



North Devon Council

Report Date: 7th March 2023

Topic: Hackney Carriage and Private Hire Policy Amendments

Report by: Katy Nicholls, Public Protection Manager

1. INTRODUCTION

1.1. The purpose of this report is to seek Licensing and Community Safety Committee approval for proposed amendments to the North Devon Council Hackney Carriage and Private Hire Licensing Policy (the 'policy'), found at **Appendix A**.

2. RECOMMENDATIONS

2.1. That Licensing and Community Safety Committee:

- 2.1.1. considers the report and makes recommendation to the Strategy and Resources Committee for the approval of a revised policy.
- 2.1.2. Considers the current process in terms of taxi and private hire driver Licence applications whereby there are concerns in respect of their fitness and propriety.

3. REASONS FOR RECOMMENDATIONS

3.1. To ensure the Council's policies are regularly reviewed and kept up to date.

3.2. To increase the robustness of the Council's approach and procedures in respect of Hackney carriage and private hire regulation.

4. REPORT

4.1. The Licensing and Community Safety Committee (LCSC) Meeting of 22nd September and 11th October 2022 considered and approved for onward recommendation a number of amendments to the North Devon Council Hackney Carriage and Private Hire Licensing Policy, however, since that time a number of other minor amendments and points of useful additional information have been identified by the Licensing Team.

4.2. The proposed Policy amendments outlined in this report relate to areas of the policy requiring further update/ amendment, including in particular:

- Wheelchair accessible vehicle approval- vehicle conversion certification requirements;
- Executive Hire Exemptions- Exemption conditions;

- Vehicle Inspection form- additional information added to inspection form;
- Update to Appendix J (Offences – Hackney Carriages and Private Hire Vehicles and Drivers), to reflect new offences;
- Removal of the requirement for licenced vehicles to carry a fire extinguisher;
- Additional medical requirement information.

4.3 Wheelchair accessible vehicle approval: The Current Policy seeks to incentivise the take-up of licences for wheelchair accessible vehicles, and this has in-turn led to an increase in enquiries from prospective proprietors. Officers are very pleased to see this increase in interest in plating wheelchair accessible vehicles, but have noted that these enquiries have generally required Officers to give additional information. The additional appendices (Appendix T), therefore gives further information on the certification requirements where vehicles have been converted to become wheelchair accessible.

4.4 Executive Hire Exemptions: The previous policy changes introduced a policy for executive hire exemptions. Officers have now had a chance to see how this works in practise and as a result have put forward some additional conditions for the use of executive hire exemptions which they believe will provide additional clarity on the requirements.

4.5 Vehicle Inspections: The vehicle inspection form was fully revised as part of the previous policy changes, but upon reflection Officers believe it is useful to add some further information to the form, specifically minimum acceptable tyre tread depth requirements, and minimum brake pad thickness. A copy of the amended inspection form is attached at **Appendix B**;

4.6 Appendix J (Offences – Hackney Carriages and Private Hire Vehicles and Drivers), has been updated to reflect the changes to the Equality Act offences brought about by the Taxi and Private Hire Vehicle (Disabled Persons) Act 2022.

4.7 Fire extinguisher requirement: The requirement for licenced vehicles to carry a fire extinguisher and maintain this extinguisher on an annual basis has been a policy requirement for many years. However, upon discussion with Devon and Somerset Fire and Rescue representatives, they have indicated a preference for drivers to exit the vehicle and call them in the event of a vehicle fire. Their comments were that “we would rather see drivers and passengers exit vehicles and get to a place of safety. Extinguishers are only any good if people are trained and know how to use them correctly”. It is therefore proposed that the fire extinguisher requirement is removed as it is not favoured by the fire service; is

seen as a financial and administrative burden by many vehicle proprietors; and the administration of this requirement places an administrative burden on the Licensing Team.

4.8 Additional medical requirement information: Officers have recently re-appraised the medical form used by prospective and licenced drivers in North Devon, and as part of this identified that some Local Authorities provide further information in their policies on medical conditions which may be a bar to obtaining or holding a hackney carriage or private hire driver's licence. All of the conditions identified fall within the current DVLA Group 2 standard of medical fitness for professional drivers requirement, and as such no change is being made to the medical standard itself, rather Officers feel that setting this information out in the policy itself would aid clarity on this for applicants.

4.9 In addition to the above proposed changes, Officers would welcome a discussion on the following areas:

4.9.1 Appendix M - The requirement for Private Hire Vehicles to display door signs saying 'advance booking only'. This requirement was approved at the September 2022 of Strategy and Resources Committee following a public consultation. This consultation did not produce any significant negative comments on the proposal. The door sign requirement was intended to replace the previous requirement to display a sun visor saying 'private hire', which Officers believed to be outdated, but has subsequently attracted criticism from numerous private hire vehicle proprietors and operators who favour the previous sun visor requirement. In particular, proprietors and operators have raised the issue of door signs damaging the vehicle paintwork. Officers are still of the opinion that the sun visor requirement is outdated, albeit this is offset by the requirement being (as far as Officers have found), unique to North Devon in the UK. Officers also retain the belief that door signs are better both aesthetically (particularly if combined with their own door signage as allowed under the policy), and are more likely to be noticeable to the prospective customer trying to hail, but are sensitive to the concerns raised by the trade around this policy point. Officers would therefore welcome discussion and direction from the Committee on this Policy point.

4.9.2 Appendix G and H - The current policy at Appendix G cites that 'Where the Licensing Officer is not satisfied, on the information before him/her, that the applicant should be granted a licence, the matter will be referred to a Sub-Committee of the Licensing Committee'. Licensing Officers have raised queries in terms of the efficiency of the Council's process, where applicants clearly fail to comply with the convictions policy in Appendix H



and where that policy indicates that a licence should not be granted. A dialogue surrounding this would be welcomed.

5. RESOURCE IMPLICATIONS

- 5.1. Any financial costs which are reduced or incurred through the approval of a new policy will be taken into account when calculating fees for taxi related licences.
- 5.2. Other costs related to the proposed policy amendments will be borne directly by licence holders.

6. EQUALITIES ASSESSMENT

- 6.1. The impact of the proposals is neutral. An Equality Impact Assessment has been undertaken.

7. ENVIRONMENTAL ASSESSMENT

- 7.1. An environmental assessment has been undertaken and revealed a neutral impact.

8. CONSTITUTIONAL CONTEXT

- 8.1. Article of Part 3 Annexe 1 paragraph:4b
- 8.2. Referred or delegated power?: delegated

9. STATEMENT OF CONFIDENTIALITY

- 9.1. This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

10. BACKGROUND PAPERS

- 10.1. The following background papers were used in the preparation of this report: (The background papers are available for inspection and kept by the author of the report).

North Devon Council Taxi and Private Hire Licensing Policy

11. STATEMENT OF INTERNAL ADVICE

- 11.1 The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: Katy Nicholls, Public Protection Manager.