



Report to: General Purposes Committee – 29 February 2024

Director Lead: Matthew Finch, Director – Communities & Environment

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Report Summary	
Report Title	Department for Transport’s Best Practice Guidance.
Purpose of Report	To update Members of the changes to the Department for Transport’s Best Practice Guidance.
Recommendations	Members are asked to note the contents of the revised Best Practice Guidance.

1.0 **Background**

1.1 On 17 November 2023 the updated Taxi & Private Hire Vehicle Licensing Best Practice Guidance for licensing authorities was published [here](#). This guidance was first issued in 2006 and was last updated in 2010. This is intended to assist licensing authorities on various matters, but it is only guidance and licensing authorities are responsible for any decisions they make.

1.2 The guidance includes several updates, which are detailed along with a comparison with the Council’s Taxi Policy.

1.2.1 **Terminology** – The guidance explains the legal definitions of Hackney Carriage Vehicle and Private Hire Vehicle and the different legislation that governs each type of licence. *The Policy does not have a Terminology or Glossary Section nor does it explain the different pieces of legislation for Hackney Carriage & Private Hire Licensing.*

1.2.2 **Crime & Disorder** – The guidance states that licensing authorities should not only set licensing requirements that protect passengers but should also consider ways to reduce crime against drivers. *Our Policy has a section on the procedure the Council will follow if a licence holder or applicant has committed an offence but not how the Council will reduce crime against drivers.*

1.2.3 **Delivering Licensing Services** – The guidance suggests that licensing authorities should deliver the service in a timely manner and enable those who wish to enter the trade to evidence that they meet the necessary requirements in a timely way. *Our Policy does not mention timescales for any of the different types of licences.*

- 1.2.4 **Licence Fees** – The guidance states that the licensing function is self-funded through licence fees and that licensing authorities are expected to provide a well-resourced system at the lowest cost to licensees. It also states that fees should be regularly reviewed.
The Policy does not give any detail about the fees charged or state that the fees are regularly reviewed. However, fees are reviewed annually to ensure best value.
- 1.2.5 **Licensing Policy** – The guidance states that licensing policies should be published online in an accessible format. Licensing Policies should contain details on how the public can provide feedback on licence holders, taxi tariffs and licensing fees.
The Council's Policy is published online but does not contain any details of the current tariff, licensing fees or how the public can provide feedback.
- 1.2.6 **Assistance Dogs** – The guidance suggests that licensing authorities should adopt a policy affecting the carriage of assistance dogs in licensed vehicles and the investigation into drivers alleged to have discriminated against their owners.
The Council's Taxi Policy has a short paragraph which includes the requirement for drivers to carry assistance dogs in accordance with the Equality Act 2010.
- 1.2.7 **Points-Based Enforcement System** – The guidance does not say that all licensing authorities should run a points-based enforcement policy but those that do can provide greater consistency in enforcement. The guidance does state that the authorities that do run a points-based enforcement system should make it clear that these are separate to 'penalty points' that are put on a DVLA licence by the courts.
The Policy does have a points-based enforcement system but it does not state that these points are separate from the points issued by the courts and is even called a 'Penalty Points Scheme'.
- 1.2.8 **Fit and Proper Test** – The guidance states that before making a decision on a person's application for a driver's licence a licensing authority must search the National Register for Revocations, Refusals and Suspensions (NR3S).
The Policy does say that the Council will check the NR3S before issuing a driver's licence and will also record the relevant information onto the NR3S where necessary.
- 1.2.9 **Driver Proficiency** – The guidance suggests that licensing authorities should require taxi and private hire vehicle drivers to undertake training/assessment focussed on attitudes and behaviours, at first application and renewal.
The Council's Policy states that all new driver applicant must undertake a driving ability test with the Council's appointed driving examiner, it also details the matters assessed.
- 1.2.10 **Medical Assessment** – The guidance suggests that a medical report should be obtained from a doctor with access to their full medical records.
The Policy states that a medical examination must be conducted with the Council's appointed medical advisor but it does not state whether or not this medical advisor has access to the driver's full medical records.
- 1.2.11 **Tinted Windows** – The guidance suggests that vehicles should allow a minimum of 30% light through the rear windows but in the case of executive hire vehicles this could be relaxed through an exemption.

The Policy states that the rear windows of vehicles should not allow less than 70% of light through.

- 1.2.12 **Carrying Children** – The guidance clarifies that, if the correct car seat is not available, that children must travel in the rear of the vehicle. Children over 3 must use an adult seatbelt and count towards the capacity of the vehicle, children under 3 do not need to use an adult seatbelt so do not count towards the vehicle capacity.

The Council's Policy states that all children count towards the overall vehicle capacity and does not mention age. It also does not mention child car seats or the wearing of seatbelts.

2.0 Proposal/Options Considered

- 2.1 The Taxi & Private Hire Vehicle Licensing Best Practice Guidance for licensing authorities is not statutory so the Council is not obliged to make changes to its Taxi Policy nor adopt the guidance. Officers recommend that the contents of the revised guidance are noted by Members.

3.0 Implications

In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

NSDC Taxi Policy available [here](#).

Department for Transport - Taxi & Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities in England