

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Licensing and Regulatory Committee

27 June 2025

TITLE:	Permission to consult on updated Hackney Carriage and Private Hire Taxi Policy
PORTFOLIO HOLDER:	Cllr Bill Cawley – Portfolio Holder for Communities
CONTACT OFFICER:	Alicia Patterson - Head of Environmental Health
WARDS INVOLVED:	All Wards

Appendices Attached

Appendix 1 – Draft Policy (Consultation)

- 1. Reason for the Report**
 - 1.1 The report proposes an approach to consultation for the review of the Council's current Hackney Carriage and Private Hire Policy
- 2. Recommendation**
 - 2.1 That the Committee approves the key areas of the Policy for consultation (highlighted in yellow in Appendix 1) and the consultation timetable as outlined within the report.
 - 2.2 That, following the consultation period, the proposed revised Policy (together with a summary of key consultation comments) is considered further by the Committee at its meeting in October 2025, with a view to recommending a revised Policy to Full Council for formal adoption by the Council in December 2025.
- 3. Executive Summary**
 - 3.1 It is a requirement that licensing authorities regularly review and update their policies to reflect changes in legislation, guidance and local circumstances. It has been a number of years since the introduction of the Council's Taxi and Private Hire Vehicle Licensing Policy, and it is proposed that a further detailed review is now required to consider the following specific areas of the Policy:

- **Dispensation from displaying plates (Non-Standard PHV)**
- **Age and Experience of Drivers**
- **Medical Assessment requirements**
- **DBS Update**
- **Safeguarding Training**
- **Penalty Point System**
- **General Legislation and Best Practice**

3.2 The report and appendices set out the background to the proposed consultation exercise and confirms the issues on which it is proposed specifically to consult.

3.3 It is a requirement that any revised Policy must be approved at a Full Council meeting. Such approval cannot be granted until consultation has been undertaken with a range of statutory bodies and other organisations as is deemed appropriate. Section 7.11 of the report outlines the proposed timetable in respect of the consultation and adoption of the revised Policy by the Council.

4. **How this report links to Corporate Priorities**

4.1 Aim 1 – Help create a safer and healthier environment for our communities to live and work.

5. **Alternative Options**

5.1 To agree to the consultation process and the timetable proposed for the implementation of the revised Hackney Carriage and Private Hire Licensing Policy (Recommended).

5.2 To propose an alternative consultation process and retain the Council's current policies and conditions (Not recommended).

6. **Implications**

6.1	<u>Community safety, including safeguarding and prevention of terrorism</u> The successful implementation of the Hackney Carriage and Private Hire Licensing Policy should have a positive impact on community safety and assist in the reduction of crime in the district by ensuring the safety of users of the services provided by licensees.
6.2	<u>Workforce</u> The introduction of the revised policy may require additional resource for the Licensing Team which will be considered as part

	of the Council's usual workforce planning.
6.3	<u>Equality and Diversity/Equality Impact Assessment</u> This report has been prepared in accordance with the Council's Diversity and Equality Policies.
6.4	<u>Financial Considerations</u> The introduction of a revised policy may have financial implications for the Private Hire and Hackney Carriage Vehicle owners.
6.5	<u>Legal</u> The failure of the Council to review, consult and publish the Taxi Licensing Policy on a regular basis may result in Judicial Review proceedings being brought against the Council. Decisions in relation to a licence are likely to amount to consideration of civil rights and obligations with the result that Article 6 (1) of the Human Rights Act 1998 is engaged. Should parts of the industry believe the Council's Taxi Licensing Policy is not sound it would be open to them to undertake judicial review proceedings.
6.6	<u>Climate Change and Sustainability</u> The Council is committed to tackling climate change and the proposed revision of this Policy will assist in ensuring that it contributes appropriately to this ambition.
6.7	<u>Conservation and Enhancement of Biodiversity</u> None specifically.
6.8	<u>Consultation</u> A 12 Week Consultation is proposed. A full consultation will be undertaken and made available to the relevant organisations listed as follows: • Staffordshire County Council Transport. • Staffordshire Moorlands Planning Section. • Staffordshire Moorlands Environmental Health Section. • Staffordshire Moorlands Licensing Committee. • The Hackney carriage and private hire trade, including all licensed operators and drivers within the District. • Staffordshire Constabulary. • Staffordshire Police & Crime Commissioner. • Staffordshire County Council Trading Standards. • Staffordshire Safeguarding Board. • DVSA (Driver and Vehicles Standards Agency. Consultation will also be undertaken with the public.
6.9	<u>Risk Assessment</u> As detailed in the report.

Mark Trillo
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Web Links and Background Papers

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7. Detail

- 7.1 The licensing of Hackney Carriages is governed by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. Private Hire Vehicles are governed by the Miscellaneous Provisions Act 1976. The 1976 Act places a duty on High Peak Borough Council, as the Licensing Authority, to licence all hire vehicles which operate from the District, which are provided with a driver and have less than nine passenger seats.
- 7.2 The Council's Taxi and Private Hire Vehicle Licensing Policy, which governs the way in which the Council will determine all applications which it receives for Hackney and Private Hire Vehicles, was approved by Council in 2016. The Policy has since been reviewed by the Licensing Committee in January 2021 in light of the Government's revised statutory guidance contained in the Statutory Taxi and Private Hire Vehicles Standards 2020 ("Statutory Standards"). As the Policy agreed in 2016 was developed with the specific intention of recognising the significant impact of regional failures around the safeguarding of children and vulnerable adults, and as a result incorporated many provisions that at the time were only the subject of reports and studies but were felt to be of significance and likely to be required by government at some point in the near future, only limited changes to the Council's Policy were recommended at that time.
- 7.3 It is a requirement that licensing authorities regularly review and update policies to reflect changes in legislation, guidance and local circumstances. Other than the review last January, it has been many years since the introduction of the Council's Taxi and Private Hire Vehicle Licensing Policy, and it is proposed that a further detailed review is now required to consider the following specific areas of the Policy:
- Dispensation from displaying plates (Non-Standard PHV)
 - Age and Experience of Drivers
 - Medical Assessment requirements
 - DBS Update
 - Safeguarding Training
 - Penalty Point System
 - General Legislation and Best Practice

7.4 Dispensation from Displaying Plates (Non-Standard PHV)

It is proposed that the dispensation from displaying plates is only applied to wedding vehicles, therefore, all executive hire vehicles will be required to display plates. This is proposed to ensure that all vehicles, drivers and operators are readily identifiable as licensed vehicles. The overriding consideration, as with all licensing matters, will be public safety. The clear identification of a licensed vehicle is considered to be such a safety aspect, particularly when visiting such places as airports, seaports and the centre of large towns.

The proposed amendments to policy are as follows:

(2.5) Non-Standard Private Hire Vehicles

Any Persons that offer any form of private hire vehicle with a driver to carry passengers will need to be licensed with the authority. These may include “Non-Standard PHV” “Novelty” “Wedding” “Limousines” and “Classic” vehicles including The Licensing Authority requires the requisite licences to be in place for this service to be provided. **Appendix N** sets out the requirements where dispensation may be granted.

(2.6) Novelty/Speciality Vehicles

The Authority considers the following types of vehicle to be “Novelty/Speciality Vehicles” when considered in the context of Licensing:

- Limousines with less than 9 passenger seats; **(used solely for weddings)**
- Decommissioned emergency service vehicles;
- Other converted vehicles used for special events

These vehicles can only be licensed by the authority if they have 8 or fewer passenger seats.

The Authority will have regard to the points below when considering the suitability of the vehicle, to be licensed as a Novelty/Speciality Vehicle.

It is noted those vehicles:

- Do not normally overtake
- Are easily recognisable by the hirer
- Are heavier and/or considerably longer than standard vehicles
- Are converted or adapted vehicles
- Generally, travel at lower speeds than other vehicles

When considering an application for a Novelty/Speciality Vehicle the Authority will have regard to existing specification, conditions and policies.

(2.7) Dispensation from Displaying Plates

The Local Government (Miscellaneous Provisions) Act 1976 requires that a District or Borough Council must issue a private hire vehicle with an identify plate or disc and that the proprietor should not use, or permit the use of, that vehicle without displaying the plate as directed by the Council. The Act also gives a District or Borough Council the discretion to grant a proprietor a dispensation from displaying the licence plate on their licensed private hire vehicle.

2.7.1 The Authority will only grant dispensation for vehicles specified in 2.6 (Novelty Vehicles used solely for the purpose of weddings). Each application for a dispensation will be considered on its own merits. The overriding consideration will be public safety. The clear identification of a licensed vehicle is considered such a safety aspect, particularly when visiting such places as airports, seaports and the centre of large towns.

2.7.2 Vehicles with an existing licence that have received a written dispensation from the Authority will be required to display the Authorities full size plates and door signs from 1st January 2027. See **Appendix N**

7.5 Age and Experience of Drivers

Proposed amendments to policy as follows:

(3.2) Age and Experience

3.2.1 In order to be licensed as a driver, an applicant must hold a UK full driving licence (not provisional) for more than 12 months, it must be a photo card DVLA not old-style paper licence. The address on the driving licence must be the same as the address on the application form, which must be within the UK.

7.6. Medical Assessment

Proposed amendments to policy as follows:

(3.4) Medical Examination

3.4.1 The Authority requires all drivers to undertake a group 2 medical examination report by a registered practitioner to assess an applicant's fitness to drive a licensed vehicle before a licence may be granted. Such test will be at the applicant's expense. The medical examination must be carried out in line with the 'Assessing fitness to drive – A guide for medical professionals' issued by the DVLA. The DVLA Group 2

standard of medical fitness for professional drivers is required. The Examining Practitioner must also complete our Medical Practitioner Declaration.

- 3.4.2 Existing licence holders aged between 21 – 65 years will be required to be Examined and produce a medical certificate (DVLA group 2) & Medical Practitioner Declaration every 3 years.
- 3.4.3 Existing or new licence holders aged 65 and over must be examined annually and produce a medical certificate (DVLA group 2) & Medical Practitioner Declaration.
- 3.4.4 The Authority may reasonably require any licensed driver to provide a further, current certificate of medical fitness to drive at any time, at the licensee's expense.
- 3.4.5 Removed
- 3.4.6 Licence holders must notify the Authority immediately (i.e. within 1 working day) of any deterioration in their health, including eyesight, which may affect their driving capabilities.
- 3.4.7 Where there is any reasonable doubt as to the medical fitness of the applicant or an existing licensed driver, the Authority may require the applicant to undergo further medical examination at the cost of the applicant or licensee.

7.7 Disclosure and Barring Service (DBS)

Proposed Policy Changes

- (3.5.5) Applicants must apply for the DBS check through the Authority's preferred on-line supplier within 28 days. An appropriate fee will be chargeable.

ALL Hackney Carriage/Private Hire Drivers MUST sign up to the online Disclosure and Barring Service (DBS) update service and remain subscribed throughout the full term of their licence.

7.8 Private Hire Operator Requirements and Obligations

Proposed Policy Changes (new requirement)

- (4.5) The Authority requires that Operators ensure that their vehicles are used within the Staffordshire Moorlands District Council area for at least 25% of their journeys to ensure that the Authority's residents and visitors have access to Private Hire Vehicles. Operators will be required to produce a record of their jobs when required.

- (7.1) New Operators licences will only be issued for 1 year and if managed correctly in accordance with the policy Operators will have the opportunity to apply for a 5 year licence.

7.9 Other Policy Updates

Further updates are referenced in yellow in Appendix A.

- 7.10 The following timetable is proposed in respect of the consultation and adoption of the revised policy:

Consultation Document	Consultation 12 Weeks	Consultation responses	Committee Meeting/Full Council
Hackney Carriage and Private Hire Policy	July – September	September/October	Responses presented to Licensing Committee in October 2025 for agreement and recommendation to Full Council December 2025.

- 7.11 The consultation will seek to engage all of the Hackney Carriage and private hire trade, including all licensed operators and drivers within the district, as follows:

- Copies of consultation proposals be available to view on the Council's website and a hard copy will be made available at the Leek Reception and Biddulph Town Hall.
- Correspondence will be circulated to all Hackney Carriage and Private Hire operators and drivers licensed with the Authority.
- A dedicated email address will be set up where operators/drivers can send correspondence and request a one-to-one meeting to discuss personal circumstances etc.
- Consultation responses received by the Council will be collated, discussed and presented to the Licensing Committee for consideration in October 2025 and a decision to undertake further consultation or to recommend a revised Policy to Council for adoption may be taken, for implementation in January 2026.