

Tuesday 21st March 2023**Report of the Portfolio Holder for Voluntary Sector, Town Centre Evening Economy & Community Safety****Hackney carriage and Private Hire Licensing Policy 2023 - 2028****Exempt Information**

None

Purpose

To bring before Full Council the Licensing Committee recommendation that they consider the draft Hackney Carriage and Private Hire Licensing Policy 2023 – 2028 as suitable for adoption.

Recommendations

That Full Council consider the recommendation of the Licensing Committee that they consider the draft Hackney Carriage and Private Hire Licensing Policy 2023 – 2028 as suitable for adoption. That the Hackney Carriage and Private Hire Licensing Policy 2023 – 2028 become effective as of 1st April 2023.

Executive Summary

Tamworth Borough Council currently has a Hackney Carriage and Private Hire Licensing guidance document which is attached at Appendix 1.

The draft Taxi and Private Hire Licensing Policy 2023 – 2028 that has been created by updating the existing guidance document by Tamworth Borough Council officers in combination with relevant government documents as detailed below. A summary matrix of the changes can be found at Appendix 2 and the draft Taxi and Private Hire Licensing Policy 2023 – 2028 can be found in Appendix 3.

At the meeting of the Licensing Committee held on 13th October 2022, the committee recommended that the draft Taxi and Private Hire Licensing Policy 2023 – 2028 be approved for consultation and that the draft policy be brought back to the Licensing Committee for consideration together with any comments received.

The public consultation exercise was held between the 24th October 2022 and 15th January 2023. A list of those that were consulted is attached at Appendix 4.

A response to the consultation was received and is attached at Appendix 5 for members consideration.

At the meeting of the Licensing Committee held on 15th February 2023 the Committee resolved that the Committee recommend to Full Council that they consider the draft Taxi and Private Hire Licensing Policy 2023 – 2028 as suitable for adoption.

Options Considered

Not consider the recommendation however this would not accord with good governance or best practice

Resource Implications

There are no additional resource implications arising from this consultation. Resources required to fulfil the Council's duties in respect of the Licensing process are met from existing budget.

Legal/Risk Implications Background

The revised policy ensures the Council discharges its statutory licensing functions effectively and that decisions made by Officers and Members are transparent, proportionate and comply with Human Rights and Equalities legislation. The policy provides assurance that decisions in relation to the grant, renewal, suspension or revocation of licences are able to withstand challenge and scrutiny by outside bodies including the Courts.

Equalities Implications

This report has been prepared in accordance with the Council's Diversity and Equality Policies.

Environment and Sustainability Implications (including climate change)

The Council is committed to tackling climate change and the proposed revision of this Policy will assist in ensuring that it contributes appropriately to this ambition.

Background Information

Tamworth Borough Council ("The Licensing Authority") is responsible for the regulation of the Hackney Carriage and Private Hire trades within the Borough of Tamworth.

Tamworth Borough Council recognises the important role of Hackney Carriages and Private Hire vehicles in enabling people to travel around the Borough and the need to provide public reassurance and a positive customer experience by transporting customers safely.

Presently, the Licensing Authority has a guidance document attached at Appendix 1.

The draft policy has been developed by Tamworth Borough Council officers and takes into account the following:-

- The Council's Licensing Objectives
- Current legislation including the Deregulation Act 2015
- Guidance on the Rehabilitation of Offenders Act 1974 – March 2014
- Disclosure & Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Order – 2013
- The Department for Transport "Taxi and Private Hire Vehicle Licensing: Best practice Guidance" March 2010
- The Department for Transport "Taxi and Private Hire Vehicle Licensing Draft Best Practice Guidance
- Access to taxi's and private hire vehicles for disabled users – June 2022
- Institute of Licensing guidance on determining the suitability of applicants and licensees in the Hackney and Private hire trades April 2018
- Department for Transport Statutory Taxi & Private Hire Vehicle Standards – July 2020

The policy sets out the Council's decision making framework against which licensing decisions will be made. It also sets out conditions which drivers and operators are required to meet. In developing the draft policy best practice has been identified and incorporated into the policy.

This includes a number of key improvements, including:

- Updated Licensed Driver, Vehicle and Operator Conditions
- Updated penalty point scheme designed to improve licensed driver standards
- Proposed introduction of requirement for licensed drivers, vehicle proprietors and operators to undertake disability awareness training, and all licensed drivers, vehicle

proprietors to undertake refresher training on CSE & disability awareness training every 3 years.

- Proposed introduction of requirement for new drivers to undertake driving standards assessment.
- Proposed change to the Knowledge Test, to include questions on conditions
- Proposed extension of the upper age limit of Private Hire Vehicles to 10 Years
- Proposed no age limit for electric vehicles.
- Proposed introduction of DBS checks being carried out at a minimum of every six months
- Proposed introduction of a condition that drivers cooperate with requests from authorised compliance officers in other areas.

Public Safety has remained at the heart of all the changes and the proposed changes will put the licensing framework in line with best practice and make it clearer and transparent.

Report Author

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List of Background Papers

<https://www.gov.uk/government/publications/access-to-taxis-and-private-hire-vehicles-for-disabled-users>

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

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

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1063053/taxi-and-private-hire-vehicle-licensing-consulting-on-best-practice-guidance-for-licensing-authorities-in-England.pdf

<https://democracy.tamworth.gov.uk/ieListDocuments.aspx?CId=135&MId=4621&Ver=4>

Appendices

Appendix 1 – Hackney Carriage and Private Hire Licensing Guidance 2017 – 2022

Appendix 2 – Matrix of Changes

Appendix 3 – Taxi and Private Hire Licensing Policy 2023 – 2028

Appendix 4 – List of Consultees

Appendix 5 – Response to Consultation

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