



## Report to Full Council

<b>Date:</b>	24 February 2021
<b>Title:</b>	Buckinghamshire Council Taxi and Private Hire Licensing Policy
<b>Relevant councillor(s):</b>	CLlr Fred Wilson, Cabinet Member for Regulatory Services, CLlr Carl Jackson, Chairman of Licensing (Regulatory) Committee
<b>Author:</b>	Lindsey Vallis, Transition Head of Licensing, Cemeteries & Crematoria
<b>Ward(s) affected:</b>	none specific

### Recommendations:

1. To adopt the new Taxi and Private Hire Licensing Policy for Buckinghamshire Council with a proposed implementation date of the 1<sup>st</sup> August 2021
2. To authorise the Head of Service for Licensing, in consultation with the Cabinet Member for Regulatory Services, to change the implementation date of the Policy if necessary

### 1. Background:

- 1.1 The Council's Taxi and Private Hire Licensing Policy is an important document that demonstrates the Council's commitment to securing public safety, provides clarity for applicants and licence holders, assists decision making, facilitates enforcement activities and helps safeguard against legal challenge. The creation of Buckinghamshire Council presents an opportunity to create a new policy that incorporates the new Department for Transport (DfT) statutory taxi and private hire vehicle standards as well as promoting the highest possible standards to secure public safety. The Policy supports the Council's key priorities of protecting the vulnerable, improving the environment and promoting the local economy.
- 1.1 The purpose of licensing the hackney carriage (taxi) and private hire industry is to make sure that the travelling public are provided with a safe and accessible means of transport. Public safety is the most important consideration when making licensing decisions for drivers, vehicles and operators. Evidence supports the view that taxi

and private hire services can be a high-risk environment for drivers, passengers and the public. Drivers may be at risk of abuse or assault from customers. Private hire operators and their call handlers may have contact with children or vulnerable people. They may receive information that could be exploited for criminal purposes. In some circumstances, taxis and private hire vehicles may present a danger to other road users.

- 1.2 Taxi and private hire vehicles play a valuable role in transporting vulnerable members of the community such as children and vulnerable adults, including disabled people. Many children, including those with special educational needs, rely on taxis and private hire vehicles for home to school transport. Taxi and private hire services are an important part of the transport network in Buckinghamshire. They are essential for passengers with disabilities and residents of rural communities. They also play an important social role in enhancing the public transport system and facilitating social inclusion.
- 1.3 The Council is committed to adopting a new taxi and private hire vehicle licensing policy to support the alignment of the licensing regimes of the former Districts. The adoption of a new policy presents an opportunity to ensure Buckinghamshire Council licensed vehicles, drivers and operators are all held to the highest possible standards along with consistency for both drivers and the public.

## 2. **Main content of report**

- 2.1 Officers from the Licensing Service have drafted a new policy in collaboration with the Council's policy team. The new policy (see appendix 1) has been benchmarked against existing policies and the new Statutory Taxi and Private Hire Vehicle Standards (published July 2020) (see key documents at the end of this report). Measures proposed in the new policy will impact on the existing licensed trade to varying degrees depending on the legacy area within which they currently operate and on their own current operational arrangements (e.g. current age and specification of vehicles), with some potentially more significantly affected than others. New entrants to the trade will also be impacted as a result of higher standards required of vehicles, drivers and operators. The policy also considers the application of "grand father" rights in respect of the existing trade.
- 2.2 Pre-engagement consultation with stakeholders was carried out including an online survey, which ran from the 7th – 27th September 2020, and the associated communications plan which included targeted communication with the taxi trade. Licensing Committee member workshops were held on 15th and 16th September 2020 and the Cabinet Member for Regulatory Services and the Chair of the Licensing Committee have also been fully engaged throughout. Briefing papers were provided to the sub-groups of both the Adult and Children Safeguarding

Boards. A progress update paper was also presented at the Environment & Localism Select Committee on the 24th September 2020. Feedback received throughout the pre-engagement period was incorporated into a draft policy which was presented to Licensing (Regulatory) Committee on the 2nd November 2020 who tasked officers with carrying out a full public consultation on the Policy as drafted.

- 2.3 A public consultation on the Policy was undertaken between 10th November 2020 and 4th January 2021. The consultation period was extended for a further 2 weeks from the initial proposed end date of the 21st December 2020 by agreement with the Cabinet Member for Regulatory Services and the Chairman of the Licensing Committee following requests from the taxi licensing trade.
- 2.4 Feedback from the public consultation was incorporated into a final draft of the Policy and this was presented to the Licensing (Regulatory) Committee on the 3<sup>rd</sup> February 2021. The Licensing Committee report is attached as appendix 2 to this report and the full report pack is available at <https://buckinghamshire.moderngov.co.uk/ieListDocuments.aspx?CId=349&MId=426&Ver=4> . At this meeting the Licensing Committee reviewed and agreed the final draft of the new Buckinghamshire Council Taxi and Private Hire Licensing Policy and agreed to recommend it to Full Council for adoption with an implementation date of the 1st August 2021. Following adoption there are a number of operational and process changes that will be required prior to implementing the Policy, including resolutions on new hackney carriage and private hire zone areas and further consultation on fees and charges. The delayed implementation date should provide sufficient time to enable these changes to be completed. However there is a requirement to enable a degree of flexibility to the implementation date, in consultation with the Cabinet Member for Regulatory Services and the Chairman of the Licensing (Regulatory) Committee, should it become necessary.

### **Key policy changes:**

#### **2.5 Hackney carriage and private hire zones**

There are currently 5 separate hackney carriage zones in the Buckinghamshire Council area, with separate requirements in respect of vehicle specifications, fares payable and areas where they are permitted to stand and ply for hire. In addition, Aylesbury Town currently has a limitation policy of 50 hackney carriage vehicles. The policy as drafted reflects the recommended decision to remove the zones and replace them with one single Buckinghamshire Council wide hackney carriage zone which will mean that hackney carriage vehicles will be free to ply and stand for hire across the entire Buckinghamshire Council area.

Private hire vehicles cannot ply or stand for hire but must be booked in advance, through an operator based and licensed in the same Council area as the driver and vehicle. The policy creates a common set of standards and conditions for all licensed private hire operators, vehicles and drivers in the Buckinghamshire Council area. As a consequence the private hire zones of the former District Council areas will no longer be necessary and it is proposed that a Buckinghamshire Council wide private hire zone be adopted.

## 2.6 **Statutory Standards**

In accordance with the Policing and Crime Act 2017, the Department for Transport published new standards for taxi and private hire vehicles in July 2020 with the aim of safeguarding children and vulnerable adults from abuse and exploitation. Councils must have regard to these new standards and it is expected that they will be adopted unless there is compelling local reason not to. The majority of the statutory standards had already been adopted in the former District Council areas. However the Policy will implement additional requirements as set out in the standards in the following areas:

- Policy to be reviewed every 5 years and annual performance reviews
- Retrospective application of the new policy in some areas (e.g. English language testing and criminal convictions policy)
- 6 monthly DBS checks and subscription of drivers to the DBS Update Service (currently, driver DBS checks are performed every 3 years on licence renewal)
- Annual DBS checks for vehicle owners where they are not licensed drivers
- Annual basic DBS checks for operators where they are not licensed drivers (these are currently carried out every 5 years on renewal of the licence, or 3 yearly for driver/operators), basic DBS checks on all staff responsible for bookings.

2.7 Beyond the statutory standards and hackney carriage and private hire zone area changes, the policy introduces further robust measures which will be new to some or all of the former District Council areas. These include:

- Vehicle emissions policy: aspiration of ultra low or zero emission vehicles by 2030. New licences for vehicles exceeding Euro 6 only and renewals for vehicles exceeding Euro 5 only.
- Vehicles to be less than 5 years old on first licence and vehicle licences ceasing once the vehicle is 10 years old (limousines / prestigious vehicles and low emission vehicles 15 years).

- Disability awareness training for drivers and operators. Specific training for all drivers of Wheelchair Accessible Vehicles (WAVs).
- English language testing for all drivers – new applicants and those who have not previously been tested (as required by the Statutory Standards).
- Compulsory Safeguarding training for operators, with refresher training for drivers and operators every 3 years.
- Knowledge test for operators (will cover legislative and policy requirements rather than local geographical area knowledge)
- Drug testing of drivers in appropriate circumstances or where there is cause for concern

2.8 The adoption of the new policy as drafted will ensure that Buckinghamshire Council not only meets its statutory obligations, but will help promote the highest standards to secure public safety and promote a cleaner environment. Elements of the policy will inevitably place a higher financial burden on the trade, notably in terms of the proposed vehicle age limits. Additional testing, assessment and record keeping requirements introduced by the new statutory standards, particularly in relation to the 6 month DBS checking requirements, will also place additional burdens on the trade and on Licensing Services resources. The Council's taxi licensing service operates on a cost recovery basis and it should be noted that policy changes which increase the work required within Licensing Services will be reflected in the licensing fees charged to the taxi trade.

2.9 The Licensing (Regulatory) Committee is very mindful of the Covid-19 situation impacting businesses, including the taxi trade, at the present time and have given this careful consideration when thinking about the adoption of a new Policy. However, this must be balanced against the reasons for Policy change and particularly the need to protect public safety. The DfT have been clear that there is an expectation that licensing authorities will implement the statutory standards and the Council must report to the DfT on progress with this. Where the Policy makes changes that are not linked to the statutory standards (such as changes to vehicle age, an emissions policy, requirements for wheelchair accessible vehicles), grandfather rights have been provided to give the existing taxi trade time to prepare and plan for these changes but also in consideration of the current Covid-19 impacts. The approval mechanisms and operational changes required to deliver the Policy change mean that, if approved, it will not come into effect until summer 2021 at the earliest and it is considered that by then the effects of the vaccination and testing programmes should provide support for business recovery. Case law judgments indicate that Licensing Committees should not take financial considerations into account when reaching taxi licence decisions and that the over-riding objective must be public safety. This is of relevance here and means that whilst the Council may be

mindful of fee impacts on the taxi trade; this cannot take precedence in decision making.

- 2.10 The Policy if approved aims to deliver benefits in terms of improving public safety as well as ease of operation for the taxi trade. It is important that the Council balances the impacts of the proposed changes on those who may be negatively affected, with the improvements to public safety and the benefits to service users and the taxi trade that aligning licensing service provision will bring.

### 3. **Next steps and review:**

- 23<sup>rd</sup> March 2021 – fees and charges report to Licensing (Regulatory) Committee
- 30<sup>th</sup> March 2021 – report to Cabinet on resolutions pertaining to new hackney carriage and private hire zone areas
- 30<sup>th</sup> June 2021 - report back to Licensing (Regulatory) Committee on fees and charges consultation
- 1<sup>st</sup> August 2021 - Policy implementation.

### 4. **Key documents:**

DFT Statutory Taxi and Private Hire Vehicle Standards, July 2020

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/928583/statutory-taxi-and-private-hire-vehicle-standards-english.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/928583/statutory-taxi-and-private-hire-vehicle-standards-english.pdf)

- **Other options considered**

There are no specific statutory time scales imposed on the Council to align taxi and private hire licensing policies. However maintaining and applying four different policies is burdensome on the trade, Council Members and Officers. The adoption of a new policy, for the new Council area, presents a timely opportunity to review best practice and adopt the highest standards for Buckinghamshire's taxi and private hire trade.

- **Legal and financial implications**

The new statutory standards now mandate the provision of a taxi and private hire licensing policy document. A written policy document helps assist decision making and provides safeguards against legal challenge.

The additional costs of drafting the new policy have been met by funds allocated to the transformation work streams prior to vesting day. There may be future cost

implications to the Council from new policy requirements, however any additional costs incurred or savings made will be reflected in future adjustments to fee levels. The Council is legally obliged to ensure licence fee levels are set on a cost recovery basis.

- Corporate implications

- Protecting the vulnerable – taxi and private hire vehicles play a valuable role in transporting vulnerable members of the community such as children and those with physical disabilities. Many children, including those with special educational needs, rely on taxis and private hire vehicles for school transport. This policy review presents an opportunity to ensure that the required standards of the Council’s Client Transport Services and private hire and taxi licensing are better aligned. The policy also allows the Council to set out its expectations in terms of vehicle requirements, including accessibility requirements.
- Property – there are implications for the Council in respect of testing arrangements for vehicles. The Council is able to determine the frequency, manner and location of vehicle testing. Presently this varies between areas as to whether these tests are performed at Council or external facilities. A Council review is ongoing and various options are being explored, which includes the potential use of the new Pembroke Road facility for increased vehicle testing.
- HR – N/A
- Climate change – measures to encourage the use of low emission vehicles have been considered in the new policy.
- Sustainability – the provision of public transport reduces the need for car ownership. A policy that promotes higher quality transport options is more likely to be desirable to passengers and further reduce the need for vehicle ownership.
- Equality – a full equalities impact assessment has been carried out and published and accompanies the Licensing (Regulatory) Committee Report
- Data – a review of the existing data protection policies in place is required ahead of implementation and is now in process.
- Value for money – a unified policy reduces financial burdens on the Council with savings in Member and Officer time: consultations, committee meetings, enforcement and application processing. There are savings in advertising costs of statutory public notices required for changes to fees and hackney carriage fares. The trade benefit with one licensing regime for the whole Council area, rather than up to four under the current arrangements.