

Public Protection & Commercial – Licensing Update

Summary: The report presents information to the Committee regarding the review of the Taxi Policy and Handbook and the consultation process.

Conclusions: N.A

Recommendations: 1. That Members note and agree the review.

Cabinet Member(s) Councillor Nigel Lloyd – Portfolio Holder Councillor Dr Pierre Bütikofer - Chair of the Licensing Committee	Ward(s) affected - All
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1. Introduction

1.1 The Licensing update includes;

1.1.1 Update on Taxi Licensing Policy and Handbook– Draft

1.2 A more detailed overview and relevant documents are included later in the report and appendices.

2. Licensing Update

2.1 Update on Taxi Licensing Policy

2.1.1 A task and finish group have met and discussed North Norfolk District Councils Policy and Handbook. This handbook has been updated and has now completed a 12-week public consultation which ended on 24 August 2020. Due to the current climate it was felt necessary to extend the public consultation from the statutory 6-week period to 12 weeks, to ensure that consultees had time to respond.

2.1.2 The last edition of the policy became effective on 1st July 2012.

2.1.3 Below is a table showing the major changes to the policy. A complete copy of the policy as a draft is at **Appendix A**.

AMENDED/ADDITIONAL ITEMS TO POLICY

Knowledge Test

- 2.15 You will need to pass the Council's Knowledge Test as part of the application process. The test will include multi-choice questions on Licensing Conditions, the Highway Code, knowledge of the area and literacy and numeracy and it will be conducted online at the Council offices.

Age Requirement

- 3.9 All hackney carriage and private hire vehicles will not normally be considered for licensing unless they are under 10 years of age from date of first registration (date as shown on DVLA registration document). Vehicles presented for licensing that are less than 5 years of age will require an annual Vehicle Inspection Report to be completed by one of the nominated garages. Vehicles over 5 years will be required to have a Vehicle Inspection Report every 6 months:

Vehicle Specifications

- 3.16 The vehicle shall have side opening doors for each passenger (designed for the purpose of permitting persons' access to/from the interior) - any lift-up tailgate shall not be included; or a vehicle shall have three side opening doors (designed for the purpose of permitting persons' access to/from the interior) and two rear opening doors (designed for the purpose of permitting persons' access to/from the interior).
- 3.24 Estate versions of saloon vehicles fitted with seats in the rear luggage compartment may be licensed for more than 4 passengers, but the operator/proprietor must inform the customer that the vehicle has seats in the rear luggage compartment at the time of booking.
- 3.25 The vehicle shall have a sufficient engine capacity (usually considered as 1400cc). Any hybrid/LPG, electric or other alternatively powered vehicle must have an engine size that is sufficient for use at full capacity.

Vehicle Testing

- 3.34 No vehicle shall be first licensed or re-licensed unless the vehicle has passed the vehicle inspection at one of the Council's approved and nominated testing stations. All hackney carriage and private hire vehicles after 5 years (date as shown on DVLA V5 registration document) shall have a vehicle compliance test at an approved Vehicle Testing Station every 6 months. In addition, an authorised officer of the Council may inspect a vehicle for first licensing and/or upon renewal.
- 3.35 The Council will not consider a grant or renewal of a vehicle licence unless it has been examined in accordance with the Council's Hackney Carriage and Private Hire Vehicle [Compliance Testing Standards](#).
- 3.36 Costs of such testing is payable by the person wishing to licence the vehicle. In addition, the history of the vehicle may be taken into consideration when determining whether the vehicle should be licensed.
- 3.37 The 6 monthly compliance test certificate required for vehicles over 5 years old (see 3.34 above) must be produced to the Council within 7 days of the date of the test. Tests can be carried out by an approved testing station up to one

calendar month before the 6 monthly point of the licence.

3.38 A vehicle which fails an inspection/safety check during the currency of a licence with the Council will have the fault(s) rectified and the vehicle re-inspected at the same testing station within 2 months of the original inspection – failure to do so will lead to the automatic revocation of the vehicle licence.

3.39 A vehicle may be inspected by an authorised officer of the Council or a Police Officer, at any reasonable time. If the person inspecting the vehicle is not satisfied as to the fitness of the vehicle, he may give written notice to the proprietor/operator to make the vehicle available for further inspection and testing at such reasonable time and place as may be specified and the vehicle licence may be suspended until the authorised officer or police officer is so satisfied. If the authorised officer or police officer is not satisfied within two months of the initial inspection the Vehicle licence shall be deemed revoked. An authorised officer or police officer may permit other persons to examine the vehicle on their behalf (e.g. VOSA).

CCTV Cameras

3.57 Suitable internal and external equipment, capable of recording both audio and video, may be installed, subject to the written approval of the Council, in all licensed vehicles. If fitted the system must comply with the ICO code and General Data Protection Regulation requirements.

Low Emission and Electric Vehicles

3.67 The Council encourages the uptake of low emission and electric vehicles in the District. The authority will seek to examine the feasibility of introducing schemes, which help improve the charging network and aid drivers in testing and purchasing electric vehicles.

3.68 The Authority recognizes that low emission vehicles can have a positive impact on the environment and any application receives for other low and ultra-low emission vehicles will be considered on its own merits

3.69 The Council will waive the initial vehicle licence application fee for any application to licence a fully Electric Vehicle (EV) received between 01/01/21 and 31/12/21.

Smoking and Electronic Cigarettes

7.38 The driver must not smoke, or permit any passenger to smoke, in a licensed vehicle at any time. This includes the use of Electronic Cigarettes (e-cigs), Personal Vaporizers (PV) and Electronic Nicotine Delivery Systems (ENDS), which are also prohibited.

Safeguarding Training

7.40 All existing licensed drivers and new combined driver applicants will be required to undertake Safeguarding Training as prescribed by the Council.

2.1.4 21 responses were received to the public consultation of the draft policy. These responses can be seen at **Appendix B**.

2.1.5 In summary the responses, the main area of concern by the trade was in relation to the changes and requirement to the knowledge test and the age of vehicles. The trade is concerned about additional costs for the knowledge

tests and whether being existing drivers they need to undertake this test. A knowledge test is a requirement under the current policy and handbook but it has never implemented. A discussion will be required as to whether existing drivers will need to complete the knowledge test at renewal or another timeframe put in place. Some responses were received regarding requiring a vehicle that is 5 years or older to have a Vehicle Inspection at 6 monthly intervals. This is to ensure the public safety of vehicles that are operating within North Norfolk. A licensed vehicle can do in excess of 1000 miles a month, which is the average for a domestic vehicle. These vehicles are in use every day and need to be maintained to a very high standard. This condition would hopefully ensure this. The internal plate could be issued for a 6 months' period to ensure the interim inspection is carried out.

- 2.1.6 The Department of Transport (Dft) in July 2020 published new statutory guidance entitled 'Department for Transport Statutory Taxi & Private Hire Vehicle Standards'. A copy of this guidance can be found at **Appendix C**.
- 2.1.7 The guidance states in section 1.3 that - 'Department for Transport expects these recommendations to be implemented unless there is a compelling local reason not to'
- 2.1.8 The guidance also states at sections 2.6 and 2.7 – 'The document sets out a framework of policies that, under section 177(4), licensing authorities "**must have regard**" to when exercising their functions'.
- 2.1.9 The Dft guidance is required to be implemented via our policy and handbook and our application and vetting process. With the implementation of the new policy and our already robust application and vetting process, the Council are having regard to the latest guidance produced by Dft.

3 Implications and Recommendations

The updated policy will be approved and issued on 1st January 2021.

4 Financial Implications and Risks

- 4.1 The adoption of the updated policy and handbook would help ensure that we are maintaining to high standards the vehicles that are licensed to operate in North Norfolk. It would also ensure that we are maintaining our statutory requirement for protection of the public and upholding and implementing the Dft statutory guidance as issued in July 2020. Without implementing these policies and guidance there would be a potential risk to public safety.

5 Sustainability

- 5.1 Not Applicable to this report.

6 Equality and Diversity

- 6.1 Not Applicable to this report.

7 Section 17 Crime and Disorder considerations

- 7.1 Not Applicable to this report.