

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO**

Licensing and Public Protection Committee
28 June 2022

Report Title: Taxi Best Practice Guidance Consultation

Submitted by: Head of Regulatory Services

Portfolios: Finance, Town Centres and Growth

Ward(s) affected: All

Purpose of the Report

To inform Members of the recent consultation carried out by Department for Transport in relation to their Taxi and Private Hire Licensing Best Practice Guidance

Recommendation

That Members note the contents of the report

Reasons

The consultation of the Taxi and Private Hire Licensing Best Practice Guidance closed on 20th June 2022. The Department for Transport have committed to reviewing all responses to the consultation and will publish a final document in due course which the Council will then need to consider.

1. **Background**

- 1.1 The Department for Transport (DfT) has issued guidance on taxi and private hire vehicle licensing since 2006 to assist local authorities that have responsibility for the regulation of the taxi and private hire vehicle trades. It was most recently updated in 2010.
- 1.2 The Best Practice Guidance (BPG) issued by DfT is non-statutory and does not bind any local authority to follow the suggestions contained within. The intention is that it assists Licensing Authorities in carrying out of their duties and shaping policies.
- 1.3 Much has changed in the taxi and private hire industry since 2010 and the DfT recognised that the time had come to update the BPG to ensure it reflects new ways of working and new technology.
- 1.4 The consultation opened on 28th March 2022 and closed on 20th June 2022. It was aimed at all interested parties including the public, licencing authorities, operators, drivers and representative bodies.
- 1.5 The Council have submitted a response to the consultation having gathered views from relevant persons across the organisation in relation to the points raised by DfT.

2. Issues

2.1 The BPG draft document is extensive. It sets out the DfT's proposed position on many issues within the taxi licensing regime and focused the consultation upon matters that they believed to be most contentious. They did not ask questions on what they considered to be settled positions such as:

- parts simply stating the law (for example, the duration of licences)
- setting out existing government policies (for example, text that is taken from the statutory taxi and private hire vehicle standards)
- DfT's interpretation of the law (for example, the guidance on interim suspensions)
- signposting other information (for example, the community safety accreditation scheme)

2.2 The consultation questions covered a wide range of areas including vehicle accessibility, enforcement, rank provision and the documents annexes, however the focus was on five main areas of the draft BPG that DfT considered to be the most contentious. They were:

- Section 6: driver licensing – proficiency;
The DfT proposal was that *“Licensing authorities should require taxi and private hire vehicle drivers to evidence a higher degree of driving ability as would be expected of a professional driver.”*
- Section 6: driver licensing – vocational training and assessment;
The DfT proposal was that *“licensing authorities should not require applicants for a licence to have obtained a vocational qualification.”*
- Section 8: vehicle licensing – tinted windows;
The DfT proposal was that *“licensing authorities should not require their (factory fitted windows) removal as part of vehicle specifications”*
- Section 8: vehicle licensing – identification and signage;
The DfT proposals were that *“licensing authorities should seek to minimise the profile of private hire vehicles”, “should not permit roof signs of any kind on private hire vehicles”, “should not impose a livery requirement on private hire vehicles”, “licensing authorities should prevent private hire vehicles from being the same colour as its taxis”, “Licensing authorities’ private hire vehicle signage requirements should be limited to the authority licence plate or disc and a “pre-booked only” door sign”, and “should only exempt the display of a licence plate by a private hire vehicle in exceptional circumstances”*
- Section 8: vehicle licensing – age limits;
The DfT proposal was that *“Licensing authorities should not impose age limits for the licensing of vehicles but should consider more targeted requirements to meet its policy objectives on emissions, safety rating and increasing wheelchair accessible provision where this is low.”*

2.3 The officers' view is that the sections around driver licensing are not contentious however officers were concerned with the proposals around vehicle licensing and voiced these concerns when submitting the Council's response to the consultation as all sections are contrary to the taxi licensing policy agreed by this Committee in 2019.

2.4 In the officers' view there were several other contentious proposals, or those that required further clarification, including:

- Section 4.17 Inclusive Service Plan (ISP) – The DfT proposal was that “*All licensing authorities should develop and maintain an ISP, either as a standalone document or as an integral element of their Local Transport Plan.*” However it is only upper tier and unitary authorities that have Local Transport Plans.
- Section 6.25-6.26 Intended Use - The DfT proposal was that “*Licensing authorities should require an applicant for a taxi driver licence to declare that they intend to work predominately within the licensing authority’s area.*” This only relates to drivers planning on driving Hackney Carriages carrying out pre-booked work outside of the area in which they have been licensed. There appears to be a will to stop this from happening but allowing drivers of private hire vehicles to licence at an authority other than in the area in which they intend to work.
- Section 8.25 Criteria for Tests - The DfT proposal was that “*For mechanical matters, it seems appropriate to apply the same criteria as those for the MOT test to taxis and private hire vehicles.*” The MOT standard is the lowest possible standard for normal vehicles. Taxis and Private Hire Vehicles complete a large amount of mileage and endure more wear and tear than an average vehicle.

2.5 A copy of the Council’s response to the consultation is attached as **Appendix A**.

3. **Proposal**

3.1 That Members note the contents of the report

4. **Reasons for Proposed Solution**

4.1 The consultation of the Taxi and Private Hire Licensing Best Practice Guidance closed on 20th June 2022. The Department for Transport have committed to reviewing all responses to the consultation and will publish a final document in due course which the Council will then need to consider.

5. **Options Considered**

5.1 No other options have been considered

6. **Legal and Statutory Implications**

6.1 N/A – There may be implications for policy amendments in the future but that will be subject to the final Best Practice Guidance document and Committee approval.

7. **Equality Impact Assessment**

7.1 N/A

8. **Financial and Resource Implications**

8.1 N/A– There may be implications in the future but that will be subject to the final Best Practice Guidance document and Committee approval.

9. **Major Risks**

9.1 N/A

10. **UN Sustainable Development Goals (UNSDG)**

10.1



11. **Key Decision Information**

11.1 N/A

12. **Earlier Cabinet/Committee Resolutions**

12.1 N/A

13. **List of Appendices**

13.1 Appendix A – Consultation Response

14. **Background Papers**

14.1 [Department for Transport Draft Best Practice Guidance](#)

14.2 [Department for Transport Scope for Consultation](#)

14.3 [Taxi Licensing Policy 2021-2025](#)