.
  - The call out fee was amended from 50p per mile to 75p per mile.
  - The extra passengers charge was amended from 25p for passengers 3 and 4 to 50p for passengers 3 and 4.
- 1.5. A request for a variation of the current fare structure has been received from the Skegness Taxi Owners Association (STOA). The STOA is asking for amendments to be made to the fare structure in relation to:
  - The flagfall (the initial charge made for the hiring of the vehicle) and the fares for distance.
  - The fuel surcharge.
  - The booking fee / call out charge.

A copy of the STOA request is attached at **Appendix B** of this Report. The Skegness & District Taxi Drivers Association (SDTDA) have requested that no variation be made to the

fare structure at this time and instead the fare structure be looked at again in six months' time. The SDTDA letter can be found at **Appendix C** of this Report.

- 1.6. When setting the maximum hackney carriage fare structure, the relevant legislation (the Local Government (Miscellaneous Provisions) Act 1976) does not stipulate the external factors to be taken into account and there is no limit on the amount of increase or variation.

## 2. REPORT

- 2.1. The current national rate of inflation is 8.8%. (January 2023 figure) – the rate in June 2022 was 9%.
- 2.2. Fuel Prices - In June 2022, when the last increase in the hackney carriage fare structure was determined, national diesel prices were around £1.96 per litre and unleaded fuel £1.89 per litre.

The national average fuel price is currently around £1.71 per litre of diesel and £1.49 per litre of unleaded fuel (January 2023 figures).

The national average supermarket price for one litre of diesel is currently £1.68 and unleaded £1.46 (January 2023 figures).

### East Midlands Area - Average Fuel Prices:

Month & Year	Cost of one litre of diesel	Cost of one litre of unleaded
June 2022	£1.87	£1.96
January 2023	£1.72	£1.50

- 2.3. Tariff 1 - Daytime (Flagfall): The flagfall is the initial charge made for the hiring of the vehicle. The daytime flagfall at present is £4.00 for the first 1000 yards. The STOA is asking for this to be amended to read as £4.50 for the first 880 yards.
- 2.4. Tariff 1 - Daytime (Fares for Distance): The current Tariff 1 (between 0700 Hrs and 2300 Hours) is 20 pence for each 190 yards (the unit charge) after the flagfall. The STOA is asking for this to be amended to read as 20 pence for each 176 yards. For Members information the following table shows the current Tariff 1 fares (flagfall plus fares for distance) that are currently in force within the East Lindsey District as compared with that requested by the STOA:

Tariff 1 Daytime Rate	2 Miles £	3 Miles £	4 Miles £	Last Fare Increase
Present ELDC	6.80	8.60	10.40	June 2022
Requested STOA	7.50	9.50	11.50	

The national average for a 2-mile fare is £6.95 (February 2023 figures) compared with a current rate of £6.80 in the East Lindsey District – the rate requested by the STOA will result in a £7.50 fare at the two-mile mark. The Lincolnshire average fare at the 2-mile mark is current £6.70 (February 2023 figure).

- 2.5. Tariffs 2 and 3 (Fares For Distance) – Under the current fare structure the Tariff 2 (2300 to 0700 Hours) and Tariff 3 (Christmas and New Year) fares are a 50% increase in the Tariff 1 and a 100% increase in the Tariff 1 respectively. The STOA is asking that this remain the same.
- 2.6. Fuel Surcharge – In 2008 the Committee considered ways to combat any rapid increase in fuel prices. To this end, the Committee adopted the use of a fuel surcharge within the maximum fare structure. The fuel surcharge to be added to a journey, when fuel prices hit a predetermined level – the purpose of the surcharge was to assist taxi proprietors in meeting any rapid increase in fuel prices without the Licensing Committee having to undertake an urgent review.
- 2.7. The flat rate surcharge is currently 25p. This will be added to the fare structure for each incremental increase in fuel prices of 10 pence per litre, when diesel reaches £1.55 a litre and beyond. The advantage of this system is that taxi fares can react to increases and decreases in fuel costs instantly. Of course, the present cost of a litre of diesel fuel is well above £1.55 and so the current flat rate surcharge of 25p (for each 10 pence increase in fuel price) has come into play.
- 2.8. The STOA wishes the fuel surcharge to be reworded to come into play when diesel fuel reaches £1.75 a litre and beyond. It is assumed by Officers that this request from the STOA is dependent on the Committee agreeing to the requested amendment of the flagfall part of the current fare structure.
- 2.9. Waiting Time: The waiting time aspect of the fare structure comes into play when the hired vehicle is stationary or moving at a negligible speed (e.g., in slow moving traffic). The current day rate waiting time is 20p for each period of 45 seconds. This equates to an hourly rate of £16.00. The STOA is asking that this remain the same.
- 2.10. Extra Charges – Additional Persons: The current fare structure allows a flat rate charge for each person in excess of two. The current charge is worded: For each person in excess of two – 50p. The STOA is asking that this remains the same.
- 2.11. Extra Charges – Booking Fee / Call Out Charge: The current fare structure allows a call out charge of 75p per mile – the wording is as follows:

*For each mile, or uncompleted part thereof, travelled by the carriage to a hirer “pick up” point at a stated place other than a hackney carriage stand or the proprietor’s normal base of operation. The customer must be told the amount of the booking fee at the time of booking.*

The STOA wishes the mileage rate on the call out charge to be increased from 75p to £1.00 per mile. In 2022 this Authority increased the call out charge from 50p to 75p per mile – at that time the Committee declined a request from the STOA for an increase to £1.00 per mile.

- 2.12. Sunday: The current fare structure does not treat Sunday as different to any other day of the week. The STOA wishes the daytime tariff for Sunday to be a 50% increase on the Tariff 1 rate. Historically East Lindsey has been an Authority that does not permit an additional daytime charge on a Sunday. The STOA has made similar requests in relation to Sunday on previous fare reviews. In the past the Committee has not supported the request for a Sunday rate and have declined to treat Sunday as any different to the rest of the week. Some Lincolnshire Authorities do currently allow Sunday to be charged at a higher rate.

### **3. CONCLUSION**

- 3.1. All parties to this fare review will be naturally concerned for the welfare and economic wellbeing of those employed within the taxi trade. This will particularly be the case during this difficult economic time of raising inflation and high fuel prices. However, the Committee should always be persuaded of the need to vary the fare structure before embarking on such a course of action. In reviewing the fare structure, the Committee should look to ensure customers receive a fair deal whilst ensuring that hackney carriage vehicle drivers are able to make a living working in the trade.

#### **EXPECTED BENEFITS TO THE PARTNERSHIP**

Not Applicable – This is a General Licensing Committee Report.

#### **IMPLICATIONS**

##### **SOUTH AND EAST LINCOLNSHIRE COUNCIL'S PARTNERSHIP**

There are no SELCP implications.

##### **CORPORATE PRIORITIES**

Taxi fares should be set at a level, which maintain the safety, security and welfare of the District's residents and visitors whilst at the same time looking to maintain the economic wellbeing of the taxi trade.

##### **STAFFING**

The processing of this fare review is being undertaken as part of the normal duties carried out by the Licensing Team and so there are no staffing implications.

##### **CONSTITUTIONAL AND LEGAL IMPLICATIONS**

1. Any proposed variation of the hackney carriage fare structure must be advertised and a period of time allowed for objections. If any objections are received, then the Committee must consider the objection(s) before introducing the proposed variation or amending the initial proposal to vary the fares. However, objectors do not have a legal right of audience before the Committee.

2. There is no legal requirement for the Council to advertise a decision not to increase the fare structure. Similarly, there is no legal right to submit an objection to a decision not to increase the fare structure.
3. There is no right of appeal to the Magistrates Court regarding a Licensing Authority's decision on the level of hackney carriage fares. However, any aggrieved person would have the option of applying for a judicial review of the decision or making a complaint to the Ombudsman.
4. In theory the Committee can decrease the maximum fare structure (or remove sections of the fare structure) if it is minded to do so.
5. All hackney carriage vehicles in the East Lindsey District must be installed with a taximeter. The taximeter must be set to display a fare not exceeding the maximum fare rate set by the Council. Therefore, proprietors may set a lower rate in the taximeter than the maximum rate set by the Council.
6. The law relating to the calibration of taximeters was clarified in 1983 by the case of R v Liverpool City Council, ex p Curzon Limited (1983). This case indicated that it was lawful for a proprietor to calibrate his taximeter to a lower fare than the maximum fare set by the Council. The Council can advise and encourage but it cannot legally require those proprietors to change their meters from a lower rate to the maximum rate.
7. If proprietors wish to calibrate to a lower rate, they can only charge that calibrated rate – it is not open for them to charge the maximum fare rate if they have not calibrated to that rate.
8. The Council's byelaws require hackney carriage vehicles to display, within the vehicle, the Council's current maximum fare card. Even if the taximeter is calibrated to a lower rate, the current maximum fare card must be displayed.
9. Individuals or organisations requesting a variation of the maximum fare structure do not have a legal right of audience before the Committee.

## **DATA PROTECTION**

There are no data protection implications arising from the recommendations of this Report.

## **FINANCIAL**

1. This fare review is being undertaken as part of the normal duties carried out by the Licensing Team with no additional costs involved.
2. Any proposed variation of the fare structure must be advertised in a local newspaper and a minimum period of 14 days allowed for the submission of objections. In addition, the Council must issue in the region of 130 new laminated tariff cards to all hackney carriage vehicles when any change in the structure is enacted.
3. There is a risk of judicial review against the Council or complaint to the Ombudsman if the Authority is found not to have exercised due diligence in the setting of hackney carriage fares

## **RISK MANAGEMENT**

There is a theoretical risk of civil action against the Council if they are found not to have exercised due diligence in licensing matters.



## **STAKEHOLDER / CONSULTATION / TIMESCALES**

Any proposed variation of the hackney carriage fare structure must be advertised and a period of time allowed for objections.

## **REPUTATION**

There is a risk that the Council's reputation could be damaged if licensing legislation and guidance are not upheld and applied appropriately.

## **CONTRACTS**

Not Applicable – This is a General Licensing Committee Report.

## **CRIME AND DISORDER**

There are no crime and disorder implications arising from the recommendations of this Report.

## **EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING**

**Equality Implications:** There are no equality implications arising from the recommendations of this Report.

**Human Rights:** The Licensing Authority must ensure that its decisions and policies can withstand scrutiny by reference to the principle of proportionality, i.e., is the decision / action / policy proportionate to what it wishes to achieve, or, colloquially does the end justify the means.

**Safeguarding:** There are no safeguarding implications arising from the recommendations of this Report.

## **HEALTH AND WELL BEING**

Not Applicable – This is a General Licensing Committee Report.

## **CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS**

Not Applicable – This is a General Licensing Committee Report.

## **ACRONYMS**

STOA – Skegness Taxi Owners Association

SDTDA – Skegness & District Taxi Drivers Association

<b>APPENDICES</b>	
Appendices are listed below and attached to the back of the report:	
<b>APPENDIX A</b>	Copy of the Current Maximum Hackney Carriage Fare Structure.
<b>APPENDIX B</b>	Request for a Review of the Maximum Hackney Carriage Fare Structure from STOA.
<b>APPENDIX C</b>	Submission by the SDTDA.

**BACKGROUND PAPERS**

The National Hackney Fare Table – PHTM: <https://www.phtm.co.uk/newspaper/taxi-fares-league-tables>

AA Fuel Price Report: <https://www.theaa.com/driving-advice/driving-costs/fuel-prices>

**CHRONOLOGICAL HISTORY OF THIS REPORT**

This 2023 annual fare review has not been previously considered by a Council body.

**REPORT APPROVAL**

Report author:

Mr Adrian Twiddy (Principal Licensing Officer)

Tel. No. 01507 601111

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Signed off by:

Mr Christian Allen (Assistant Director – Regulatory)

Tel. No. 01205 314200

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# Maximum Hackney Carriage Fare Structure

The following are the MAXIMUM authorised charges payable within the District of East Lindsey for the hire of a hackney carriage vehicle

<b>TARIFF 1 (0700 – 2300 Hours)</b>	
If the distance does not exceed 1000 yards for the whole distance	£4.00
If the distance exceeds 1000 yards:	
- for the first 1000 yards	£4.00
- for each subsequent 190 yards (or uncompleted part thereof)	20p
WAITING TIME: For each period of 45 seconds	20p
<b>TARIFF 2 (2300 – 0700 Hours)</b>	
A 50% increase in Tariff 1	
<b>TARIFF 3 (The times indicated below)</b>	
A 100% increase in Tariff 1	
<b>EXTRA CHARGES:</b>	
- for any hirings on Bank and Public Holidays	Tariff 2
- between 0700 on 24th December to 1800 on 24th December	Tariff 2
- between 1800 on 24th December to 0700 on 27th December	Tariff 3
- between 0700 on 31st December to 1800 on 31st December	Tariff 2
- between 1800 on 31st December to 0700 on 2nd January	Tariff 3
- for each article of luggage (excluding hand luggage, perambulators and wheelchairs)	25p
- for each person in excess of two	50p
- If the price of diesel per litre (at the garage nominated by the Council) goes above £1.55	25p
- Each subsequent 10p increase in the price of diesel per litre (at the garage nominated by the Council) above £1.55	25p
- For each mile, or uncompleted part thereof, travelled by the carriage to a hirer "pick up" point at a stated place other than a hackney carriage stand or the proprietor's normal base of operation. The customer must be told the amount of the booking fee at the time of booking.	75p
- For each animal (subject to the driver's discretion) with the exception of assistance, guide or hearing dogs	£1.00
- Any toll or urban congestion charges incurred on the journey to be paid by the hirer.	
<b>SOILING CHARGE</b>	
A charge not exceeding £100.00 may be charged for soiling	

FARE LAST REVISED 7 JUNE 2022

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## **Skegness Taxi Owners Association.**

We are requesting the following proposed Tariff Increase be considered at the next available Committee Meeting:

That the starter rate be increased on Tariff 1 to £4.50 for the 1<sup>st</sup> **880 yards** taking into account the current allowable fuel extras of 25 pence and an increase of 25p on the tariff.

20p For each subsequent 176 yards (or uncompleted part thereof) down from the current 190 yards.

The additional cost of 25p per litre of fuel be changed to £1.75 from the £1.55 at present.

Tariff 2 & Tariff 3 stay as they are now at 50% & 100% increase respectively.

The call out fee be increased to £1.00 per mile or uncompleted part thereof. Tariff 2 be implemented on Sundays.

On Tariff 1 this will make a 2-mile journey £7.50 a rise of 8.65424% from the current £6.90 (incl 25p fuel extras)

Due to the ongoing cost of living crisis and the continued rise in operating costs, we request an increase in our fees, so we can simply try to keep up with current prices. On the 1<sup>st</sup> April 2023 the National Minimum Wage is also set to rise by 9.7% to £10.42 per hour.

Vehicle running costs, servicing, tyres, fuel along with gas & electricity prices and we must therefore increase our charges to allow for these increases.

We understand any increase in Tariff is not welcomed by the public but feel at present this is needed so operators can keep investing in our trade.

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**SKEGNESS & DISTRICT TAXI DRIVERS ASSOCIATION**

**COMMITTEE MEMBERS**

<b>Chairman</b>	<b>Stephen Gray</b>
<b>Deputy Chairman</b>	<b>Andrew Nadin</b>
<b>Treasurer</b>	<b>Rob Cabourn</b>
<b>Secretary</b>	<b>Catherine Booth</b>

**1st March 2023**

**Dear Mr Twiddy,**

**Following consultation with members of the above, we have decided it would not be appropriate at this time to increase the tariff on the Taxi fares.**

**We would like to reserve the right to have this reviewed in 6 months time.**

For and on behalf of Skegness & District Taxi Drivers Association

Stephen Gray

Chairman

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<b>REPORT TO:</b>	<b>GENERAL LICENSING COMMITTEE</b>
<b>DATE:</b>	<b>13 MARCH 2023</b>
<b>SUBJECT:</b>	<b>DBS UPDATE SERVICE – HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS</b>
<b>PURPOSE:</b>	To undertake a review of the hackney carriage and private hire driver licensing procedures in relation to the DBS Update Service.
<b>REPORT OF:</b>	Assistant Director – Regulatory.
<b>REPORT AUTHOR:</b>	Mr Adrian Twiddy (Principal Licensing Officer)
<b>WARD(S) AFFECTED:</b>	All Wards.
<b>EXEMPT REPORT?</b>	NO

### **SUMMARY**

In line with the Department for Transport (DfT) minimum licensing standards this Authority has adopted a policy making subscription to the Disclosure and Barring Service (DBS) Update Service a requirement for all hackney carriage and private hire vehicle drivers licensed with this Authority.

The DBS rules indicate that drivers must register for the DBS Update Service within 30 days of their Enhanced DBS Certificate being issued. The certificate cannot be registered on the Update Service outside the 30-day window. The Licensing Team are now being faced with a small number of drivers who (for whatever reason) have failed / forgotten to register within the 30-day period.

The Committee is asked to consider amending the Council's licensing policy to indicate that such drivers will be issued with a six-month driver licence rather than the normal three-year licence. The driver would then have to apply for licence renewal in six-month's time, pay the licence renewal fee, undergo another Enhanced DBS Disclosure (at their own cost) and ensure that they registered that new Disclosure within the required 30-day window.

### **RECOMMENDATIONS**

That the Committee amend the Hackney Carriage and Private Hire Vehicle Driver Licensing Policy to indicate that drivers who have failed to register their Enhanced DBS Disclosure within the required 30-day period (or any subsequent registration period set down by the DBS) will be issued with a six-month driver licence rather than the normal three-year licence. The driver

would then have to apply for licence renewal in six-month's time, pay the licence renewal fee, undergo another Enhanced DBS Disclosure (at their own cost) and ensure that they registered the new Disclosure within the required DBS registration window.

#### **REASONS FOR RECOMMENDATIONS**

To ensure the protection, safety and wellbeing of the public. To ensure that this Authority has robust policies and procedures in relation to the licensing of hackney carriage and private hire vehicle drivers. Having a robust licensing scheme protects public safety and commands the confidence of the general public.

#### **OTHER OPTIONS CONSIDERED**

Not Applicable.

### **1. BACKGROUND**

- 1.1. The primary role of the Council in relation to hackney carriage and private hire licensing is the protection, safety and wellbeing of the public. Hackney carriage and private hire vehicle hirings will often involve the placing of a vulnerable person in the company of a stranger.
- 1.2. All driver licence applicants are required by this Authority to undergo Enhanced DBS (Disclosure and Barring Service) checks. Such enhanced criminal record checks are used as one of the mechanisms to assess an applicant's suitability for the role of licensed driver. Any information disclosed, on an individual's DBS certificate, is vital to the decision-making process to enable the Council to meet its statutory requirement of ensuring that driver licence applicants are fit and proper persons.
- 1.3. The DBS provides an update service which allows individuals to keep their DBS Certificate up to date online. Prior to September 2020 this Authority had been strongly encouraging all licensed drivers to subscribe to the update service – however, this Council now requires drivers to maintain a DBS update subscription. The service is subject to an annual fee which is currently set at £13.

### **2. REPORT**

- 2.1. This Council has adopted a policy making subscription to the DBS Update Service a requirement for all drivers licensed with this Authority. With this in force licence applicants should now register for the DBS update service and nominate the Licensing Authority to receive updates.
- 2.2. Adoption of the DBS Update Service requirement is a step endorsed in the Department for Transport (DfT) minimum licensing standards. The Council has a legal duty to have regard to the minimum standards when undertaking its hackney carriage and private hire vehicle licensing function.

- 2.3. Subscription to the update service is quick and simple and must be done within specified timescales. The DBS Update Service allows Officers to carry out a quick online status check to see if an individual's certificate is up to date. It enables the Council to see if any relevant information has been identified about the individual since their DBS Certificate was issued. The DfT minimum licensing standards indicate that this online status check should be done by the Licensing Team every six months.
- 2.4. On 29 July 2022 the Committee considered the case of drivers (holding three-year driver licences) who had been identified by the Licensing Team as having not maintained their subscription to the DBS Update Service (i.e., those drivers who had failed to pay the £13.00 annual maintenance fee to the DBS and so their DBS registration had lapsed). At that meeting the Committee adopted procedures for the revocation or suspension of such driver licences.
- 2.5. Drivers must register for the DBS Update Service within 30 days of their Enhanced DBS Certificate being issued. The certificate cannot be registered outside the aforementioned 30-day window. The Licensing Team are now being faced with a small number of drivers who (for whatever reason) have failed / forgotten to register within the 30-day period.
- 2.6. With this in mind, Officers are seeking authority from the Committee to issue such drivers with a six-month driver licence rather than the normal three-year licence. The driver would then have to apply for licence renewal in six-month's time, pay the licence renewal fee, undergo another Enhanced DBS Disclosure (at their own cost) and ensure that they registered that new DBS Disclosure within the required 30-day window.
- 2.7. The Local Government (Miscellaneous Provisions) Act 1976 sets a standard length at three years for hackney carriage and private hire vehicle driver licences. The 1976 Act does permit the Council, where appropriate, to issue licences for a period less than three years. The DfT minimum standards indicate that any shorter duration licence should only be issued when the Licensing Authority thinks it is appropriate in the specific circumstances of the case.

### **3. CONCLUSION**

- 3.1. The Council has a duty to ensure that any person to whom it grants a hackney carriage or private hire vehicle driver's licence is a fit and proper person to be a licence holder.
- 3.2. The Council has a legal responsibility to ensure that it is in a position to be able to comply with the DfT minimum licensing standard indicating that an online DBS status check should be done by the Licensing Team on licensed drivers every six months.

### **EXPECTED BENEFITS TO THE PARTNERSHIP**

Any decision made by the Committee to amend this Authority's hackney carriage and private hire driver licensing policy will be feed back to the Authority's within the SELCP.

## **IMPLICATIONS**

### **SOUTH AND EAST LINCOLNSHIRE COUNCIL'S PARTNERSHIP**

Any decision made by the Committee to amend this Authority's hackney carriage and private hire driver licensing policy will be feed back to the Authority's within the SELCP.

### **CORPORATE PRIORITIES**

The licensing and compliance role of the Council is important in improving the health, safety, security and welfare of the District's residents, visitors and business community.

### **STAFFING**

There are no staffing implications arising from the recommendations of this Report.

### **CONSTITUTIONAL AND LEGAL IMPLICATIONS**

The Council must be satisfied that individuals are fit and proper persons to hold a hackney carriage or private hire vehicle driver's licence (Sections 51 and 59, Local Government (Miscellaneous Provisions Act 1976).

The 1976 Act permits driver licences to be issued for a maximum period of three years. The DfT minimum standards indicate that any shorter duration licence should only be issued when the Licensing Authority thinks it is appropriate in the specific circumstances of the case.

There is a right of appeal to the Magistrates Court regarding the conditions attached to the grant of a licence – which in theory could include the period of a licence (e.g., deciding to issue a six-month licence rather than a three-year licence).

### **DATA PROTECTION**

There are no data protection implications arising from the recommendations of this Report.

### **FINANCIAL**

As with all licence decisions it is possible that if a Licensing Committee decision is appealed to the Courts and the appeal is upheld, costs may be awarded against the Council. However, the judgement of the Courts is that costs should not normally be awarded against the Local Authority provided the Authority has acted properly and reasonably.

### **RISK MANAGEMENT**

There is a theoretical risk of civil action against the Council if they are found not to have exercised due diligence in licensing matters.

### **STAKEHOLDER / CONSULTATION / TIMESCALES**

Not Applicable.

### **REPUTATION**

There is a risk that the Council's reputation could be damaged if licensing legislation and guidance are not upheld and applied appropriately.

### **CONTRACTS**

Not Applicable – This is a General Licensing Committee Report.

## **CRIME AND DISORDER**

All Local Authorities must fulfil their obligations under Section 17 of the Crime and Disorder Act 1981 when carrying out their functions as Licensing Authorities. Section 17 places a duty on Local Authorities to do all they reasonably can to prevent crime and disorder in their area.

## **EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING**

**Equality Implications:** There are no equality implications arising from the recommendations of this Report.

**Human Rights:** The Licensing Authority must ensure that its decisions can withstand scrutiny by reference to the principle of proportionality, i.e., is the decision / action proportionate to what it wishes to achieve, or colloquially does the end justify the means.

**Safeguarding:** Councils must consider the need to protect children and vulnerable adults from harm when undertaking licensing functions. Care must be taken by the Council to ensure that individuals are not placed in an environment where they can be a source of danger or harm to children or vulnerable adults.

## **HEALTH AND WELL BEING**

Not Applicable – This is a General Licensing Committee Report.

## **CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS**

Not Applicable – This is a General Licensing Committee Report.

## **ACRONYMS**

DBS – Disclosure & Barring Service

DfT – Department for Transport

### **APPENDICES**

There are no appendices attached to this Report

### **BACKGROUND PAPERS**

The following background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

Department of Transport – Statutory Taxi and Private Hire Vehicle Standards – July 2020

<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

### **CHRONOLOGICAL HISTORY OF THIS REPORT**

A Report about the DBS Update Service was previously considered by the General Licensing Committee on 29 July 2022.

### **REPORT APPROVAL**

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