

## Report to Licensing and Enforcement Committee:



Date of Meeting 21 July 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

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### Committee Update and Amendment to Temporary Covid Taxi & Private Hire Licensing Policy

#### Report summary:

To update the Committee with amendments to the temporary policy and to seek approval to continue its need until 31.12.2021

Is the proposed decision in accordance with:

Budget Yes  No

Policy Framework Yes  No

#### Recommendation:

That the Committee;

1. Notes the update of this temporary policy, and
2. Approves continuance of this temporary policy that exists in addition to the full Taxi and Private Hire Licensing Policy, being extended to 31 December 2021.

Reason for recommendation:

To update the emergency policy that exists in addition to the Councils full policy to reinforce responsibilities for drivers, proprietors, operators and licence holders, ensuring licensed vehicles remain safe and roadworthy and that licenced drivers maintain the 'fit and proper' status for holding a licence

Officer: Steve Saunders, Licensing Manager (ssaunders@eastdevon.gov.uk)

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Portfolio(s) (check which apply):

- Climate Action and Emergency response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Tourism, Sport, Leisure & Culture
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities

**Equalities impact** Low Impact

If choosing High or Medium level outline the equality considerations here, which should include any particular adverse impact on people with protected characteristics and actions to mitigate these. Link to an equalities impact assessment form using the [equalities form template](#).

## Climate change Low Impact

**Risk:** Low Risk; [Click here to enter text on risk considerations relating to your report.](#)

**Links to background information** [Microsoft Word - Taxi Policy 9 December 2020 \(eastdevon.gov.uk\)](#)

### Link to [Council Plan](#):

Priorities (check which apply)

- Outstanding Place and Environment
  - Outstanding Homes and Communities
  - Outstanding Economic Growth, Productivity, and Prosperity
  - Outstanding Council and Council Services
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## Report in full

### 1 Main Body of the Report

- 1.1 The ongoing Covid-19 pandemic provided legislative change with the Coronavirus Act 2020 and the Health Protection (Business Closure) Regulations 2020. Changes have impacted on the hackney carriage (taxi) and private hire trade that required this Council to introduce an emergency Covid 19 Taxi and Private Hire Licensing policy in April 2020 which exists beside the full, adopted policy. With the 'roadmap' for easing restrictions still to end after a further short extension it is considered necessary to maintain and review the emergency policy at this time.
- 1.2 The full Council's Taxi and Private Hire licensing policy was approved in 2017 and last revised in 2020, it remains in being and will do so throughout the current emergency with a full consultation proposed later this year for amending in 2022.
- 1.3 New legislation and government guidance required emergency amendments to the Council's current hackney carriage and private hire licensing policy in April 2020 that allowed the Council to properly respond when considering;
  - Vehicle MOT's,
  - Compliance tests,
  - Use of SORN,
  - Vehicle Insurance cover,
  - Driver/vehicle licence renewals and,
  - Disclosure and Barring Service (DBS) checks.
- 1.4 Emergency amendments also provided support to the challenges faced by the taxi and private hire trade in East Devon. Licence holders actively sought guidance from the licensing authority as to how they should act along with requests to adopt some changes under 1.3 above.
- 1.5 The amendments do not replace the legislation governing hackney and private hire operations and licence holders have to comply with the requirements of the Council's existing policy and the emergency amendments.
- 1.6 The emergency amendments reinforce existing responsibilities for drivers, proprietors, operators and licence holders to ensure that to the best of their ability, that licensed vehicles are safe and roadworthy and that licenced drivers maintain the 'fit and proper' status for holding a licence.

Acknowledging that public safety is paramount, licensing officers understand the circumstances experienced by the taxi trade and licence holders seek guidance to ongoing challenges.

- 1.7 The purpose of this report is to inform this Committee of the continuing need to continue with the emergency amendments in view of the continuing challenges. Although some of the requirements under 1.3 are no longer necessary, other factors are still required.
- 1.8 The changes to the emergency policy now include removal of section 2.1 and 2.2 regarding vehicle testing when garages were required to close in the first lockdown.
- 1.9 The licensing team has received requests from licensees seeking a temporary review of the current policy with regard to the age limit for licensing new vehicles as currently when licensing a hackney carriage or private hire vehicle, it shall be not more than **four years old** from the date of first registration. The presumption is that licences will not be granted for vehicles over 4 years old, but each such application will be considered on its own merits and where a vehicle may be regarded as being an exception, the application will be considered by a Sub-Committee of the Licensing and Enforcement Committee.
- 1.10 The current challenges experienced by licensees in the district have indicated that a temporary amendment until 31<sup>st</sup> December 2021 to increase that initial age limit that officers may grant a vehicle licence up to **5 years old**. The Licensing Sub-Committee would still need to be satisfied that a vehicle is in exceptional condition for its age in cases for a vehicle over 5 years old and subject of an application.
- 1.11 The merit and need for this temporary policy amendment will be reviewed when this Committee next meets and if the temporary Covid policy is further approved today, it is not proposed to extend the amendments beyond 31 December 2021. If consideration is still necessary to extend age limits of any vehicle up to 5 years old, consideration and consultation would be conducted in the Council's full Taxi and Private Hire licensing policy.
- 1.12 The changes to the temporary policy are provided in red font in **Appendix A**.

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### **Financial implications:**

The Policy is a comprehensive redraft which brings the Council's policy in line with current legislation. If the policy is not properly adopted by the Council the authority will be liable to legal challenge which if successful could entail costs being awarded against the Council

### **Legal implications:**

The Legal comments are detailed within the report