

Report for: Regulatory Committee

Date of Meeting:	28 th June 2024
Subject:	HACKNEY CARRIAGE AND PRIVATE HIRE (TAXI) POLICY UPDATE
Cabinet Member:	David Wulff, Cabinet Member for Quality (Cost) of Living, Equalities and Public Health
Responsible Officer:	Simon Newcombe – Head of Housing and Health
Exempt:	No
Wards Affected:	All wards
Enclosures:	Annex A – Updated Hackney Carriage and Private Hire Policy 2023 Annex B – Consultation summary responses Annex C – Equalities Impact Assessment

Section 1 – Recommendations

At the Regulatory Committee on the 1 December 2023 considered the draft Hackney Carriage and Private Hire Licensing policy and agreed to a formal consultation for a period of 3-months from January 2024.

The draft policy and as summarised in the accompanying report set out a number of proposed changes which included the introduction of both a Code of Conduct and policy non-compliance penalty points scheme. Other key proposed changes included increased testing of older vehicles, renewal of safeguarding training and a number of legislative led changes including those with regard to immigration checks, taxation and medical certificates.

The purpose of the report is to present to members an update following the three month consultation carried between January and April 2024.

The draft policy has been updated in response to the consultation as set out in the report and therefore the following recommendations are made in respect of taking the policy forward for adoption:

1. That the Committee consider the proposed final amendments to the policy document outlined in section 4.1 of this report.
2. That the Committee approve the draft proposed policy attached as Annex A and recommend its adoption to Full Council in July 2024, with a proposed implementation date from 1st September 2024.
3. Recommendation that Committee delegate authority for amendments to the Penalty Point Scheme to the Head of Housing and Health
4. Recommendation that Committee delegate authority to approve the standard for English communications assessment to the Head of Housing and Health

Section 2 – Report

1 Consultation responses

- 1.1 A public consultation ran between 15th January and 15th April 2024, on the Let's talk Mid Devon platform. The consultation questionnaire asked some direct questions relating to key policy changes and also invited comments/feedback on the wider policy document.
- 1.2 Direct consultees included; Members, residents, the local Hackney Carriage and Private Hire trade (including all licence holders), Devon and Cornwall Police, Devon County Council; Public Health (MDDC); Community Safety Partnership (MDDC); Town & Parish Councils within Mid Devon; the Department for Transport; the Driver & Vehicle Standards Agency; Age UK.
- 1.3 The draft policy considered through the consultation included some tracked changes that had been included following publication of the revised "Taxi and private hire vehicle licensing best practice for licencing authorities in England" (Department for Transport, 2023).
- 1.4 A total of 41 responses were received during the 3 month period, a summary of these can be found at Annex B.
- 1.5 A workshop was held with Members of the Regulatory Committee in January 2024, which focused on the key proposed changes of the policy. A summary of the gathered information is available on request prior to Committee, please email licensing@middevon.gov.uk.
- 1.6 A further workshop was held in February 2024 with Mid Devon Licenced drivers, proprietors and operators. Feedback was sought on the key proposed changes and any wider feedback welcomed. 26 licensees attended the workshop. A summary of the gathered information is available on request prior to Committee, please email licensing@middevon.gov.uk.

2 Member workshop feedback

- 2.1 Members of the Regulatory committee were invited to a workshop which specifically looked at the following areas within the policy:
 - Emissions considerations
 - Frequency of testing for vehicles

- Frequency and training requirements for licensees
- Penalty point scheme
- Wider policy considerations

2.2 Member feedback was reviewed and has fed into the recommendations made within section 2.4.1 of this report.

3 Licensee workshop feedback

3.1 Members of the Licensing team, along with the Chair of the Regulatory Committee held a workshop to seek views and feedback from Mid Devon Licensees. Directed feedback was sought on the Penalty Point Scheme, emissions standards, frequency of vehicle testing and training requirements. Further feedback on all areas of the draft policy was invited.

3.2 The session was engaging and positive generally, and all feedback was captured informally. Feedback received through this session has been taken into consideration within the recommendations made within section 2.4.1 of this report.

3.3 Any relevant individual responses/feedback that were not considered as significant to feed into the current Policy review, will be considered by the Licensing team and may feed into review of internal procedures in the future.

3.4 Licence holders were generally positive about proposals for the Penalty Point Scheme and the introduction of an emissions standard based on ULEZ.

4 Proposed final amendments following consultation

4.1 Responses and feedback gathered through the survey and workshops have been reviewed and a number of recommendations made as below:

Proposed change	Consultation response / feedback	Officer recommendation
Safeguarding training to be refreshed every 3 years for drivers and 5 for operators (section 12.5)	70.7% survey responses agree or strongly agree Members suggested that operators should have training as frequently as drivers.	It is recommended that all Licence holders undertake refresher training on Safeguarding every 3 years.
Penalty points scheme a. Introduction of a penalty points scheme (Annex A)	a. Licensee workshop responses generally positive. Suggested a star rating. Committee workshop felt it was a good idea and promoted public safety. Suggested a star rating. Survey response: 60.9% felt that the introduction of a scheme would help	a. Recommend introduce Penalty Point Scheme from 1 st September 2024 Impact of the scheme will be continuously monitored and Committee will be updated on the progress of the scheme through biannual Regulatory Committee meetings.

<p>b. Appeal to Team Leader Annex A, section 1.7)</p>	<p>protect the public.63.4% felt that a scheme would help ensure compliance with requirements. b. 82.9% of responders felt that an appeal to Team Leader should be in place.</p>	<p>b. Recommend appeal process to Lead Officer or above.</p>
<p>Proposed change</p>	<p>Consultation response / feedback</p>	<p>Officer recommendation</p>
<p>Driver training / Assessment (Annex C, section 3.8.2)</p>	<p>61% of responders felt renewal every 10 years was appropriate. 26.8% felt it should be 3 yearly Licensees suggested rather than setting a timeline, react to complaints. Members felt refresher is a good idea, but consider higher frequency than 10 year</p>	<p>Recommend introduce 10 yearly requirement for driver training/assessment on renewal of licence. This is a first step and a higher frequency can be considered at the next review if deemed necessary. Additional training/assessment can be required in the event of enforcement action following complaints / issue or penalty points.</p>
<p>English language assessment should be written and spoken Not in draft but in 2023 guidance The Statutory Taxi and Private Hire Vehicle Standards recommend that a licensing authority's test of a driver's proficiency should cover both oral and written English language skills.</p>	<p>63.4% of Responses felt both. 26.8% felt oral only.</p>	<p>Recommend add to policy at section 14.2 as this was asked as a direct question through the consultation. Recommend Officer define standards for English assessment and authorised by Corporate Manager for Public Health, Regulation and Housing.</p>
<p>Medicals a. Right to request a medical second opinion (Annex C, section 3.9.2) b. Eye tests (Annex C, section 3.9.1) c. Use any medical practitioner (Annex C, section 3.9.1)</p>	<p>a. 65.8% of responders felt this was appropriate b. 58.5% felt that we should require eye tests through the policy c. 84% would like to be able to use any medical practitioner for a medical. Licensee feedback - difficulties accessing GP for medical. More options</p>	<p>a. Recommend include within policy b. Recommend include within policy as part of medical assessment c. Recommend include within policy</p>

	would be good. They all charge different and own GPs can be expensive.	
Emissions Adopt Euro 6 standard for new applications (Appendix 4, section 4.5)	51.2% agree or strongly agree, 21.9% no opinion, 26.8% disagree or strongly disagree. Very mixed views in the feedback, concerns over the impact on trade if the policy is too strict. Suggestion of ULEZ standards in phased approach. Members suggested adopting ULEZ standard in phased approach, this proposal was then discussed with Licensees. Licensees felt the policy didn't consider hybrid vehicles and they felt this was the way forward. Agreed using emission rather than age as a standard.	Recommend adopt the following standard from 1 st September 2024: ULEZ for new vehicles and no change for renewal. From January 2027 apply ULEZ standards to vehicles at both new and renewal application. From January 2030 apply ULEZ standards for renewal and zero emissions for new. Hybrid vehicles would be considered under the same criteria.
Proposed change	Consultation response / feedback	Officer recommendation
Dispatch and booking staff to have DBS and operator to apply a criminal conviction policy (Appendix 5, section 4.11.2)	60.9% felt that booking staff should be subject to the same checks as PHO. 63.4% felt a fit and proper assessment of dispatch and booking staff would help protect the public. Licensees did not see the need for this.	Recommend accept proposed change. From the responses it was felt there was a lack of understanding of the risks and safeguarding opportunities and this could be addressed through the requirement for increased safeguarding training.
Disability awareness training (section 11.5)	No specific questions asked through survey, however detailed response from Guide dogs for the blind suggesting Disability equality training in line with proposal: All drivers should be required to undertake disability equality training.	Recommend accept proposed change.
Lost property checks (Annex C, section 5.11)	Members felt this is the responsibility of the hirer and not the driver. Return to police station within 48 hours – is that realistic (police will not necessarily accept lost property).	Recommend remove the proposed change. Our understanding on this has evolved, this is actually a byelaw and we have not adopted the byelaws, so we can remove this. No history of any problems, or frequent complaints of this nature.

	Licensees asked why we need to do this. Have there been problems with this?	
Proposed change	Consultation response / feedback	Officer recommendation
Appendix 4, section 14.1 requirement to have a road atlas at least 5 years young	Member's and Licensees feedback was that this is no longer how people interact with maps. What is the evidence for this requirement?	Recommend remove the proposed change.
Appendix 4, section 4.26.3 – adhesive sign with Councils logo	Licensees had concerns about this change and asked what the evidence for this requirement is? Concerns that this would have a detrimental impact on the trade, due to devaluing vehicles and impact when working outside of the District.	Recommend remove the proposed change.
Annex C, section 5.9.2 – you must not eat or drink or allow people to eat or drink	Consultation feedback - consider those who need to eat or drink due to a medical condition. – Disability specialist.	Recommend amend wording to include a discretion in certain circumstances.
Appendix 4, section 4.23 Taxi meters – calendar controlled and sealed meters	Concerns from Licensing team that the impact of this proposed change is not fully understood.	Recommend remove the proposed change and Licensing to consider the issue and discuss with trade.
Executive Functions	Requests through the Licensee workshop to be able to have no plates / signs on the dash as they often do corporate work e.g. airport runs.	Recommend add to policy. Legislation allows for applications for executive functions, which we have not previously put in place.

5 Penalty Point Scheme

- 5.1 Overall feedback regarding the proposed scheme was positive, although there were some individual concerns about the scheme and Operators in particular accruing points if they are also drivers and/or proprietors. It is important to note that the scheme is designed to highlight the minority of Licensees who do not uphold the required standards and ensure they are dealt with in a fair and consistent manner. If Licensees are readily accruing points and referrals are being made to Sub-Committee, we need to review the Fit and Proper person considerations through the new and renewal application process.
- 5.2 Feedback from both Members and Licensees on a star rating scheme to recognise Licensees with no or low number of penalty points was considered, and it is felt that this was not appropriate. This is because the requirement is for Licensees to be fit and proper and the issue of points may bring that into question. By applying a star rating scheme we are determining a level of

acceptability for non-compliance, and this could send the wrong message to Licence holders and members of the public.

- 5.3 Minor changes to the Point scheme may be required, either to add, remove or amend specific criteria, or alter the point's value for specific criteria. Changes may also be required following new guidance or changes in legislation. To avoid unnecessary delay to introduce such changes, it is recommended that authority to make such changes is delegated to Corporate Manager for Public Health, Regulation and Housing.
- 5.4 We have capability within our existing system, Lalpac to record the information on Penalty points issued to Licensees. We will need to devise the internal procedures to administer the scheme, and we will keep under review the impact on demand of the introduction of the scheme.

6 Emissions standards

- 6.1 ULEZ standards are based on emissions limits for different types of vehicle, NOx and PM for diesel vehicles and NOx for petrol vehicles. More information on the ULEZ standards can be found on the [Department for Transport London website](#).
- 6.2 By adopting an existing standard that is widely accepted within the UK, we can validate the change to our policy to have a positive impact on emission levels moving forward, without the need for further scientific evidence.
- 6.3 The proposed changes provides a direction of travel over the next 6 years, as recommended within the guidance, mapping out our policy to enable the trade to plan the change over a longer period. Note there will be another policy review in this period, but unless there are significant changes to the central emissions reduction ambition, it is unlikely that this proposal will change.

7 English language assessment

- 7.1 The new policy does not specify the standard that will be applied when considering English Language assessments. The method of assessment and acceptable pass mark will be recommended at officer level and authorised by the Corporate Manager for Public Health, Regulation and Housing. This will then be communicated to applicants through the application process.

8 Further proposed actions

- 8.1 The Licensing team intend to run face-to-face safeguarding training sessions during the 6/9 months following introduction of the new policy. This will support Licence holders to comply during the transitional period.
- 8.2 The handbook summarising the current policy for Licensees will no longer be issued and Licensees will be asked to return them.
- 8.3 To ensure that key information is fully accessible to applicants and Licensees, the following sections will be extracted from the policy and presented to applicants/ Licensees as standalone documents.

- Code of conduct
- Penalty points scheme
- Vehicle conditions
- Operator conditions

9 Recommendations

9.1 In accordance with the above, the following recommendations are made:

1. **That the Committee consider the proposed final amendments to the policy document outlined in section 4.1 of this report.**
2. **That the Committee approve the draft proposed policy attached as Annex A and recommend its adoption to Full Council in July 2024, with a proposed implementation date from 1st September 2024.**
3. **Recommendation that Committee delegate authority for amendments to the Penalty Point Scheme to the Corporate Manager for Public Health, Regulation and Housing.**
4. **Recommendation that Committee delegate authority to approve the standard for English communications assessment to the Corporate Manager for Public Health, Regulation and Housing.**

Financial Implications: Fees for these licences are set locally and they will be reviewed in the future to consider the impact of these proposed changes. As fees are based on cost recovery, it is likely that the introduction of a penalty point scheme will result in a fee increase. Any significant fee increase will trigger an invitation to the Trade for a review of the Hackney Carriage fare tariff.

Safeguarding training and the increased frequency of driving assessment will result in an increased cost to applicants. Licensing will ensure that we identify partners and service providers who offer value for money for these courses/assessments. It is anticipated that disability awareness assessments will be delivered through the existing driver interview, conducted by members of the Licensing team and training (at cost to the applicant) will only be required where their awareness is lacking.

Legal Implications: The main legislation regulating Hackney Carriage and Private Hire vehicles is the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976. The Council has not adopted the byelaws relating to Hackney Carriages, so the use of policy, and through this, the application of conditions is vital to ensure robust and consistent enforcement of licensees within the trade. A policy change can be judicially reviewed.

Risk Assessment: Provision of the licensing service is a statutory obligation. The overall aim of the policy and conditions is to ensure public safety. However a balance is required to ensure that conditions are realistic and achievable. In the event of a successful judicial review the Council could be liable for costs.

Impact on Climate Change: Taxis and other taxi-like services in the United Kingdom produced 3.1 million metric tons of carbon dioxide emissions in 2021. Emissions from these modes of transportation have more than doubled when compared to 1990 levels. Transportation is now the most polluting sector in the UK.

Equalities Impact Assessment: An equality impact assessment in relation to the final proposed policy has been undertaken and is attached at Annex C.

Relationship to Corporate Plan: This report links directly to the Licensing Authority functions of the Council with the primary aim of protecting public safety and ensuring the well-being of our community and licensed service users. It therefore contributes to the priority of Community within the Corporate Plan.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett
Agreed by or on behalf of the Section 151
Date: 19 June 2024

Statutory Officer: Maria de Leiburne
Agreed on behalf of the Monitoring Officer
Date: 19 June 2024

Chief Officer: Simon Newcombe
Agreed by or on behalf of the Chief Executive/Corporate Director
Date: 24 May 2024

Performance and risk: Steve Carr
Agreed on behalf of the Corporate Performance & Improvement Manager
Date: 19 June 2024

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Harriet Said, Team Leader (Commercial), Public Health or Simon Newcombe, Head of Housing and Health
Email: hsaid@middevon.gov.uk / snewcombe@middevon.gov.uk
Telephone: 01884 255255

Background papers:

Ultra Low Emission Zone – why do we have a ULEZ? [Transport for London](#)

Current Hackney Carriage and Private Hire Policy 2019: [final-hackney-carriage-and-private-hire-policy.pdf \(middevon.gov.uk\)](#)

Department for Transport:

'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance':

<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>

'Statutory taxi and private hire vehicle standards':

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

Institute of Licensing: Guidance on determining the suitability of applicants & licensees - hackney & private hire trades:

<https://www.instituteoflicensing.org/media/judpocw/guidance-on-suitability-online-pdf-2.pdf>

Taxis and Private Hire Vehicles (Disabled Persons) Act 2022:

<https://www.legislation.gov.uk/ukpga/2022/29/introduction/enacted> and
<https://www.gov.uk/government/news/most-significant-change-to-taxi-and-private-hire-vehicle-accessibility-legislation-in-12-years>

[LowCVP Low Emission Taxi Guide-March 2019 Update.pdf \(zemo.org.uk\)](#)

Carbon dioxide emissions of taxis and taxi-like services in the United Kingdom (UK) from 1990 to 2021 [UK: taxi service CO₂ emissions 1990-2021 | Statista](#)