

## BRECKLAND DISTRICT COUNCIL

**Report of:** Craig Fowler – Environmental Health & Licensing Manager

**To:** Licensing Committee – 11 January 2023

**Author:** Josie Hoven – Senior Licensing Officer

**Subject:** Interim changes to the Breckland Taxi Policy

**Purpose:** To review proposed interim changes to the Breckland Hackney Carriage and Private Hire Policy.

**Recommendation(s):** That the committee review and approve the proposed interim changes outlined in the report, so that the Breckland Hackney Carriage and Private Hire Policy can be updated with immediate effect.

### 1.0 BACKGROUND

- 1.1 The latest Breckland Hackney Carriage and Private Hire Policy was reviewed in 2022 after public and trade consultation. There was an intention to review the vehicle specification by the end of 2022 in line with Department for Transport Standards, however, the DfT Standards document has not yet been released. In order for the policy to reflect current legal requirements this report requests that the Licensing Committee consider updating the following conditions.
- 1.2 Section 2 (page 6) Hackney Carriage/Private Hire Driver – new application procedure – to add the following:
- ***The applicant will be required to supply a DVLA check code so that their DVLA driver record can be checked online.***
  - ***The applicant will be advised that they must register with HMRC for tax purposes.***
- 1.3 Section 3 (page 14) Renewal of Hackney Carriage/Private Hire Driver Licence – to add the following:
- ***The applicant must provide a DVLA check code so their DVLA driver record can be checked online.***
  - ***The applicant must provide an HMRC share code that will be verified by the team (the code verifies that the applicant has registered with HMRC for tax purposes).***
- 1.4 Section 7 – Specifications applicable to all vehicles – to amend the current condition to the following:
- (page 24) - Tinted Windows

During the consultation on the Taxi Policy earlier this year the trade asked if the condition regarding tinted windows could be removed as it was proving burdensome to either find a vehicle that met the window tint specification or increasingly costly to have clearer glass fitted retrospectively. It is now the norm for the majority of vehicles to have rear windows tinted during the manufacturing process.

The senior licensing officer has consulted the other six Local Authority licensing teams in Norfolk regarding their policy on window tints. Five neighbouring authorities have removed the window tint condition (the sixth has not yet responded), replacing it with the current regulation under The Road Vehicles (Construction and Use) Regulations 1986:

***“ Motor vehicles first used on or after 1<sup>st</sup> April 1985 - the minimum levels of light that must pass through the windscreen and front side windows. The limits are: • The light transmitted through the windscreen must be at least 75%; and • The front side windows must allow at least 70% of light to be transmitted through them.***

#### 1.5 Section 7 – specifications applicable to all vehicles

No Smoking signs are required under the Health Act 2006 in public transport vehicles. We would like to add a condition requiring ***No Smoking signs must be displayed in licensed vehicles.***

Seatbelts are required to be worn by all passengers where seatbelts are fitted (and be worn by drivers whilst not conveying passengers). We would like to add a condition that a ***Seatbelts Must Be Worn sign must be displayed in licensed vehicles.***

#### 2.0 OPTIONS

2.1 Having regard to the proposed changes and the Breckland Hackney Carriage and Private Hire Policy, members have the option to:

1. Approve the new conditions and agree adoption into the current Breckland Hackney Carriage and Private Hire Policy
2. Make amendments to the new conditions and agree adoption into the current Breckland Hackney Carriage and Private Hire Policy
3. Do nothing

#### 3.0 REASONS FOR RECOMMENDATION(S)

3.1 Breckland Council adopted its new Taxi Policy and Procedures document in January 2022. The document outlines the procedures for all matters related to taxi licensing. Section 1 (1.5) of that policy states that a review of the taxi policy and procedures will be carried out every five years, although interim changes may be made at any time in line with update guidance and policy changes. These new and updated conditions are considered minor and reflect compliance with other legal requirements, so it is not deemed necessary to carry out further consultation on these particular matters and it is in the public interest to deal with such matters expediently. The conditions will assist with legal compliance with current legislation and allow the trade to purchase vehicles that meet current DVSA standards on window tint.

3.2 To do nothing would not aid legal compliance and keep abreast of current legislation, nor would it provide the required degree of clarity to customers and enforcement officers. It would also continue to restrict the trade to purchasing vehicles that have window tint beyond the DVSA standards and current manufacturing standards.

## 4.0 EXPECTED BENEFITS

4.1 Breckland is a mainly rural area and the licensed taxi trade provides a vital public service where many people do not have access to other transport provision.

By updating the tinted window condition to current DVSA standards, the trade can purchase newer vehicles without the need to retro fit glass to an otherwise fit for purpose vehicle. The comfort and safety of passengers may well be increased as vehicle specifications are constantly improving on newer vehicles and by allowing manufacturers tint, the trade will be able to purchase newer vehicles without the fear of the expense of having to change the glass.

The other conditions will make the requirements for licensed vehicles and drivers clearer to both the licensed trade and enforcing officers.

## 5.0 IMPLICATIONS

In preparing this report, the report author has considered the likely implications of the decision - particularly in terms of Carbon Footprint / Environmental Issues; Constitutional & Legal; Contracts; Corporate Priorities; Crime & Disorder; Data Protection; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timescales; Other. Where the report author considers that there may be implications under one or more of these headings, these are identified below.

5.1 Constitutional & Legal

It is not considered necessary to carry out further consultation on the minor amendments to the policy recommended in this report as they reflect compliance with other legal requirements.

## 6.0 WARDS/COMMUNITIES AFFECTED

6.1 All.

## 7.0 ACRONYMS

7.1 DVSA – Driver and Vehicle Standards Agency

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Background papers:-

Breckland Taxi Policy and Procedures [https://www.breckland.gov.uk/media/19648/Breckland-Council-Hackney-Carriage-and-Private-Hire-Vehicle-policy/pdf/Taxi\\_Policy\\_FINAL.pdf?m=637961429490370000](https://www.breckland.gov.uk/media/19648/Breckland-Council-Hackney-Carriage-and-Private-Hire-Vehicle-policy/pdf/Taxi_Policy_FINAL.pdf?m=637961429490370000)

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**Key Decision:** No

**Exempt Decision:** No

**This report refers to a Mandatory Service**