

LICENSING COMMITTEE

Licensing Policy – Taxi & Private Hire

Report of Executive Member for Housing & Licensing

Officer contact: Nicola Lord – Principal Licensing Officer

6th June 2023

Executive Summary

This report requests that Members approve a revised Licensing Policy for Taxis & Private Hire.

Recommendations

That Members:

- 1) Note the report; and
 - 2) Approve the policy
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1. **Purpose of the report**

- 1.1 The purpose of this report is to request that Members approve a revised Licensing Policy for Taxi & Private Hire.

2. **Introduction**

- 2.1 The strategic objective for Oldham Council regarding taxi licensing is to ensure safe passenger journeys in safe licensed vehicles with safe licensed drivers.
- 2.2 Licensing have undertaken a consultation with the trade on key matters in order to propose amendments to our existing policy to best reflect the changed dynamics within taxi and private hire licensing, and the current issues faced by licence holders.
- 2.3 The landscape of the taxi and private hire trade has changed significantly in recent years. The introduction of App based operators and the role technology plays has had some negative implications due to primary legislation not keeping up with the advancements, but it has also led to many positive changes and increased accessibility to, and the use of, taxis for many people.
- 2.3 The Licensing Service has listened to the current issues raised by the trade and has reviewed ways in which it can adapt and change in order to assist licence holders, whilst maintaining its strategic objectives to ensuring public safety.
- 2.4 Following consultation with the trade, amendments to the existing policy are being put to members for consideration.

3. **Proposed Amendments**

3.1 **Front Plates**

- 3.2 Licensing have recently worked to reduce the size of front plates on licensed vehicles due to ongoing anti-social behaviour issues in the Borough. However, whilst this is seen as a positive step forward, it is recognised that national guidance, due to be released later this year, does not mandate the need for front plates on licensed vehicles. In addition to this, it is widely known and accepted that many other licensing authorities do not impose this requirement and see no detriment to the visibility and enforcement of licensed vehicles due to this.
- 3.3 It is therefore proposed that front plates be removed from licensed vehicles altogether, and be replaced with a window disc, to be placed in the top left of the vehicle windscreen.

3.4 **VRQ/NVQ Courses**

- 3.5 The VRQ & NVQ courses have provided new applicants and recently licensed drivers to gain a free of charge qualification, enhancing their skills as taxi and private hire drivers.

- 3.6 The current offer in respect of those courses has changed since this was introduced, and there are now other restraints on applicants accessing the course due to being over the maximum earning threshold.
- 3.7 In addition to this, the Licensing Service has drastically improved and widened the scope of their Driver Awareness Training which is a mandatory requirement for all applicants prior to sitting their knowledge test and gaining a licence.
- 3.8 It is therefore proposed that the requirement to complete the VRQ and NVQ courses be removed. These courses will of course still be available for those on a voluntary basis.

3.9 **Vehicle Age Restrictions**

- 3.10 Recent changes to our Taxi & Private Hire Licensing Policy has seen updates to our vehicle age requirements. It currently stipulates that new to licence vehicles must be under 5 years of age when first licensed, and the maximum age a vehicle can be licensed to is 10 years of age (15 for purpose-built taxis and wheelchair accessible vehicles).
- 3.11 The Licensing Service recognises the current cost of living crisis and slow recovery from the Covid pandemic. These issues alongside Brexit have seen significant delays and price rises in acquiring vehicles.
- 3.12 To assist applicants, it is proposed that the coming on age of vehicles be removed, however, the maximum age limits on vehicles remains the same.

3.13 **Vehicle Testing**

- 3.14 Linked with the above proposal relating to vehicle ages, the Licensing Service recognises that younger vehicles may not require the existing level of compliance checks per year, providing they are maintained properly by vehicle owners.
- 3.15 It is proposed that vehicle testing be required as follows:

0-3 years – 1 test per year

3-10 years – 2 tests per year

- 3.16 The benefit of this proposal aims to reduce the burden on vehicle owners by eliminating one test per year, but also to free up test slots to ease access to appointments, as we are this is also an ongoing concern for the trade.

4 **Consultation**

- 4.1 Relevant stakeholders were consulted as part of the preparation of this final policy. This included the following:
- All existing licence holders (drivers & vehicles)
 - Trade Representatives
 - Private Hire Operators

4.2 The 243 responses from the consultation have been collated and recorded into a table below:

Proposal	Agree with proposal	Disagree with proposal	Requested more relaxation	No comment made
Removal of front plates	230	4	1	8
Remove VRQ/NVQ requirement	160	56	0	27
Removal of coming on age but keeping max. age limit	44	0	190	9
Proposal to reduce number of compliance tests per year	86	0	136	21

5 Legal Services Comments

5.1 Under section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976, the Council may attach such conditions to the grant of a hackney carriage vehicle licence as the Council considers to be reasonably necessary. Under section 48(2) of the Act, the Council may attach such conditions to the grant of a private hire vehicle licence as they may consider reasonably necessary. Case law has confirmed that it is not unlawful to have a vehicle age policy, provided that the Council continues to consider each application on its individual merits and does not fetter its discretion. Any person aggrieved by any conditions attached to a hackney carriage or private hire vehicle licence may appeal to the magistrates' court.

5.2 Under section 57 of the Act, the Council can require an applicant for a licence under the Town Police Clauses Act 1847 (in respect of hackney carriages) or the Local Government (Miscellaneous Provisions) Act 1976 (in respect of private hire vehicles and private hire operators) to submit such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted or whether conditions should be attached to any such licence. Any person aggrieved by the refusal to grant him a licence may appeal to the magistrates' court. (A. Evans)

6 Co-operative Agenda

6.1 Not applicable

7 **Environmental and Health & Safety Implications**

7.1 None

8 **Equality, community cohesion and crime implications**

8.1 None

9 **Equality Impact Assessment Completed?**

9.1 No

10 **Key Decision - No**

11 **Key Decision Reference - N/A**

12. **Background Papers**

12.1 Consultation document

13.0 **Appendices**

Appendix 1 - Proposed Policy