

REPORT TO:	GENERAL LICENSING COMMITTEE
DATE:	22 APRIL 2024
SUBJECT:	HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE
PURPOSE:	To update the Committee of the changes to the Department for Transport's Best Practice Licensing Guidance.
REPORT OF:	Group Manager Public Protection.
REPORT AUTHOR:	Mr Adrian Twiddy (Principal Licensing Officer).
EXEMPT REPORT?	NO

SUMMARY

On 17 November 2023 the Department for Transport (DfT) issued updated Best Practice Guidance for Local Authorities on the subject of hackney carriage (taxi) and private hire vehicle licensing. This Report advises the Committee on the new guidance document and indicates the changes that have been made by the DfT.

RECOMMENDATIONS

That the Committee:

- Note the updated Department for Transport (DfT) Best Practice Guidance.
- Amend the Council's current hackney carriage and private hire vehicle licensing policy in line with the recommendations set out in **Appendix B** of this Report.
- Instruct Officers to provide any further reports to the Committee where aspects of the guidance may necessitate a further review of local licensing practices.

REASONS FOR RECOMMENDATIONS

To ensure, where as much as possible, local licensing practices reflect the current best practice guidance.

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.

2. REPORT

- 2.1. The Department for Transport (DfT) issued best practice guidance on taxi and private hire vehicle licensing in 2006 to assist local authorities who have responsibility for the regulation of this sector. There was then an update to the guidance in 2010. In 2022/2023, the DfT issued draft updated guidance and consulted with stakeholders on the proposed changes. The final version of the updated best practice guidance on taxi and private hire vehicle licensing was published on 17 November 2023.
- 2.2. The Policing and Crime Act 2017 enables the Secretary of State to issue guidance to Licensing Authorities as to how their licensing functions under taxi and private hire vehicle licensing may be exercised to protect children and vulnerable individuals from harm.
- 2.3. In 2020, the Government issued, for the first time, Statutory Taxi and Private Hire Vehicle Standards to safeguard the most vulnerable in society. These standards also created measures to protect the safety of all passengers. Licensing Authorities must by law give due regard to the Statutory Standards when setting their taxi and private hire vehicle licensing policies and procedures.
- 2.4. The new 2023 Best Practice Guidance complements the Statutory Standards, covering a range of issues outside the remit of the Statutory Standards. It is the responsibility of individual Licensing Authorities to make decisions on their own policies and procedures, by applying relevant law along with any other guidance and considerations. The Best Practice Guidance is intended to assist Licensing Authorities, but remains only guidance, and is not intended to provide a definitive statement of the law.
- 2.5. The Best Practice Guidance does not seek to cover the whole range of possible licensing requirements. Instead, it seeks to concentrate on those issues that have caused difficulty in the past or that seem of particular significance.
- 2.6. The Best Practice Guidance makes a number of recommendations around such issues as promoting accessibility, enforcement, licence holder requirements, vehicle suitability and tinted windows.
- 2.7. A review of the updated Best Practice Guidance guidelines has been provided by Officers (in a brief summary) as set out in **Appendix A** to this Report. The table at **Appendix A** includes proposals around the next steps – however, the table is by no means an exhaustive list and there will be other work required.

2.8. There are three specific items in the guidance which, in the opinion of the Officers, the Council may wish / need to review as a matter of urgency. The matters are tinted windows in licensed vehicle, fire extinguishers in licensed vehicles and the carrying of children in vehicles. The detailed issues, regarding these three matters, are set out in **Appendix B** of this Report together with Officer recommendations on the possible way forward.

3. CONCLUSION

3.1. The Taxi & Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities is not statutory, so the Council is not obliged to make changes to its licensing policy nor specifically adopt the guidance.

3.2. However, the view of Officers is that the Authority should look to ensure that as much as possible local licensing practices reflect the current best practice guidance.

EXPECTED BENEFITS TO THE PARTNERSHIP

Not Applicable.

IMPLICATIONS

SOUTH AND EAST LINCOLNSHIRE COUNCIL'S PARTNERSHIP

None.

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

None.

WORKFORCE CAPACITY IMPLICATIONS

None.

CONSTITUTIONAL AND LEGAL IMPLICATIONS

None other than those contained within the Report.

DATA PROTECTION

Not Applicable.

FINANCIAL

There are no direct financial implications arising from this Report.

RISK MANAGEMENT

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

STAKEHOLDER / CONSULTATION / TIMESCALES

None.

REPUTATION

Having a robust licensing scheme protects public safety and commands the confidence of the public.

CONTRACTS

Not Applicable.

CRIME AND DISORDER

Not Applicable.

EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING

Equality Implications: The Council's taxi and private hire licensing procedures do not have the potential to cause negative impact or discriminate against different groups in the community based on age, disability, gender, race/ethnicity, religion or religious belief (faith), or sexual orientation.

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.

HEALTH AND WELL BEING

Not Applicable.

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

Not Applicable.

ACRONYMS

DfT – Department for Transport

APPENDICES	
Appendices are listed below and attached to the back of the report:	
APPENDIX A	Review of the DfT Best Practice Guidelines.
APPENDIX B	Items in the Guidance which the Committee May Wish to Review as a Matter of Urgency

BACKGROUND PAPERS

The Department for Transport (DfT) Taxi & Private Hire Vehicle Licensing Best Practice Guidance:

<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance/taxi-and-private-hire-vehicle-licensing-best-practice-guidance-for-licensing-authorities-in-england#driver-licensing>

CHRONOLOGICAL HISTORY OF THIS REPORT

A Report on this item has not been previously considered by the General Licensing Committee.

REPORT APPROVAL

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