

Report of:	Meeting	Date
Mark Billington, Corporate Director Environment	Licensing Committee	27 September 2021

<p style="text-align: center;">Hackney Carriage and Private Hire Licensing Policy review – outcome of consultation</p>

1. Purpose of report

- 1.1 To submit the responses received during the public consultation, to members for consideration, in accordance with Minute LIC.20 of the 25 February 2021 (**Appendix 1**).

2. Outcomes

- 2.1 Members consider whether to amend the draft policy in light of the consultation responses.

3. Recommendation

- 3.1 That Members finalise and approve the revised Hackney Carriage and Private Hire Licensing Policy and adopt the same with effect from 1 April 2022 (**Appendix 2**).

4. Background

- 4.1 In accordance with the decision of the Committee in January, the revised policy was the subject of an eight-week consultation with the trade and members of the public.
- 4.2 The draft policy was published on the Council's website throughout the consultation period, which ended on 2 May 2021.
- 4.3 Individual letters were sent to every holder of a dual driver, hackney carriage, private hire vehicle or private hire operator licence, with details about the consultation and how to download the draft policy and submit comments using the Council's online consultation portal.
- 4.4 Similar letters were also sent to Wyre Councillors, Town and Parish Councils in the borough, local organisations representing disability

groups, trade associations, Lancashire Licensing Authorities and Lancashire Police.

5. Key issues and proposals

5.1 In total there were 28 responses recorded via the consultation portal and while 6 respondents indicated that they had comments, only 4 actually uploaded comments to the portal.

5.2 Response 1. 3.7.2. Does this section mean a driver would have to provide a full DBS Check at cost, as 3.7.3 seems to negate the need for this?

3.7.6. Does this section include "Parking Offences" on private land?

3.10.4 Older tests in some areas used to check on the ability of driver to be able to read a map. Should we not be doing the same in the safe use of Sat Nav's?

Conditions of Dual driving Licence 2. Does this section imply that Self Employed driver can only work for one operator? If so does this not conflict with the definition and test of "Self Employment" expressed by HMRC?

5.3 Re: 3.7.2, the online update service will provide the Licensing Officer with one of two responses, either that there has been no change to the information held, or that the information has changed.

The update service does not provide details of the changes and the driver would need to pay for a new DBS where changes are reported, so that the Licensing Officer can review the new information and consider whether it has a material effect of the fitness and propriety of the individual to continue to hold a licence.

5.4 Re: 3.7.6, this section refers to offences that have attracted a fine or penalty points, but not to parking tickets.

5.5 Re: 3.10.4, Wyre's knowledge test does not involve map reading skills or the use of SatNav nor are there any plans to introduce this element as candidates are tested on their actual working knowledge of the Borough.

5.6 Re: Condition 2, this requires drivers to keep the licensing office informed of which private hire operator(s) they are working for, it does not imply that they may only work for one operator.

5.7 Response 2. 1. Use any Doctors surgeries for medical as long as they have your medical history. Some charge three times others charge to do exactly the same requirements

2. More time when renewals are sent out as sometimes DBS are taking longer than they should, mine was only 4 Days

3. Advertisement on taxi? Why are we not allowed

4. Why is there not two different garages to have a choice for testing so we have a choice

5. More inspection on taxis making sure they are clean tidy and road worthy I will help if required

6. More help trying to assist in Poulton whatever cars park at weekends

7. Thankyou for licensing for the £500.00 Regards Steve

5.8 Re: 1, this relates to section 3.9.4. Wyre Council has specified that the group 2 assessment must be completed by the drivers own GP since 2018, to ensure that the patients full history is known to the practitioner completing the medical. The Council has no control over the fees charged by individual practices.

This amendment brings in some flexibility and allows a driver to use a different provider, but only when this is agreed in advance, after the licensing officer has been able to verify that the alternative provider has full access to the patients' history and not just to a summary record.

5.9 Re: 2, This comment does not relate directly to the policy, we currently send out renewals 2 months before drivers licences are due to expire.

5.10 Re: 3, this relates to condition 21 (Appendix 5 to the policy). It has always been Wyre Council's policy to prohibit advertising of anything other than the operator or company providing the service.

5.11 Re: 4, this relates to 4.6.3. Prior to vehicle testing being brought in-house in 2018, there was a single private garage which was appointed to undertake testing on our behalf. Wyre has never offered a variety of testing stations to the trade.

Points 5, 6 and 7 do not relate directly to the policy.

5.12 Response 3. It is really an observation related to 3.3 and 3.9.3 - which relate to age. Why is 65 the age restriction? The state pension age has been raised to 66 and will increase - drivers licenses are issued until 70 years - so my question is why 65? Is this just an historical reason or is it based on data? Just something to consider.

5.13 Re: response 3. The requirement for an annual group 2 medical for drivers aged 65 or over mirrors the DVLA requirements for group 2 medicals for Heavy Goods Vehicle and Passenger Service Vehicle drivers.

5.14 Response 4. 5.1.2 This de-limiting would constitute a substantial if not total loss of income for some drivers, therefore I don't agree with this at all and would in fact contest the legality of such action. I can foresee that were this to happen the council would in fact leave themselves open to many a lawsuit.

- 5.15** Re: response 4. Because Wyre Council limit the number of Hackney Carriage licences it will issue, we are required to undertake a regular survey to establish if there is any significant unmet demand for Hackney Carriages, which we would need to address either by increasing the limits, or delimiting Hackney Carriage numbers. It has always been open to the Council to delimit Hackney Carriage numbers.

The Department of Transport’s Taxi and Private Hire Vehicle Licensing Best Practice Guidance includes the following information in para 47 – “Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all.”

- 5.16** Members are invited to consider whether or not they wish to make any alterations to the wording of the policy as a result of the consultation comments, before formally ratifying the document.

Financial and legal implications	
Finance	There are no financial implications directly associated with this report.
Legal	The current policy was adopted in 2018 and is subject to periodic reviews at least every five years. The Department for Transport issued the Statutory Standards document in 2020 with a requirement to review and revise policies and practices to implement the new standards unless there is a compelling local reason not to. Once adopted members must have regard to the revised policy when determining private hire and hackney carriage applications. However, the policy is not immutable, and every case should be considered on its own merits.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with an x.

risks/implications	✓ / x
community safety	✓
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x
data protection	x

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

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List of background papers:

name of document	date	where available for inspection

List of appendices

Appendix 1 - Details of responses recorded in the consultation portal

Appendix 2 - Draft Hackney Carriage and Private Hire Licensing Policy V06