

Licensing Committee

17 November 2021

Taxi Licensing Policy

For Decision

Portfolio Holder: Non-Executive Function

Local Councillor(s): Relevant to all Dorset Council Members

Executive Director: J Sellgren, Executive Director of Place

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Report Status: Public

Recommendations:

- 1) To review the responses received during the consultation period.
- 2) To consider the comments received from Place and Resources Overview Committee.
- 3) To consider the key issues raised during consultation and agree proposed amendments to the draft Taxi Licensing Policy.
- 4) To approve the draft Taxi Licensing Policy for adoption and;
- 5) To agree the implementation date for the new policy to have effect.

Reason for Recommendations:

- 1) To ensure openness and transparency in the Council's decision making, and
- 2) To ensure that those persons affected by the policy are given the opportunity to have an input into it.
- 3) To seek to ensure the safety of the public and support the fair operation of the trade.

1. Executive Summary

The Council, as Licensing Authority under the Town Police Clause Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, requires a single policy to provide consistency across the whole Council area. Currently, there are four policies in operation inherited from predecessor councils. The purpose of the policy is to define how the Council will exercise its responsibilities under both Acts. The draft policy has been prepared by officers after consideration of responses from several focus groups. The draft policy has been considered by the Licensing Committee and published, in draft format, for a period of public consultation, which ran for 12 weeks, starting on Monday 28 June and closing on Sunday 19 September 2021.

The draft policy went before the Place and Resources Overview Committee for comments on 19 October 2021. A summary of the comments received is attached at Appendix C.

A summary of responses received during the public consultation as well as comments received from Place & Resources Committee are included within the report and the draft policy updated with a number of amendments for consideration prior to adoption.

2. Financial Implications

The funding for the preparation and consultation of the draft policy came from existing budgets and there are no further financial implications arising from the recommendations of this report.

3. Health and Well-being Implications

The Taxi trade performs an important role in the health and wellbeing of Dorset residents, providing essential transport, particularly for disabled persons and children with special educational needs who do not have access to other forms of public transport and these matters are addressed within the draft policy. The rural nature of Dorset makes the effective operation of the taxi trade particularly important.

4. Climate implications

Encouragement of electric and low emission vehicles have an important role to play in the Council's climate emergency aspirations and both are addressed within the draft policy. There are no negative implications arising from the recommendations contained within this report in terms of meeting the Council's climate change obligations.

5. Other Implications

There are no implications arising from the recommendations contained within this report in terms of impacts on other service areas within the Council.

6. Risk Assessment

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

7. Equalities Impact Assessment

An Equalities Impact Assessment has been prepared and is attached as Appendix E to this report.

8. Appendices

Appendix A	Consultation Response Report
Appendix B	Consultation Response Appendix and Survey
Appendix C	Comments from Place & Resources Overview Committee
Appendix D	Revised Draft Taxi Policy
Appendix E	Revised Draft Equalities Impact Assessment
Appendix F	Dorset Council Advertising and Sponsorship Guidelines
Appendix G	Dorset Disability Equality Forum Consultation Response

9. Background Papers

[Town Police Clauses Act 1847](#)

[Local Government Miscellaneous Provisions Act 1976](#)

[Department for Transport Statutory Taxi and Private Hire Guidance \(July 2020\)](#)

[Institute of Licensing - Safe and Suitable](#)

[Department for Transport Taxi and Private Hire Best Practice Guidance \(March 2010\)](#)

[FTA National Inspection Standards \(August 2012\)](#)

Footnote:

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

10. Background

- 10.1 The Department for Transport (DfT) recommends that Licensing Authorities have a publicly available document that brings together all the procedures on taxi and private hire licensing.
- 10.2 The overriding objective of the policy is to protect the public.
- 10.3 The DfT recommends that taxi policies are reviewed every five years, with interim reviews carried out if significant issues arise during the five years.
- 10.4 The activities that are regulated cover the licensing of: -
- Hackney carriage vehicles
 - Hackney carriage drivers
 - Private hire vehicles
 - Private hire drivers
 - Private hire operators

Taxis are hackney carriages and are licensed to pick people up from the roadside, i.e. hailing a cab. Private hire vehicles are only permitted to pick up pre-arranged bookings and are not permitted to pick people up from the side of the road.

- 10.5 The taxi policy has been prepared with regard to, and sought to integrate with, the following Council strategies:
- Dorset Council Plan
 - Dorset Council Community Safety Plan
 - Dorset Council's Economic Growth Strategy
 - Dorset Council's Enforcement Policy
- 10.6 This is Dorset Council's first Taxi Licensing Policy and officers have prepared the draft policy with reference to the predecessor council policies and also through engagement with key stakeholders and interested parties through focus groups carried out through March 2021.
- 10.7 Prior to the formation of Dorset Council, each of the predecessor District and Borough Councils had their own Taxi Licensing Policies setting out how they would process hackney carriage and

private hire matters. Due consideration of these policies has been taken when drafting the Dorset Council Taxi Policy and areas of good practice have been retained and developed.

- 10.8 The new policy will be supported by a new fee structure for applications that will look to consolidate the current fees to ensure the income raised covers the cost of the taxi licensing function.
- 10.9 The public consultation ran for a period of 12 weeks, starting on Monday 28 June and closing on Sunday 19 September 2021. The consultation included consulting with and considering the views of a wide range of individuals and organisations including:
- All current licence holders
 - Local residents
 - Local Councillors
 - Parish and town councils
 - Local members of parliament
 - Dorset Police
 - Dorset Council – Adults Services
 - Dorset Council – School Contracts Service
 - Dorset Council – Highways
 - Dorset Council – Children’s Services
 - Dorset Council – Legal Services
 - Dorset Council - Fleet
 - Neighbouring Authorities
 - Dorset Disability Forum
- 10.10 There were a total of 64 responses received during the consultation, with 35 respondents completing the online and paper surveys and a further 29 respondents contacting the licensing team via email.
- 10.11 The consultation team have prepared a report containing all of the responses received as part of the consultation and a summary of the responses is attached at Appendix A and B. Officers have considered each of the responses and have recommended a number of amendments to the draft policy, where appropriate, or given reasons why suggested alterations are not made and a revised draft policy is before committee for consideration prior to adoption.
- 10.12 The committee are asked to consider the consultation responses and the proposed amendments contained within the revised Draft Taxi Licensing Policy before adoption.
- 10.13 The following relevant issues were raised during the consultation process and the draft policy revised as considered appropriate; Only sections which have received comments and/or where amendments have been made have been included within the table. The Draft Taxi Licensing Policy has also been before Place and Resources Overview Committee for comment, on 19 October 2021 and the draft policy revised as considered appropriate in light of those issues raised during the meeting.
- 10.14 The Equality Charter contained within the Draft Policy (Page 28 Appendix A) has also been subject to a significant number of revisions following valued input from Dorset Disability Equality

Forum (appendix G). The comments received from the Forum will also help to shape the training modules and accessibility programme currently in progress.

Section 1	<p>The draft policy has been amended at 1.3 to include the immediate introduction of the Criminal Conviction Policy and the remainder to the policy to come into force on 1 April 2022 which will give time for a smooth transitional period and enable further work to take place in relation to appointing a sufficient number of approved garages, the setting of maximum tariffs and establishing the training modules.</p>
<p>Section 2 – Consultation report pages 11-14 Appendix A</p>	<p>Protection of Children</p> <p>The draft policy has been amended at 2.4 Following comments received the term 'CSE' (Child Sexual Exploitation) has been replaced with the term 'Safeguarding'.</p> <p>Additional reference to Domestic Abuse Awareness training has been added at 2.5</p> <p>Equalities</p> <p>Following input from the Dorset Disability Equality Forum (Appendix G) the Equality Charter (Page 28 Appendix A within the policy) has been significantly revised. Some minor changes have also been made to the policy at 2.8. Officers are not proposing to amend the policy further in light of additional comments received relating to this section during the consultation. The concept of having an additional number of training modules available is to ensure that training of sufficient quality is available to the taxi trade. If all of the proposed modules were condensed into the Safeguarding Course this would potentially dilute the content and purpose of that course. The purpose of providing courses and accreditation is to encourage the upskilling of drivers and to give confidence to passengers. All additional courses can be undertaken on a voluntary basis so there will be no mandatory additional costs. All training course costs will be kept to a minimum for those who wish to participate and the Council will not benefit financially from the introduction of additional courses.</p> <p>Suitable Vehicles</p> <p>There has been a mixed response to this section of the draft policy and potentially some misinterpretation of the proposals. There is no requirement in the policy to change to electric vehicles, merely support for a joined-up approach with other Council departments. An introduction of a mandatory age or mileage limit for vehicles would be arbitrary and whilst it may be viable in an urban area, with high demand, to replace vehicles frequently, there are significant areas of Dorset that are rural with low, but vital, demand for licensed vehicles which could make them economically unviable. The policy relies on a robust inspection regime which will ensure that all vehicles, regardless of age, or mileage are safe for use as a taxi. An area where officers agree an amendment to the draft policy is in relation to inspections for new vehicles and an amendment to section 2.39 is proposed for consideration in relation to removing the requirement for 6 monthly inspections for vehicles 12 months of age or under.</p>

Insurance Write Offs

Officers appreciate the comments received relating to this section of the draft policy and have given them due consideration but do not see any compelling justification to amend the draft policy at this time.

Zones

There has been a mixed response to this section of the draft policy and potentially some misinterpretation of the proposals. 50% of respondents supported the proposed zoning arrangements, 33% had concerns and 16.7% were unsure. However only 30 responses in total have been received out of approximately 1500 licence holders and officers feel that the proposed zoning regime is the best option at this present time. The Committee may wish to consider alternative proposals in light of the responses received and the alternatives are outlined for consideration;

- a) Retain all of the existing zones of the predecessor Council areas. This option would be the most expensive as the licensing team would need to issue 5 different sets of licences and enforce the regulations in each zone. This could also prove confusing to the travelling public and potentially cause problems in administration and enforcement.
- b) Remove all existing geographical zoning arrangements to create one zone for the whole Dorset Council area. Whilst this would offer some benefits in terms of administration costs, it would potentially cause issues for Weymouth and Portland Hackney Carriage Proprietors as they have recently paid for an unmet demand survey to support the retention of a limit on the number of Hackney Carriage Vehicles. There would also need to be a review and subsequent investment of the number of available stands for Hackney Carriages to use. Officers would also need to prepare an additional consultation on this proposal should the Committee consider it an option in order to seek the views of the trade and travelling public as it is a significant deviation from the original draft policy.
- c) To continue with the proposals contained within the draft policy with a review in 3-years' time when a new unmet demand survey will be required for the Weymouth & Portland zone. (Recommended option).

Types of Licence

The proposal for a combined licence is of benefit to both the administrative function and also to the licence holder themselves. There would be no increase to the applicant of issuing a combined licence and the driver would not need to apply for an additional licence should they switch from Hackney Carriage to Private Hire (or vice-versa). The Committee may wish to add in an option for drivers to request either a separate Hackney Carriage Drivers Licence or a Private Hire Drivers Licence should they wish to, however the cost savings for the driver would be minimal (and potentially increase if they later switch) and the administrative burden would also be increased. Officers do not see a compelling reason to amend the policy but it is available as an option should it be felt required.

Decisions

LoL Safe and Suitable (guidance on determining the suitability of applicants and licensees in the hackney and private hire trades) is being adopted by a significant number of Local Authorities to ensure consistency across the UK. It is what the Statutory Standards are based on, and they have legal standing as Guidance we must have regard to and only depart from if there are compelling reasons to do so. Officers recommend that they are brought in without delay to bring consistency across the predecessor areas as existing standards vary greatly. The Committee will be aware that we have been using Safe and suitable standards already in our decision making. The Committee may consider that all aspects of the policy should be implemented at the same time however, which is currently proposed for 1 April 2022.

Fares

Legislation requires that the Licensing Authority sets the maximum tariff chargeable and individual operators are free to charge as they wish within these maximum limits. The setting of a standard rate applicable to all vehicles would, in the opinion of officers, be ultra-vires, that is to say outside of the legal jurisdiction of the Licensing Authority. The setting of fees is a separate exercise which will be conducted prior to the implementation of the bulk of this policy on 1 April 2022. All licence holders, as well as the public will have an opportunity to have input into and comment on the draft proposals as part of a separate consultation prior to 1 April 2022. Concerns over 'price wars' can be countered by 'free market economics' and healthy competition between service providers.

Licensed Vehicles should be easily identifiable

There has been a mixed response to the proposal for 'pre booked only' signs on the passenger doors of private hire vehicles and the Committee may wish to amend the policy to allow for exemption applications to be considered for wedding vehicles and other vehicles where such signage would be deemed inappropriate or unnecessary. Officers of the opinion that the additional signage is of benefit to both trade and the travelling public in that it identifies those vehicles which are not permitted to ply for hire. An additional amendment could be to allow such signage to be attached by way of magnetic plate, which could be removed when the vehicle is being used for private journeys.

Advertising

The Place and Resources Overview Committee, when reviewing the draft policy, made a recommendation that the Council's Advertising Standards should be applied to the taxi licensing policy. The policy is attached at Appendix F. The policy, if added as a condition, could be summarised within the policy and a link added to the web page where it can be accessed.

Codes

Officers appreciate the comments received relating to this section of the draft policy and have given them due consideration but do not however see any compelling justification to amend the draft policy at this time.

Complaint Handling

Officers appreciate the comments received relating to this section of the draft policy and have given them due consideration but do not however see any compelling justification to amend the draft policy at this time.

Inspections

Officers appreciate the comments received relating to this section of the draft policy and have given them due consideration but do not however see any compelling justification to amend the draft policy at this time. The proposal on approved garages is to allow any garage that is approved to conduct MOT tests of the appropriate vehicle category to apply to conduct inspections, to the National Standard, on behalf of the Council. It is therefore anticipated that there will be an increased number of available garages and therefore locations to the current arrangements. The costs of inspection will be negotiated with service providers, and the Council will not seek to benefit financially from any pricing agreements negotiated.

Sharing Information

Officers have amended the policy at 2.42 to clarify the information that is likely to be shared with partner agencies.

CCTV and Dash Cams

Officers appreciate the comments received relating to this section of the draft policy and have given them due consideration but do not however see any compelling justification to amend the draft policy at this time. The draft policy allows systems compliant with the Surveillance camera code of practice issued by the Home Office to be installed where required, however officers do not believe that a requirement to make them mandatory is justifiable at this time, nor do they believe that a specific type or model should be promoted over another.

Criminal Convictions and Rehabilitation

Officers appreciate the comments received relating to this section of the draft policy and have given them due consideration but do not however see any compelling justification to amend the draft policy at this time. All of the current predecessor Council policies require enhanced DBS checks so there is no change proposed in this respect. The Licensing Authority is content that enhanced Disclosure is sufficient to inform decision making and justifiable for protecting the public, in line with National Standards and previous, well established practices.

Disclosure and Barring Service Checks (DBS checks)

Officers appreciate the comments received relating to this section of the draft policy and have given them due consideration but do not however see any compelling

	<p>justification to amend the draft policy at this time. The proposals are considered sufficient to inform decision making and justifiable for protecting the public, in line with National Standards and previous, well established practices. The DBS update service, which licence holders are able to apply to join would reduce the cost of making an application every 6 months. The Council does not profit from DBS costs in any way.</p> <p>Dispatchers and Operators can deal with sensitive information and take bookings from vulnerable customers and children. It is therefore right and proper that they are also subject to disclosure, albeit at a reduced, basic level in line with current policy and practice. Notification of charges and convictions is already included elsewhere in the policy. The Licensing Authority is not content to rely on the Courts (Operated by Her Majesty's Courts and Tribunals Service (HMCTS)) for information relating to convictions as this has proved to be a far less reliable source of important information and subject to delay.</p> <p>Approved Garages</p> <p>Many of the responses have been covered at Inspections previously. The new policy takes a middle ground approach from the five predecessor councils. It seeks to remove any monopoly, allows garages across the district to apply to be approved, and controls the quality by them agreeing to test to the National Standards. The Licensing Authority will seek to appoint as many garages as possible during the recruitment process to give as great a choice as possible. An agreed maximum fee will be set and the Council will not benefit financially from the testing regime. An obvious exception to this would be at a Council operated facility which will be free to charge within the same pricing structure as the rest of the available garages.</p>
<p>Section 3 Consultation report page18 Appendix A</p>	<p>Drivers</p> <p>Officers appreciate the comments received relating to this section of the draft policy and have given them due consideration but do not however see any compelling justification to amend the draft policy at this time. There were a total of six respondents to this section of the draft policy and the majority of comments relate to the frequency of medical examinations. The Licensing Authority is required to have consideration to potential issues around discrimination due to age on this issue, and they need to fit in with the licensing three-year cycle as that is when decisions are made as to whether someone is fit and proper. Driver Licences are issued every three years and a medical will be required at each renewal. Officers will review the operation of the policy in this area and explore the establishment of a system for obtaining updates from Doctors on a three-yearly basis – i.e. a declaration if anything changed. The Council will not benefit financially from medical examinations..</p> <p>The comments received relating to DBS disclosure relates to sharing information between school contracts and licencing – unfortunately the Licensing Authority are</p>

	<p>unable to share information internally as there are strict restrictions surrounding enhanced DBS information. School and other contracts are paid for by the Council and the price of any additional checking would ordinarily be factored into the quotes for the contracts.</p> <p>It would be discriminatory to retain any policy limiting drivers to over 21. The legislation states that they must have held a driving licence for at least a year so that will continue to be applied.</p> <p>The knowledge test regime will be adapted to suit the zonal system adopted.</p> <p>The Taxi Licensing service is operated on a cost recovery basis and the service does not seek to benefit financially in accordance with legislation.</p>
Section 4 Consultation report page 18 Appendix A	<p>Vehicles</p> <p>The majority of issues raised have been previously covered within this report apart from transfers and adult seat size. In relation to vehicle licence transfers, there is no mechanism within legislation for transferring licences between vehicles. The transfer referred to in the legislation is when a vehicle is sold between proprietors. A vehicle licence relates to the specified vehicle and licences and checks align with the purchase of any vehicle. Unfortunately there appears to have been an incorrect interpretation of the regulations governing vehicle licence transfers in a limited number of predecessor council areas for reasons relating to costs of new and renewal licences and number limits respectively and the draft policy seeks to bring policies and practices in line with legislation.</p> <p>The Committee may wish to consider an amendment to the policy relating to the provision of adult seats within vehicles, in that 'Vauxhall Zafira' (and other types) of vehicle are permitted to remain where already licensed but that any new vehicles must comply with the seat size requirements under the new policy (4.6)</p> <p>The Licensing Authority is aware of the need for additional charging stations for electric vehicles and is working with other departments in the Council and partner agencies in this respect.</p>
Section 6 Consultation report pages 20 Appendix A and Appendix G	<p>Equalities</p> <p>Officers are of the view that the issue of assistance dogs sitting on seats is a matter for the passenger, not the Licensing Authority to decide.</p> <p>Following input from the Dorset Disability Equality Forum (Appendix G) the Equality Charter (Page 28 Appendix A within the policy) has been significantly revised.</p> <p>Driver Code of Practice</p> <p>Officers appreciate the comments received relating to this section of the draft policy and have given them due consideration but do not however see any compelling</p>

	<p>justification to amend the draft policy at this time. Only one respondent had a comment on this, and officers do not feel that it is in keeping with the transactional, client focussed, service driven nature of this profession.</p> <p>Vehicle Code of Practice Officers appreciate that additional clarity may be required in this respect as the law on child restraints for children in taxis is different to private vehicles. The Committee may wish to add a link to government guidance relating to child seats in vehicles by referencing <u>Child car seats: the law: When a child can travel without a car seat - GOV.UK (www.gov.uk)</u></p> <p>Driver Licence Conditions The requirement for drivers to add their home address to receipts has been removed in light of safety concerns raised. Officers appreciate the comments received relating to driving convictions in this section and have given them due consideration but do not however see any compelling justification to amend the draft policy at this time. The section on Found Property has been updated to align with Dorset Police guidance.</p> <p>Vehicle Licence Condition Officers appreciate the comments received relating to this section of the draft policy and have given them due consideration but do not however see any compelling justification to amend the draft policy at this time.</p> <p>Criminal Convictions Policy Officers appreciate the comments received relating to this section of the draft policy and have given them due consideration but do not however see any compelling justification to amend the draft policy at this time. The Rehabilitation of Offenders Act does not apply in relation to applications for taxi licences.</p>
Supplementary	<p>Other Comments for consideration Comments received regarding the Licensing Authority's complaint's process and complaints management have been gratefully received by officers and the current procedures are being reviewed which will aim to improve the way the Licensing Authority deals with complaints.</p> <p>Amendments relating to tax checks and other minor grammatical and numbering errors have also been corrected.</p>