



AGENDA ITEM:

**LICENSING & APPEALS
COMMITTEE:**

5TH DECEMBER 2023

Report of: Corporate Director of Transformation, Housing & Resources

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**SUBJECT: APPROVAL OF PROPOSED AMENDMENTS TO HACKNEY CARRIAGE
AND PRIVATE HIRE POLICY 2022**

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

- 1.1 To approve amendments to the Hackney Carriage and Private Hire Licensing Policy 2022 versions 2 (as attached).

2.0 RECOMMENDATIONS

- 2.1 That having regard to the matters contained in this report, the Hackney Carriage and Private Hire Licensing Policy 2022 version 2 attached at Appendix 2 to this report be approved for use with effect from 6th December 2023.

3.0 BACKGROUND

- 3.1 The Hackney Carriage and Private Hire Licensing Policy 2022, 'The Policy', was approved by Licensing and Appeals Committee on 26th July 2022.
- 3.2 In conjunction with section 1.6 of the Policy, '[the Policy] will... be kept under review...[and] the Authority will revise the Policy at such times as it considers appropriate, for example where relevant issues have arisen, or where matters recorded in the 'Issues Log' indicate that such a review is required'.

4.0 UPDATES

- 4.1 The primary updates are as follows:
- i. Clarification in section 1.6 about when consultation will be required in relation to Policy updates.

- ii. Update in relation to mandatory register for revocations, refusals and suspension (NR3S) (Sections 12.27 and 12.28)
- iii. Clarifications on vehicle registration approvals (sections 13.3 and 17.3)
- iv. Clarification on acceptable vehicle ages (section 13.18)
- v. Clarification in relation to executive vehicle specifications (Appendix P section 1.5)
- vi. Clarification in the Convictions Policy (Appendix S) in relation to determination of applications and the 'safety and suitability' of drivers (section 4.1.4 and section 4.3.9)

4.2 The changes are reflected in version 2 of the Policy attached.

5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

5.1 The legislation and Policy has the potential to impact upon many areas within the Community, particularly upon the travelling public of West Lancashire. The Policy also addresses crime or the fear of crime through the proactive controls in the licence process and the regulation of any potential offences associated with the relevant legislation.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

6.1 No additional financial or other resources are required.

7.0 RISK ASSESSMENT

7.1 The Council has a legal duty to administer the Hackney Carriage and Private Hire licensing regime, but not to prepare and operate a specific Policy document. However, given the complexity of the licensing regime, the DfT supports the good practice that the Council formulate and publish relevant policies and standards. Given that Members have approved previous versions of the Policy, a failure to improve and maintain the requirements of the Policy could result in criticism from the community including statutory bodies, the taxi trade, the travelling public and other interested parties.

8.0 HEALTH AND WELLBEING IMPLICATIONS

8.1 By providing suitable, safe and effective local transport, the operation of taxis within the Borough help to increase people's independence throughout their life course and their ability to lead full active lives. The Policy provides specific safeguarding controls that are designed to ensure licensees are fit and proper to hold the respective licence and thereby reduce the associated risks to the public.

Background Documents

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

None.


Equality Impact Assessment

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

Appendices

1. Equality Impact Assessment
2. Draft Hackney Carriage and Private Hire Statement of Licensing Policy 2022 v2

Appendix 1

<h1 style="text-align: center;">Equality Impact Assessment Form</h1> 	
Directorate: Planning and Regulatory Services	Service: Licensing
Completed by: Lyndsey Key	Date: 27/11/2023
Subject Title: PROPOSED MINOR AMENDMENTS OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY 2022	
1. DESCRIPTION	
Is a policy or strategy being produced or revised:	Yes <i>*delete as appropriate</i>
Is a service being designed, redesigned or cutback:	No
Is a commissioning plan or contract specification being developed:	No
Is a budget being set or funding allocated:	No
Is a programme or project being planned:	No
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations):	No
Details of the matter under consideration:	
<p><i>If you answered Yes to any of the above go straight to Section 3</i></p> <p><i>If you answered No to all the above please complete Section 2</i></p>	
2. RELEVANCE	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	No <i>*delete as appropriate</i>
If Yes , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered Yes go to Section 3</i>	
If you answered No to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>	
3. EVIDENCE COLLECTION	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	All licensed HC & PH drivers and operators.
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	All sections of the public used licensed HC & PH vehicles, this report relates to the Council's implementation of relevant licensing legislation.

Which of the protected characteristics are most relevant to the work being carried out?	<i>*delete as appropriate</i>
Age	No
Gender	No
Disability	No
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No
4. DATA ANALYSIS	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	All licensed HC & PH drivers and operators.
What will the impact of the work being carried out be on usage/the stakeholders?	Revised licence requirements and procedures.
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	The amendments are in few in number and are for the purposes of providing clarification. The Policy establishes that the document remains subject to ongoing review and update where appropriate.
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	As above
If any further data/consultation is needed and is to be gathered, please specify:	N/A
5. IMPACT OF DECISIONS	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	None.
6. CONSIDERING THE IMPACT	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	N/A
What actions do you plan to take to address any other issues above?	No actions <i>If no actions are planned state no actions</i>
7. MONITORING AND REVIEWING	

When will this assessment be reviewed and who will review it?	The proposed Policy has been subject to public consultation.
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