



North Devon Council

Report Date: 6 November 2023

Topic: Hackney Carriage and Private Hire Policy Proposed Amendments

Report by: Katy Nicholls, Public Protection Manager

1. INTRODUCTION

1.1. The purpose of this report is to seek 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 Strategy and Resources:

2.1.1. approve the amended Hackney Carriage and Private Hire Licensing Policy (found at **Appendix A** as a tracked changes document, recommended by Licensing and Community Safety Committee).

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. Licensing and Community Safety Committee previously considered a series of minor amendments to the Hackney Carriage and Private Hire Licensing Policy, during their meeting of the 7 March 2023 inclusive of:

- 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;
- Reverting to the use of sun strips on private hire vehicles (rather than impose a requirement for door signs);

- Empowering the refusal of hackney carriage and private hire driver licence applications by officers where the convictions policy indicates that a licence should not be granted.

The following paragraphs provide additional detail:

- 4.2. 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 Appendix T, therefore gives further information on the certification requirements where vehicles have been converted to become wheelchair accessible.
- 4.3. 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.
- 4.4. 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**.
- 4.5. Appendix J (Offences – Hackney Carriages and Private Hire Vehicles and Drivers): this 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.
- 4.6. 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.

- 4.7. Additional medical requirement information: Officers 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.
- 4.8. Door Signs: At Appendix M of the Hackney Carriage and Private Hire Licensing Policy it cites a 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', however proprietors and operators raised the issue of door signs potentially damaging vehicle paintwork. Due to concerns raised, officers did not actively enforce this aspect of the policy and reverted to the previous sun strip requirement. Members of Licensing and Community Safety Committee during their meeting of the 7 March, also concluded that sun strips could be used, thus clarity surrounding this point is now required.
- 4.9. Refusal of applications: 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 and Community Safety Committee'. Licensing Officers 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. During their meeting of the 7 March 2023 Members concluded that there should be support to officers refusing taxi and private hire driver licence applications where applicants clearly fail to comply with the convictions policy at Appendix H and where the policy indicates that a licence should not be granted.
- 4.10. Further above, and subsequent to meeting in which amendments were considered by Licensing and Community Safety Committee, the Taxi and Private Hire (Safeguarding and Road Safety) Vehicle Act 2022 became

effective. This legislation now mandates the Council to record driver suspensions, revocations and refusals on the National Register of Licence Refusals, Revocations and Suspensions (NR3S). As such, the existing paragraphs pertaining to the use of the register have now been updated to reflect the latest register title, and the inclusion of suspensions (which were not previously facilitated under the register). Appendix V has been also inserted to provide specific information in respect of making a request for further information regarding an entry on NR3S; responding to a request made for further information regarding any entry on NRS; and using any information obtained as a result of a request to another authority.

- 4.11. Further to the report to Licensing and Community Safety Committee further minor changes are suggested to the paragraph in respect of vehicle transfers, largely to make the legislation clear; to cite that an application form is available; and what accompanying information is expected.

5. RESOURCE IMPLICATIONS

- 5.1. There are no perceived significant financial costs associated with the above changes. Moreover, the removal of the requirement for vehicle proprietors to carry fire extinguishers in taxi and private hire vehicles should reduce any financial burden on proprietors associated with their purchase and servicing. Any additional 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.

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, November 2022.
- Taxi and Private Hire (Safety and Road Safety) Vehicle Act 2022.
- Guidance for Users of the National Register of Taxi Licence Refusals, Revocations and Suspensions (NR3S), March 2023, Jointly published by IOL, DfT, LGA, NAFN.

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 25.09.23