

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**CORPORATE LEADERSHIP TEAM'S
REPORT TO PUBLIC PROTECTION COMMITTEE**

29 October 2024

Report Title: Taxi and Private Hire Licensing Policy 2025-2030

Submitted by: Service Director – Regulatory Services & Licensing Administration
Team Manager

Portfolios: Finance, Town Centres & Growth

Ward(s) affected: All

<u>Purpose of the Report</u>	<u>Key Decision</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
To notify the Committee of the proposed amendments to the Taxi Licensing Policy Documents as part of the scheduled Policy review with a request to go out for external consultation.	
<u>Recommendation</u>	
That Committee:	
<ol style="list-style-type: none"> 1. Review the proposed policy document; and 2. Approve that the policy document is sent out for a 12 week consultation with the trade and relevant stakeholders before coming back to Committee for a final decision. 	
<u>Reasons</u>	
<p>The current taxi licensing policy was first introduced in November 2019 following a wholesale review of the previous policy, which underwent an extensive consultation in 2018-2019. The policy has been amended on several occasions since that date to reflect legislative changes and statutory guidance, and following review of specific provisions that were no longer deemed necessary. In 2021 the policy was issued with a 5-year period and a review date of 2025. The Government released updated Best Practice Guidance in November 2023 and this proposed policy has been drafted having regard to this guidance.</p>	

1. Background

- 1.1 The Council's current Taxi and Private Hire Licensing Policy was implemented on 1st November 2019. The policy included a widescale reform of the Council Taxi licensing policy and procedures. Due to the scale of changes, and at the request of the trade, the initial 12-week consultation period was extended for a further 12 weeks.

- 1.2** Since its implementation the policy has been reviewed and amended on six occasions. In 2021 the policy was amended having had regard to new Department for Transport (DfT) Statutory Guidance and to extend the life of the policy to 5 years, between 2022-2024 it was amended to reflect changes in what was considered best practice and amended certain application requirements for vehicles (e.g. tinted windows) and drivers (e.g. removing the requirement for a BTEC qualification).
- 1.3** The current policy end date is 2025 and as such is due for review.
- 1.4** The DfT also issue non-statutory Best Practice Guidance (BPG) in relation to taxi licensing. In November 2023 the DfT issued an update to that guidance document which was last updated in 2010.

2. Issues

- 2.1** The Council's primary and overriding priority when considering taxi licensing is to protect the public. To achieve this the Council have a comprehensive and cohesive policy that has been through numerous consultations and the scrutiny of the Public Protection Committee. The policy reflects the Council's position on eligibility, suitability and the requirements of those in the taxi trade or wishing to enter it.
- 2.2** Having regard to the updated DfT BPG from 2023, and following discussions with neighbouring local licensing authorities, officers have drafted an amended policy document which is attached as **Appendix A**.
- 2.3** There are a large number of proposed amendments, as detailed in the summary document attached as **Appendix B**. The vast majority relate to typographical amendments and clarifications, removal of duplicated or inconsistent sections, removal of application criteria that can be sourced elsewhere and the updating of out of date information such as web URLs.
- 2.4** However there are a number of significant amendments proposed which are discussed below:
1. Vehicle Criteria – amending from a maximum age policy and vehicle body type for licensing of vehicles to an emissions and fuel type criteria, providing a timescale for when the Council will cease to licence certain vehicles due to their use of internal combustion engines;
 2. Reinstating Grandfather rights for Hackney Carriage Vehicles when transferred between proprietors;
 3. Removal of vehicle door livery;
 4. Removal of Suitability Guidelines appendix from the policy and treat as a separate document;
 5. Removal of requirement for licence holders to sign an acceptance of receipt of licence code of conduct and/or conditions;
 6. Amendment to the Knowledge Test from requiring an application to achieve 75% in each section, to them requiring to achieve 75% overall.

2.5 The proposal to amend the vehicle criteria to be based on the emissions levels and fuel type of vehicles stems from the updated DfT BPG which states at section 8.4:

“Licensing authorities should not impose age limits for the licensing of vehicles instead they should consider more targeted requirements to meet their policy objectives on emissions, safety rating and increasing wheelchair accessible provision where this is low.”

The proposal is that:

- 1) With effect from 01 April 2025, the Council will stop licensing vehicles which are of Euro 4 emissions standard and are powered solely by petrol, diesel or liquified petroleum gas (LPG) internal combustion engines (ICE). This will not affect electric vehicles, hybrid vehicles or those using hydrogen fuel.
- 2) From 01 April 2025, until 31 March 2026, the Council will accept renewal applications for the last time in connection with vehicles which are of the Euro 5 emissions standard and are powered solely powered by petrol, diesel or liquified petroleum gas internal combustion engines. This will not affect electric vehicles, hybrid vehicles or those using hydrogen fuel.
- 3) From 01 April 2027, the Council will stop the new to licensing of vehicles which are powered solely by petrol, diesel or liquified petroleum gas internal combustion engines. This will not affect the renewal of ICE vehicles already licensed by the Council. Further, it will not affect the new to licensing or renewal licensing of electric vehicles, hybrid vehicles or those using hydrogen fuel.
- 4) On 31 March 2030, the Council will stop the licensing of vehicles which are powered solely by petrol, diesel or liquified petroleum gas internal combustion engines. This will not affect electric vehicles, hybrid vehicles or those using hydrogen fuel.
- 5) On 31 March 2035, the Council will stop the licensing of hybrid vehicles and all vehicle that do not have Zero tailpipe emissions.
- 6) All vehicles over the age of 10 years will be subject to Council Safety inspections every 6 months. There is no maximum age for vehicles to be licensed. At 10 years old all vehicles will require a Council Vehicle Test prior to each renewal and at 6 monthly intervals.

When licensing a vehicle for the first time the Council encourages proprietors to review the Euro NCAP safety rating of the proposed vehicle to consider the safety benefits to passengers, drivers, pedestrians and drivers of other vehicles by licensing a higher rated vehicle.

More details can be found at: <https://www.euroncap.com/en>

Officers have discussed this timeline with colleagues at Stoke-on-Trent City Council who will also be proposing the same criteria to their trade in their upcoming policy review. The proposals are based on a set of criteria

implemented by Cannock Chase District Council which have been suggested as a best practice by the Staffordshire County Council Taxi Carbonisation working group.

2.6 The proposal to reinstate the grandfather rights for Hackney Carriage Vehicles when transferred between proprietors comes following a request from the Hackney Carriage Trade Association. The rights were originally removed in 2019 following a number of below standard vehicles being transferred to individuals without their knowledge that the vehicles were no longer fit to be licensed. The proposal to reintroduce these rights is based on there being alternative actions that can be taken by the Council when a vehicle falls below an acceptable standard, both in relation to the vehicle and the person that has sold it in that condition. Officers' opinion is that it would benefit the vast majority of those in the Hackney Carriage trade and result in more vehicles being added to the fleet.

2.7 The proposal to remove door livery is inline with section 8.12 of the DfT BPG document. It is the Department's position that *"..licensing authorities should seek to differentiate the profile of private hire vehicles [from Hackney Carriages (sic)] as these can only be legally engaged through a booking with a licensed operator"* and *"... should not impose a livery requirement on private hire vehicles. The more distinctive a private hire vehicle is made to appear, the greater the chance that this might be confused with a taxi..... Licensing authorities' private hire vehicle signage requirements should be limited to the authority licence plate or disc and a "pre-booked only" door sign.*

This approach enables passengers to be given the clear and consistent message that you should only get in a vehicle that 'has a taxi sign on the roof' unless you have pre-booked a private hire vehicle and have received information from the operator to identify it."

The current policy provides that both hackney carriage and private hire vehicles should display an additional door sticker that denotes what type of vehicle it is. However having spoken to our colleagues at Stoke City Council, who also intend to remove this requirement, and the recent amendment to Wolverhampton Council's policy removing all livery except for a rear licence plate from their vehicles, the Officers' view is that to promote the consistency identified in the BPG the Council should also seek to remove requirements for door livery.

2.8 The proposal to remove the Suitability Guidelines from the Policy document is due to the current Institute of Licensing consultation on the model guidelines. Officers' view is that it would be best to have the guidelines as a standalone document that can be reviewed and amended as required without the need for a policy review process. The intention remains that the Council will continue to use the same guidelines until such a time as they are updated and amended.

2.9 The proposal to remove the requirement for licence holders to sign their attached conditions and code of conduct has been made as there is no statutory requirement for this to take place, the Council do not currently insist

on the licence holders doing so, and it is the intention that in the near future all licences will be sent electronically rather than providing a hard copy.

- 2.10** The proposal to amend the taxi knowledge test from a pass rate in multiple sections to a pass mark overall is aimed to simplify the test for the individual taking it, for the marking of the test by staff and to source an alternative platform for the test. Officers' believe that this will promote more applicants to take the test without having a negative impact on the overall quality of those passing the test.

3. Recommendation

- 3.1** Review the proposed policy document; and
- 3.2** Approve that the policy document is sent out for a 12 week consultation with the trade and relevant stakeholders before coming back to Committee for a final decision.

4. Reasons

- 4.1** The Council's taxi licensing policy is due to be reviewed in 2025. The publication of the Department for Transport's updated Best Practice Guidance and amended, or planned amendments from other local authorities whose licensees work in the area have been taken into account when drafting this proposal.

5. Options Considered

- 5.1** To not review the taxi licensing policy and simply extend the current provisions.
- 5.2** Alternatives to the proposed amendments have been considered but not included as it is felt that the proposals achieve the Council's duty to protect the public whilst updating the provisions.

6. Legal and Statutory Implications

- 6.1** The Council must have a comprehensive and cohesive policy that covers taxi licensing. There is no statutory requirement to adhere to the provisions of the DfT BPG but it is a significant change from the 2010 version and Officers' felt it was correct to review the policy against this guidance.

7. Equality Impact Assessment

- 7.1** None carried out to date.

8. Financial and Resource Implications

- 8.1** There will be resource implications during the consultation period with the trade and stakeholders, and post consultation when reviewing the policy to be returned to Committee. These resources will be met by current staffing levels.

9. **Major Risks & Mitigation**

9.1 None identified

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

10.1



11. **Key Decision Information**

11.1 Not applicable

12. **Earlier Cabinet/Committee Resolutions**

- 12.1 August 2019 – Licensing & Public Protection Committee
- 12.2 January 2021 – Licensing & Public Protection Committee
- 12.3 February 2022 - Licensing & Public Protection Committee
- 12.4 December 2023 - Licensing & Public Protection Committee
- 12.5 April 2024 - Licensing & Public Protection Committee

13. **List of Appendices**

- 13.1 Appendix A – Draft Proposed Taxi Licensing Policy 2025-2030 for consultation
- 13.2 Appendix B – Summary of changes in Draft Proposed Taxi Licensing Policy 2025-2030

14. **Background Papers**

- 14.1 [Taxi Licensing Policy 2021-2025](#)
- 14.2 [Department for Transport Statutory Guidance for Taxi Licensing 2020](#)
- 14.3 [Department for Transport Best Practice Guidance 2023](#)