

Arun District Council

REPORT TO:	Licensing Committee - 15 December 2023
SUBJECT:	Taxi Policy and Byelaws
LEAD OFFICER:	Karl Roberts, Director of Growth
LEAD MEMBER:	Cllr Blanchard-Cooper, Chair of Licensing
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION: Improving the wellbeing of Arun and Fulfilling the Economic Potential of Arun.	
DIRECTORATE POLICY CONTEXT: Responsibility for the Taxi Policy and Byelaws rests with the Licensing Team within the Growth Directorate. The existing policy was approved in 2017 and with a review every 5 years.	
FINANCIAL SUMMARY: No additional expenditure has been identified as a result of this report.	

1. PURPOSE OF REPORT

- 1.1. To seek adoption of the revised Hackney Carriage and Private Hire Licensing Policy.

2. RECOMMENDATIONS

- 1.2. The Licensing Committee is asked to agree:
- 1.3. That the revised Hackney Carriage and Private Hire Licensing Policy and Handbook 2023 ('Draft Policy) be adopted, to come into effect from 1 April 2024 (Legal comment - to allow for drivers to be aware of the updates and to coincide with 7.1).
- 1.4. That Authority be given to the Group Head Technical Services in consultation with the Chair of the Licensing Committee to make minor and administrative amendments to the Policy.
- 1.5. That the Licensing Team continue to explore the proposals for the introduction of CCTV within taxi vehicles and carry out further research and consultation, with a further report to committee on any proposal, accompanied by a draft CCTV policy.

2. EXECUTIVE SUMMARY

- 2.1. At its meeting of 9 September 2022, the Licensing Committee approved a consultation of the Draft Policy for 6 weeks, including proposals for the introduction of vehicle age criteria, emission standards and requirements for CCTV, as well as other minor amendments and updates.
- 2.2. The Draft Policy has been updated following the consultation and is now presented for adoption. At present, it is not proposed to take the CCTV within taxi vehicles requirements forward and instead to carry out further consultation and research.

3. DETAIL

- 3.1. The current Hackney Carriage and Private Hire Licensing Policy was adopted by Full Council on 10 May 2017 (minute 568), with a review every 5 years.
- 3.2. A draft revised Policy was presented to the Licensing Committee on 9 September 2022 and approval given to undertake public consultation of it, with a later report to be brought back to committee for consideration and adoption.
- 3.3. Unfortunately, there have been several factors which have caused a delay in bringing this matter back to the Licensing Committee, including; key personnel changes, change in the government position concerning sale of new vehicles, and further consideration regarding CCTV, age and emissions requirements.
- 3.4. Changes proposed within the draft policy included, introduction of emissions and vehicle age criteria, revisions to the convictions policy, wheelchair accessible vehicle requirements, revisions to the penalty points system.
- 3.5. It was also resolved by the Licensing Committee on 9 September 2022 that the Byelaws would be updated with minor amendment, which were advertised and consulted on, there were no representations received. Most of the minor proposed changes to the Byelaws have now been incorporated into the Draft Policy and can be implemented as a licence condition rather than a Byelaw. In addition, proposed changes such as smoking in vehicles and exemptions to drivers with medical conditions are covered by other pieces of legislation. On this basis, it is no longer necessary for the Byelaws to be amended.
- 3.6. The Draft Policy was placed on public consultation between September and October 2022, and specifically brought to the attention of the taxi trade. Details of the consultation responses are provided in Appendix 3.
- 3.7. There were 122 responses to the consultation. Of the responses only three described themselves as Arun residents, the remainder being within the taxi trade as either an existing licence holder, in the process of applying for a licence or member of a trade, or from a statutory body.

- 3.8. 78 out of 122 (64%) respondents were not in support of mandatory CCTV requirements. Reasons given for this included, GDPR and privacy concerns, expense, that it was unnecessary, and should be a personal choice.
- 3.9. Whilst there are significant potential public safety and crime prevention benefits from introduction of CCTV, given the concerns raised it is not proposed to proceed with CCTV within the Policy. Instead further consultation and research will be carried out, with greater engagement with residents to ensure a more balanced view is obtained. A further report will be brought to the Licensing Committee with the findings, together with a draft CCTV policy, if it is proposed to proceed.
- 3.10. There were no significant objections raised to the proposed convictions policy or wheelchair accessible vehicle requirements.
- 3.11. Concerns were raised about the proposed vehicle emission and age criteria, including the cost of changing vehicles and the ten-year age limit. Having considered the consultation responses amendments have been made and it is now proposed that:

From 1 April 2025 to 31 March 2030:

- (i) A vehicle will only be accepted for licensing if the date of first registration is less than TEN years at the date the licence is issued (the vehicle must be licensed for use within one month from the date of the application).
- (ii) Subject to other requirements a licensed vehicle will continue to be re-licensed until it is FIFTEEN years old. The age of a vehicle for licensing purposes shall be determined by the date of first registration on the V5 document or date of manufacturer for imported vehicles.

From 1st April 2030:

- (i) A vehicle will only be accepted for licensing if the date of first registration is less than TEN years at the date the licence is issued (the vehicle must be licensed for use within one month from the date of the application) and it must be an Ultra Low Emission Vehicle.
- (ii) Subject to other requirements a licensed vehicle will continue to be re-licensed until it is FIFTEEN years old. The age of a vehicle for licensing purposes shall be determined by the date of first registration on the V5 document or date of manufacturer for imported vehicles.

A vehicle which is licensed can continue to be licensed if it is over 15 years of age from the date of 1st registration where it is of "high standard".

- 3.12. The revised draft Policy is presented at Appendix 1 and is recommended for adoption.

4. CONSULTATION

- 4.1. The Draft Policy was placed on public consultation between September and October 2022, and specifically brought to the attention of the taxi trade. Details of the consultation responses are provided in Appendix 3.

5. OPTIONS / ALTERNATIVES CONSIDERED

- 6.1 Not to adopt the updated policy and continue using the existing policy. The existing policy was approved in 2017 and had not been updated since. This increases the risk of decisions being challenged and the Council failing to meet its statutory obligations, including the requirement to maintain an up-to-date Taxi Licensing Policy.
- 6.2 To agree the new policy with further amendments. The Licensing Committee will need to confirm the changes they consider necessary. Changes that have not been consulted increase the risk of the Policy being challenged.

6. COMMENTS BY THE INTERIM GROUP HEAD OF FINANCE/SECTION 151 OFFICER

- 7.1 As the implementation date of the new policy is in the financial year 2024-25. Any minor adjustments required to the budget for any necessary equipment required will be included in the forthcoming budget process. Any additional cost is recovered through the fees that Council can charge for, therefore there is no financial impact to the council.

7. RISK ASSESSMENT CONSIDERATIONS

- 8.1 Not to agree the updated policy. This increases the risk of challenge to decisions made.

8. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

- 1.1 Arun District Council has responsibility for licensing taxi and private hire vehicles, drivers, and operators within the Arun District. The Council's current Hackney Carriage and Private Hire Licensing Policy came into force in 2017 and has been subject to legislative updates.
- 1.2 On 21st July 2020, the Department for Transport ('DfT') published its "Statutory Taxi and Private Hire Vehicle Standards" which was the result of extensive consultation with the police, the Institute of Licensing and the licensed taxi trade and sets out the approach that Licensing Authorities must adopt when carrying out their functions.

- 1.3 Although there is no statutory requirement to have a taxi and private hire licensing policy, it is good practice to do so. A policy assists with consistent and transparent decision making; however, each case must be considered on its own merits with the decision maker being prepared to make exceptions to the policy in appropriate circumstances and minimise risks of legal challenge.
- 1.4 Hackney carriage and private hire vehicle legislation is primarily contained within the Town Police Clauses Act 1847, Transport Act 1985, and Local Government (Miscellaneous Provisions) Act 1976, which allow the Council to specify the requirements that vehicles and drivers must meet in order to be licensed. In formulating this Draft Policy, the Council has had regard to the provisions of the Human Rights Act 1998 and the Public Sector Equality Duty.
- 1.5 In light of the updates required and the published DfT standards it was felt necessary to consolidate existing guidance, policies, and procedures into an updated document, suitable for applicants, officers, members and the wider public. The Draft Policy is also aligned with Arun's future vision and commitments such as improving air quality and addressing climate change issues.

9. HUMAN RESOURCES IMPACT

- 10.1 There are no human resource impacts from the proposals.

10. HEALTH & SAFETY IMPACT

- 11.1 No direct health and safety impacts have been identified in relation to the proposals, however proposed changes including vehicle age criteria should help to maintain safety standards of Arun District Council licensed taxis.

11. PROPERTY & ESTATES IMPACT

- 12.1 There are no specific property and estates impacts from these proposals.

12. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

- 13.1 An Equalities Impact Assessment has been carried out and is attached at Appendix 3.
- 13.2 There are positive changes to accessibility requirements to ensure compliance with new legislation. It is not proposed to proceed with CCTV requirements until a further, more balanced consultation has been carried out and considered.

13. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

- 14.1 Vehicle emission standards are proposed in the new Taxi Policy and this has a positive impact on climate change and the environment.
- 14.2 Vehicle age limits are proposed in the new Taxi Policy, and this will have a positive impact on environmental impacts and social values as newer vehicles are generally more energy efficient, pollute less, are more streamlined, and offer modern technologies and comforts.
- 14.3 Both the above will support a reduction in vehicle related emissions within the district and help to minimise Arun's impact on climate change as well as improving the air quality within the area. No direct savings will be seen for the Council's scope 1, 2 and 3 emissions.

14. CRIME AND DISORDER REDUCTION IMPACT

- 15.1 There are no adverse implications in terms of the prevention of crime and disorder.
- 15.2 There is an intention to conduct further consultation on the installation of CCTV into Taxi vehicles.
- 15.3 The policy and related legislation are primarily designed to ensure Public Safety.

15. HUMAN RIGHTS IMPACT

- 16.1 No additional human rights impacts have been identified in connection with the proposals.

16. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

- 17.1 The council maintains a public register of licensed taxi drivers and operators.
- 17.2 Licensing Committee previously approved procedures in relation to Licensing Sub-Committee Hearings for taxi matters. There are specific arrangements for holding hearings in private and for minutes to be restricted, where required.
- 17.3 A Data Protection Impact Analysis has not been carried out in respect of the new Taxi Licensing Policy as the policy is only being updated and amended by recent legislation and standards are being introduced in respect of vehicle age and emissions standards.
- 17.4 A DPIA will be conducted in relation to CCTV requirements should this proceed via a separate Policy.
- 17.5 A DPIA was conducted for the previous Policy which is in operation from 2017 to 2023 and no adverse impacts were identified.

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BACKGROUND DOCUMENTS:

- Appendix 1 – Draft Taxi Policy.
- Appendix 2 – Equalities Impact Assessment
- Appendix 3 – Policy Consultation Responses

[Current Taxi Licensing Policy 2017](#)

[Minutes of Licensing Committee 9 September 2022 - item 251 - Taxi Policy revision consultation](#)

[Full Council Minutes 10 May 2017 - minute 568 - Adoption of 2017 Policy](#)