

LICENSING AND REGULATION COMMITTEE
10 March 2025

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: **ADOPTION OF A TAXI AND PRIVATE HIRE LICENSING POLICY**

REPORT OF: **THE LICENSING AND COMMUNITY SAFETY MANAGER**

EXECUTIVE MEMBER: **HOUSING AND ENVIRONMENTAL HEALTH**

COUNCIL PRIORITIES: **PEOPLE FIRST, SUSTAINABILITY, A BRIGHTER FUTURE TOGETHER**

1. EXECUTIVE SUMMARY

The purpose of this report is to consider the responses to a public consultation and adopt a revised Taxi and Private Hire Licensing Policy.

2. RECOMMENDATIONS

2.1. That the Committee be recommended to:

- (a) Consider the responses to the public consultation; and
- (b) Adopt the revised Policy attached as Appendix A, subject to any amendments proposed by the Committee

3. REASONS FOR RECOMMENDATIONS

- 3.1 The existing policy has worked well since its adoption with effect from 26 October 2020, following a public consultation on a number of changes to policy.
- 3.2 The adoption of a policy ensures that applicants, licence holders, and the public have a clear understanding of the licensing process and objectives; it also ensures a consistent and transparent approach to decision-making.
- 3.3 Continued efficiencies through smarter ways of working, supported by the co-operation of the licence holders, has resulted in changes to the policy that will improve the customer experience and make best use of existing resources.
- 3.4 Government has published two new documents that local authorities must consider when adopting its next policy, and they have been considered as part of this consultation process.

3.5 Early discussions with the North Herts Taxi Drivers Association identified some additional suggestions that were included in the policy published for consultation.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 Consideration was given to a range of options as part of the drafting phase however the ideas taken forward were those securing the initial support of the North Herts Taxi Drivers Association.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 The Executive Member for Housing and Environmental Health was consulted during the drafting of the proposed policy prior to public consultation and was involved in the selection of the proposals contained therein.

5.2 Prior to the public consultation the North Herts Taxi Drivers Association, which represents a significant number of the licensed trade, was advised of the proposals and were generally supportive. The Association's proposals were also included in the draft policy published for public consultation.

5.3 The public consultation was published on the Council's website and was live from 7 January 2025 to 26 February 2025. All proposed changes were highlighted in red for ease of reading.

5.4 An email was sent to all licence holders outlining the main proposals with a link to the relevant page of the website, and the consultation was also advertised on the closed Taxi and Private Hire Facebook page.

6. FORWARD PLAN

6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

7.1 A Taxi and Private Hire Licensing Policy was first adopted by the Council on 7 January 2008. It has been kept under constant review since then with regular opportunities for Members to review the Policy following public consultations.

7.2 In order to ensure a consistent and transparent interpretation of the legislation and Government Guidance, the publication of a Policy will assist applicants and licence holders to understand the licensing requirements of North Hertfordshire. This is particularly relevant given the subjective nature of licensing standards and the fact that the two main Acts governing taxi and private hire licensing are historic:

- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976

7.3 It will also inform the public of the standards required for taxi and private hire licensing in North Hertfordshire, in particular explaining the difference between taxis and private hire vehicles

- 7.4 The Policy should give the public confidence to use licensed vehicles given the high standards expected by the Council.
- 7.5 The Policy seeks to strike a balance between appropriate regulation and ensuring no disproportionate administrative burdens for businesses. It outlines the Council's expectations of licence holders in promoting its licensing objectives and the sanctions available for any licence holder not upholding the standards required.

8. RELEVANT CONSIDERATIONS

- 8.1. In order to assist the committee, amendments in the proposed policy have been highlighted red in Appendix A.

Government guidance

- 8.2 As part of this policy review, officers had regard to:
- Statutory taxi and private hire vehicle standards
 - Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England
- 8.3 Government required local authorities to consider both of these documents as part of their next policy review. The vehicle standards were considered at the last policy adoption on 26 October 2020 but were reconsidered as part of this review
- 8.4 The adoption of a revised policy concludes this exercise, and officers can confirm to the Department for Transport that this mandatory review has been completed.

Policy objectives

- 8.5 For transparency, further wording has been added to the four licensing objectives identifying the Council's commitment to safeguarding, the environment, and the use of new technology.

Accessibility and equality

- 8.6 The current policy sets out the Council's commitment to ensuring accessible transport and its decision not to exempt drivers from accepting wheelchair users or assistance dogs without specialist medical evidence.
- 8.7 To reinforce this commitment, the proposed policy includes a new paragraph (2.3.7) which states that the Council will ordinarily prosecute and/or revoke the licence for refusals to carry wheelchair users and assistance dogs.

Environmental considerations and vehicle age

- 8.8 With the advancement in vehicle manufacturing, the vehicle age limitations in the existing policy are prohibitive to applicants and licence holders, resulting in additional administrative and financial implications.
- 8.9 To support the Council's commitment to the environment, replacing age limits with emission standards is a more appropriate policy stance.

Euro Standard	Introduction date		Emission limits		
	New approvals	All new registrations	Petrol NOx	Diesel NOx	Diesel PM
Euro-1	1 July 1992	31 December 1992	0.97g/km*	0.97g/km*	0.14g/km
Euro-2	1 January 1996	1 January 1997	0.5g/km*	0.9g/km* (direct injection)	0.1g/km
Euro-3	1 January 2000	1 January 2001	0.15g/km	0.5g/km	0.5g/km
Euro-4	1 January 2005	1 January 2006	0.08g/km	0.25g/km	0.025g/km
Euro-5	1 September 2009	1 January 2011	0.06g/km	0.08g/km	0.005g/km
Euro-6	1 September 2014	1 September 2015	0.06g/km	0.08g/km	0.0045g/km

*includes NOx and HC

CO = Carbon Monoxide

NOx = Oxides of Nitrogen

HC = Hydrocarbons

PM = Particulate matter

- 8.10 The proposed policy requires all vehicles licensed for the first time to meet the Euro 6 emissions standard, and no existing licence will be renewed for a vehicles that are Euro 4 (no vehicles below Euro 4 are currently licensed).
- 8.11 The existing policy contains a requirement that all new or replacement licensed vehicles must meet ultra-low emission standards as defined by Government. This requirement remains and the policy has a new paragraph (2.4.14) explaining why electric vehicles are not being mandated.

Vehicle testing

- 8.12 In the existing policy, vehicles are required to undertake a six-monthly MOT and Council Compliance Test once it reaches seven years of age. Prior to reaching seven years of age, this is an annual requirement.
- 8.13 Six-monthly testing was introduced many years ago to ensure vehicles were maintained to a high standard, both mechanically and cosmetically. Given the advancement in vehicle manufacturing, combined with the standard of care undertaken by vehicle owners (with the vehicle being their main income generator), this requirement is now too restrictive.
- 8.14 The proposed policy extends annual vehicle testing until the vehicle reaches ten years of age, at which point six-monthly testing is required.

- 8.15 The existing policy requires all licensed vehicles to undertake an MOT once it reaches one year of age however, legally, MOTs are not required for vehicles until they reach three years of age.
- 8.16 This additional burden on applicants and licence holders can no longer be justified and the proposed policy has been amended to reflect the legal position.

Insurance write-offs

- 8.17 The existing policy precludes insurance write-off vehicles from being licensed.

Category	Repairing the vehicle	Using the vehicle
A	Cannot be repaired	Entire vehicle has to be crushed
B	Cannot be repaired	Body shell has to be crushed, but you can salvage other parts from it
N	Can be repaired following non-structural damage	You can use the vehicle again if it's repaired to a roadworthy condition
S	Can be repaired following structural damage	You can use the vehicle again if it's repaired to a roadworthy condition

- 8.18 It is becoming more prevalent that vehicles are being written off for non-structural, or structural, damage that can be repaired. This can be financially challenging for a licence holder to have to replace a vehicle written off under categories N and S above, when it is more economical, and safe, to repair the vehicle.
- 8.19 The proposed policy has been amended to allow category N and S write-offs to be licensed if the applicant can provide suitable proof of appropriate and safe repairs.

Recycled material licence plates

- 8.20 Vehicles currently have to display a plastic licence plate on the rear of the vehicle which contains vehicle make/model, colour, licence expiry date, and licence number. They are replaced at every renewal and returned to the supplier for recycling. It is inconvenient to drivers to have to remove this plate at a compliance test and replace it with a new one, plus it is not an environmentally friendly solution.
- 8.21 A new supplier has been sourced that provides licence plates made from recycled material that can remain on the vehicle until the vehicle ceases to be licensed. The same information currently displayed is supplied on a secure circular disc that is placed over the top of the previous disc. The plate and discs can be returned for recycling when the vehicle ceases to be licensed.
- 8.22 Another advantage of the new environmentally friendly plates is that they will be printed with a QR code that can be used by customers if they need to contact the Council in relation to a journey or something they have witnessed. The same QR code can also be used for customer feedback that could be sent to the driver.

Credit or debit card payments

- 8.23 The existing policy requires drivers to offer card payments to customers however it is silent on whether this is mandatory. There are also regular complaints from customers alleging that they have been made to pay a minimum charge, or they have been refused the card payment option due to the low level of the fare.
- 8.24 The proposed policy clarifies that card payments are mandatory irrespective of the fare, and that no minimum charge for card payments is acceptable. It also confirms that no additional card payment fee can be added to the fare.

Driver medicals

- 8.25 All drivers are required to provide a medical on initial application, and when they reach seventy years of age, which confirms they meet the required standards of fitness to drive based on the DVLA Group 2 Medical Standard for Vocational Drivers. A medical may also be required if the driver has an ongoing medical condition that may impact on their fitness to drive.
- 8.26 The existing policy requires this medical assessment to be undertaken by the applicant's own GP, or by another GP in the same surgery. With surgeries under increasing pressure, these appointments are becoming harder to obtain resulting in long waits for applicants to comply with application requirements.
- 8.27 Because of this, specialist companies are becoming more prevalent that undertake medicals outside of the normal surgery arrangements, utilising doctors that are registered with the General Medical Council.
- 8.28 The proposed policy has been amended to allow a medical to be undertaken by any General Medical Council registered medical practitioner, provided they have access to the applicant's full medical history.

Relevance of convictions and cautions

- 8.29 The Institute of Licensing has published its Suitability Guidance which is its guidance on determining the suitability of applicants and licensees in the taxi and private hire industry. It is the Institute's hope that the document becomes the national standard across the country and licensing authorities are encouraged to adopt it.
- 8.30 Having reviewed the Institute's document the existing policy is predominately in agreement or, in some cases, stricter. To avoid weakening the existing policy, the proposed policy has been amended to ensure that it at least matches the Institute's guidance but retains areas where the Council's policy is stricter. It also includes the Institute's new definition of 'fit and proper' for assessing applicants and licence holders.
- 8.31 Government has amended the schedule of convictions and cautions that are disclosed on Disclosure and Barring Service certificates, so some more minor offences are no longer disclosable; these are known as protected convictions and cautions.
- 8.32 The proposed policy confirms that the Council will not consider protected convictions and cautions if they are brought to its attention by other means.

- 8.33 The existing policy requires licence holders to disclose any conviction or caution during the period of a licence but is silent on arrests. If a driver is arrested for a serious offence but released on bail, it is equally important that the Council is informed to assess whether that person can continue to be licensed.
- 8.34 The proposed policy extends the notification requirement to include arrests for prescribed offences within forty-eight hours of the arrest.
- 8.35 Clarification has already been added into the proposed policy that a licence will not be granted to any applicant who is on either the Adult or Children Barred Lists

Safeguarding

- 8.36 It is already a requirement for applicants to undertake safeguarding training at initial application and for licence holders to undertake training every renewal. This has been well received by applicants and drivers. There is also a requirement for call handlers in private hire operator companies to undertake safeguarding training too.
- 8.37 To supplement this existing requirement, additional paragraphs have been included in the proposed policy to expand on expectations with regards to vulnerable persons and children.
- 8.38 The proposed policy also refers to the Council's commitment to White Ribbon and the newly adopted Women and Girls Safety Charter.

National register of refusals, revocations and suspensions

- 8.39 This national register is managed by the National Anti-Fraud Network and details any driver that has had an application refused, or a licence suspended or revoked. It is an extremely useful tool to check on drivers that may consider moving districts to try to obtain a licence elsewhere.
- 8.40 The Council already utilises this facility and check all applicants against the register, therefore the proposed policy formalises this process for transparency. This is required as any person being added to the register needs to be aware of that fact.

Driver knowledge tests

- 8.41 Currently, new applicants for driver licences undertake a verbal knowledge test. This is a series of questions covering safeguarding, customer care, numeracy, and other matters. It doubles as a test of the applicant's ability to converse in English sufficiently to undertake the responsible role of a licensed driver.
- 8.42 Whilst the questions can be factually marked as right or wrong, the assessment of English-speaking ability is subjective and not always undertaken by the same officer.
- 8.43 The proposed policy introduces, once a supplier has been sourced, a measurable and consistent English-speaking test that removes the current subjectivity.

Electronic applications

- 8.44 Following a successful trial of an online application facility, supported by applicants and licence holders, the proposed policy now formalises this arrangement. This significantly improves the customer journey and makes processing the applications more efficient.

Minor amendments

- 8.45 A number of more minor amendments have been made to the proposed policy to clarify anomalies that have arisen during the operation of the existing policy or improve upon wording of existing requirements.

9. LEGAL IMPLICATIONS

- 9.1. Section 8.2.3 states that the Licensing and Regulation Committee shall meet at least once per civic year:

- (a) *to consider all licensing matters with the exception of the statements of licensing policy under the Licensing Act 2003 and the Gambling Act 2005 and those matters delegated to the Licensing Sub-Committee and the Service Director: Housing and Environmental Health*
- (c) *to consider and amend other non-executive licensing policies (minor amendments to be delegated to the Licensing Manager in consultation with the Chair of Committee and the relevant Executive Member).*

- 9.2 Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) lists taxi and private hire licensing as a function not to be the responsibility of an authority's executive.

- 9.3 The adoption of a taxi and private hire licensing policy is not an executive function, nor is it delegated to a licensing sub-committee or the relevant service director, therefore falls within the remit of the Licensing and Regulation Committee.

10. FINANCIAL IMPLICATIONS

- 10.1 The amended policy would have no additional financial implications for the Council. Case law has determined that a Council can recover its reasonable costs of administration and enforcement through licensing fees with any surplus or deficit balancing out over a three-year cycle.

- 10.2 As part of the fee setting process, costings are undertaken to ensure that the fees set adequately cover the Council's reasonable costs in compliance with fee setting case law.

11. RISK IMPLICATIONS

- 11.1 The risk to the Council of not periodically reviewing and amending policy is that the policy may become outdated and no longer fit for purpose. Given that the policy is a fundamental element of consistent decision making, a policy that was not fit for purpose would increase the risk of legal challenge.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 The proposed policy does not place any barriers or unique requirements on any person on the grounds of ethnicity, gender, religion or any other protected characteristic. Officers work with all applicants and licence holders, where appropriate, to ensure that the Council's duty under the Equality Act 2010 is met.
- 12.3 The Policy deals specifically with the duty under the Equality Act 2010 to protect the vulnerable using taxis and private hire vehicles, specifically persons relying on assistance dogs and persons in wheelchairs. Section 167 of the Equality Act 2010 provides for the Council to designate licensed wheelchair accessible vehicles under this section making it a criminal offence to refuse to carry passengers in wheelchairs; the Council has designated all licensed wheelchair accessible taxis and private hire vehicles

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value Act and "go local" requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. One of the key considerations of the new proposals is to support the Council's declaration of a Climate Emergency and Climate Change Strategy.
- 14.2 Proposals include measures such as:
- New emission standards for vehicles
 - Licence plates made from recycled materials
 - Reduced number of vehicle journeys to the Council's testing facility
 - Continuation of other incentives, such as discounted fees, to encourage environmentally friendly vehicles
 - Continuation of a move towards an all uLEV fleet from 2028

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 There are no human resource implications arising from the adoption of this policy as it places no additional administrative or enforcement burdens on the Council.

16. APPENDICES

- 16.1 Appendix A Proposed taxi and private hire licensing policy
- 16.2 Appendix B Consultation responses and officer comments

17. CONTACT OFFICERS

- 17.1 Steve Cobb, Licensing and Community Safety Manager
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18. BACKGROUND PAPERS

18.1 Statutory taxi and private hire vehicle standards

18.2 Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England