

Licensing Committee Report

Ward(s) affected: All Wards

Report of the Joint Strategic Director for Place

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## **Taxi and Private Hire Licensing Annual Update**

### **Executive Summary**

The Council in its role as the Licensing Authority for the taxi and private hire trades is responsible for administering and enforcing a number of pieces of legislation and guidance surrounding the Councils licensing and registration functions.

This report seeks to provide the first of an annual update on the on the licensing of Taxi and Private Hire drivers, vehicles and operators. A separate report will be presented for the other licensing areas.

The report sets out the details of the service, including:

- Council's responsibilities
- Details of service
- Statistics
- Service requests
- Future projects

## **Recommendation to Committee**

That the Committee notes the updates provided, which is intended to be an annual update for the Committee's information.

### Reason(s) for Recommendation:

To ensure the Committee is briefed on the Council's Licensing and Registration functions.

### **Is the report (or part of it) exempt from publication?**

No

## **1. Purpose of Report**

- 1.1 The purpose of this report is to brief the Committee on Taxi and Private Hire Licensing activity updates with the intention that the report forms a basis for future annual updates.

## **2. Strategic Priorities**

The Council's Licensing function contributes to our fundamental themes as follows:

- **Homes and jobs** – supporting local businesses by ensuring they are aware of and compliant with licensing legislation and ensuring the safety of employees in licensed establishments.
- **Environment** – ensuring the protection and promotion of the environment via the licensing process.
- **Community** – tackling inequality in communities by ensuring customers with a disability are able to use licensed establishments.

## **3. Background**

- 3.1 The Guildford Borough Council licensing service is responsible for the following areas:
  - Licensing Act 2003

- Gambling Act 2005
- Sexual entertainment venues and shops
- Taxi and Private Hire drivers, vehicles and operators
- Charitable street and house to house collections
- Street trading
- Pavement licensing
- Animal activity licensing

3.2 In addition, the Licensing specialism is responsible for other legislation concerning the microchipping of dogs, and antisocial behaviour involving animals. Furthermore the Licensing specialism also undertakes the co-ordination and submission of the Council's Purple Flag award, attends a number of stakeholder groups such as JAG (including associated sub-groups), Safety Advisory Group, Business Crime Reduction Partnership, Guildford Pubwatch, Licensing Responsible Authority monthly meetings and manages the stray dog collection contract.

3.3 The current licensing resource, involved on a day-to-day basis with above legislation is as follows: 1 FTE Licensing and Community Safety Specialist, 1 FTE Licensing Compliance Officer; 1 FTE Animal Welfare Officer. From 12 February 2024 an additional 1 FTE temporary Licensing Compliance Officer has been in post following a successful growth bid for further resource. Additionally, 4 FTE Case Workers, managed by the Deputy Head of Customer Case and Parking are responsible for the administration of applications and other work for Regulatory Services, amongst other duties across the Customer Case and Parking Service area.

3.4 Licensing contributes to corporate projects such as town centre regeneration where it is a key stakeholder concerning changes to taxi ranks, introduction of new licensed premises and relocation of the market. Officers are also involved in training Councillors, staff and stakeholders in licensing matters.

- 3.5 Unlike most other areas of 'regulation' there are distinct responsibilities on the Council in its role as the 'licensing authority' under many different areas of licensing. This is not just simply relating to the processing of applications, but also includes:
- setting the local framework through a statement of licensing policy
  - considering applications with a view to promoting the licensing objectives under the Licensing and Gambling Acts, or the public protection and economic growth aspects of other licensing regimes.
  - undertaking inspection and enforcement activities to ensure conditions of licences are being met, and to ensure that any operator who requires a licence has one.
  - maintaining the required statutory registers
- 3.6 There are very clear links between the work of the Licensing Service and the aims of the Councils Corporate Plan. Furthermore, as the licensing authority under the Licensing Act 2003 the Council must conduct its functions with a view to promoting the licensing objectives. This duty is legislated under section 4(1) of the Licensing Act 2003 and consequently the Council must ensure it takes the steps necessary to contribute to preventing crime, protecting public safety, protecting children from harm and preventing public nuisance through the licensing process.
- 3.7 The Council in its role as the Licensing Authority for the Hackney carriage and private hire vehicle trades has a paramount obligation to ensure the safety of the public. The current Hackney Carriage and Private Hire Licensing Policy approved in April 2021, reflecting Guidance issued by the Department of Transport in July 2020, introduced positive changes to the licensing function reflecting this obligation.

### 3.8 Licensing Legislation

The Taxi and Private Hire trades are regulated under two principal pieces of law;

The Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. There are 5 different types of licence regulated:

- Hackney Carriage Vehicles – the teal-coloured liveried vehicles which can ‘ply for hire’ in the Borough.
- Private Hire Vehicles – or minicabs which must be pre-booked via a Private Hire Operator.
- Hackney Carriage Drivers – drivers entitled to drive a hackney carriage or private hire vehicle.
- Private Hire Drivers – drivers entitled to drive a private hire vehicle only.
- Private Hire Operators – a licence to make provision for inviting and accepting bookings for private hire vehicle journeys.

### 3.9 Taxi and Private Hire Applications

The Taxi and Private Hire Licensing function takes up the significant portion of staff and Councillors sitting on the Licensing Committee’s time.

This table shows the number of new and renewal applications for the past 3 years. Whilst the covid pandemic has undoubtedly affected the trade with a number of drivers leaving to search for other opportunities due to the downturn, Guildford has somewhat bucked the national trend of driver shortages by having more new drivers over the period.

Number of applications	2021	2022	2023
New HCD	57	107	107
Renew HCD	60	69	66

Convert from PHD to HCD	46	32	7
New PHD	16	21	30
Renew PHD	48	46	22
New HCV	10	14	38
Renew HCV	110	115	125
New PHV	28	45	68
Renew PHV	159	140	136
New PHO	3	5	12
Renew PHO	13	12	1
Total new/renewal applications	550	606	612

#### Other Applications

Number of applications	2021	2022	2023
Driver Revocation	0	1	3
Driver Surrendered	3	1	0
Driver Suspension	14	13	11
Vehicle Revocation	0	0	0
Vehicle Surrendered	21	7	4
Vehicle Suspension	20	20	8
Vehicle Change	9	8	14
Vehicle Transfer	14	10	19
Replacement PHV Signage	36	36	88
PHV Plate Exemption	23	20	26
CCTV Exemption	-	-	23
Operator Revocation	0	0	0

Operator Surrendered	2	2	0
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### Cases considered by the Licensing and Regulatory Sub-Committee

The Licensing and Regulatory Sub-Committee hears a number of matters relating to new and existing licence holders, mainly determinations as to whether an applicant or current driver is a 'fit and proper person'. There was reduced activity in 2020 and 2021 likely due to restrictions affecting the trade, whereas 2022 and 2023 has seen significantly more referrals to the Sub-Committee, caused by an increase in new applications and matters relating to existing drivers which have come to the Authorities attention.

Number of Sub-Committee Decisions	2021	2022	2023
New Driver	0	9	8
Existing Driver	0	3	8
Vehicle	0	1	0
Operator	0	0	0
Appeals	0	1	3

### 3.9 Licensing Service Requests (taxi related)

In total, 305 service requests were made to the council about the taxi and private hire trade in 2023. The number of requests is higher than the previous two years, showing a continual demand for the Licensing Service to ensure the licensed trade is operating to a high standard.

Complaints reported to the council relate to driver conduct, licence breaches and possible traffic offences. In most of these cases licensed drivers are given verbal or written warnings, a record of which is placed on their licensing file. If a driver continues to receive complaints, they may be referred to the Licensing Committee.

Each complaint is dealt with on its own merits. Many complaints relate to the key aspect of the licensing scheme, namely the safety and comfort of the travelling public. Many relate to whether the driver is honest, reliable, and trustworthy i.e., 'fit and proper' to hold a licence.

The table below shows the number of service requests received by type:

Service Request type	2021	2022	2023
Taxi/PH Complaint	43	133	149
Taxi/PH Enquiry	107	132	128
Accident report	17	26	28
Total Taxi/PH Service Requests	167	291	305

### 3.10 Current work

#### 3.10.1 Member Training

May 2023 saw local elections across the Council with a number of new members elected. The Licensing Specialist delivered three Member training sessions covering Licensing Act 2003, Taxi & Private Hire and 'Other Licensing' for both Guildford and Waverley Councils.

#### 3.10.2 Future Guildford Transformation

The past three years has also brought about significant organisational changes through the 'Future Guildford' programme. The intention of this work has been to increase customer self-service through making applications online and the establishment of a Customer and Case team where applications and customer enquiries are dealt with. This programme originally resulted in a reduction 1 FTE Licensing Officer.



Unfortunately, many of the ICT efficiencies and transition of work to the Caseworker team identified by Future Guildford have yet to be realised and whilst work continues to embed the proposed model, there reduction in resource dedicated to Licensing resulted in considerable risk to the service resulting in a successful growth bid to re-establish the post previously lost.

### 3.10.3 Enforcement

The council has adopted an Enforcement Policy containing the principles of the Hampton Report (on effective inspection and enforcement, published in 2005) in its enforcement concordat. Formal enforcement will be a last resort and proportionate to the degree of risk. To this end the key principles of consistency, transparency and proportionality will be maintained. The service has regard to the Regulators' Code when setting standards or giving guidance, which includes basing regulatory activities on risk.

The aim of taxi and private hire licensing is to protect the public with proactive enforcement work, rather than reacting to complaints, seen as being key to this aim.

### 3.10.4 Taxi Policy Review and Implementation

Following publication of the Statutory Taxi and Private Hire Standards in July 2020, the Council's Licensing Policy was reviewed, and an updated version approved following consultation in April 2021.

The Policy included a number of updates including a requirement for all vehicles to be fitted with approved CCTV from April 2023 and requiring that all drivers sign up to the DBS update service.

Following a procurement exercise, work to implement the CCTV Policy has continued whereby any new or renewal vehicle application from 1 April 2023 would be required to be fitted with CCTV from an approved installer. In turn, Officers have dealt with an increased number of concerns relating to the CCTV Policy in addition to

resolving installation issues between suppliers and proprietors. There have been a number of positives from the CCTV whereby Officers are able to access cameras following a complaint which provide a definitive account of an event. There have also been a number of requests from drivers for footage following an accident and from the Police as a result of an incident.

In addition, a new DBS provider has come online which will facilitate drivers signing up to the DBS Update Service and allow the Council to check for any updates to a driver's DBS at regular intervals.

### 3.10.5 Taxi Legislation Update

2022 saw the enactment of two new pieces of Taxi Legislation:

The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 which placed a duty on Local Authorities to report and act upon certain road safety concerns and The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 which enhanced the protections available to customers with a disability. A full update on these laws was provided to Licensing Committee on 20 July 2022.

Whilst there was no additional legislation in 2023, the ruling in the case of Uber v Sefton Borough Council concerning Private Hire Operators and contractual arrangements between passengers has resulted in potential changes to the way in which Operators must engage with both passengers and drivers with implications for both Licensing and Tax. A report on these implications was provided to Licensing Committee on 27 September 2023.

### 3.10.6 Best Practice Consultation

In November 2023, the Department for Transport issued an updated version of its Taxi and Private Hire Licensing, Best Practice Guidance following a consultation on a draft in March 2022.

Officers have disseminated this information to Members and the trade for information, with a training session for Members arranged on the updated guidance in March.

It is envisaged that the updated Best Practice Guidance will result in a review of the Council's Licensing Policy.

### 3.10.7 Multiagency Groups

Licensing is currently involved in a number of multiagency groups to support the promotion of the licensing objectives by working in partnership with others to achieve this aim.

Guildford Licensing Responsible Authority Group – The purpose of the group is to facilitate closer partnership working between agencies in the promotion of the Licensing Act and the four mandatory licensing objectives. The group is chaired by Licensing and meets monthly involving various agencies, including those designated as responsible authorities under the Licensing Act. It provides for partners to discuss concerns and to agree a course of action, using all available powers/resources available to address any premises or areas of concern. Members include Surrey Police, Environmental Health Services – Environmental Protection, Food and Safety and Private Sector Housing, Surrey Fire & Rescue and the Immigration Service at the Home Office.

Guildford Pubwatch – Pubwatch schemes are local, independent groups formed of people working in licensed premises with the objectives of tackling and preventing anti-social behaviour and criminal activity, promoting a safe drinking environment for customers and secure working environments for staff, and improving communication and sharing information between licensees. Guildford has a very active Pubwatch which organises a number of safety/awareness campaigns and supports other initiatives to improve safety in licensed premises. Pubwatch meet monthly and in turn are supported by Licensing who provide updates and advice.

Joint Action Group – The aim of the group is to reduce crime and disorder in the

Borough and to help people feel safe in their communities, concentrating on anti-social behaviour, safeguarding, localities working, partnership arrangements and Intelligence sharing.

Safety Advisory Groups – The Council desires to work with even organisers to uphold reasonable standards of public safety at events and to encourage the wellbeing of the public, officials, event organisers and performers. The SAG acts as a conduit for organisers to share their event plans and to receive agency feedback.

Purple Flag – the Licensing Specialist previously co-ordinated the Purple Flag award, an award celebrating safety, partnership and diversity in the night-time economy. This award has considerable benefits to many services in the Council and wider community. Unfortunately in 2023 when Guildford was required to submit a full renewal application to retain the award for the 8<sup>th</sup> consecutive year, a decision was made by the Council and Experience Guildford that the current demands on both services meant that an application to retain the award was not possible.

Surrey Licensing Forums – Guildford officers attend and lead both the Surrey Licensing Leads and Animal Licensing Forum Groups. These groups seek to develop consistency and best practice in licensing across Surrey.

LGA Licensing Policy Forum – the Licensing specialist represents Guildford and the Surrey region at the Local Government Association Licensing Policy Forum which looks at national issues and upcoming changes to legislation. This group provides a valuable link between Government departments and local authorities and has been able to provide a local authority view in several key legislative changes.

Institute of Licensing – The professional body for licensing matters has been instrumental in providing access to case law and legislation updates, training, and information sharing. The Licensing specialist

represents Guildford as an authority with considerable taxi case law on the IoL Taxi Consultation Panel which looks at national issues and upcoming changes to legislation again providing a local authority view in several key legislative changes.

### 3.11 Future Plans

#### 3.11.1 Taxi Policy

Significant work is still taking place to implement the previously approved CCTV Policy, which has drastically altered the way in which certain complaints are investigated. This has also required Officers to work with the providers to both encourage uptake and have systems in place to access data.

Work is also taking place to update the Council's Vehicle Licence Plates to a more efficient and sustainable option.

The Taxi Knowledge Test is also scheduled for review, with Officers wishing this to be completed on IT 'in house' to ensure the integrity of the process.

The current policy will be reviewed again following the publication of the updated 'Best Practice' Guidance by the Department for Transport in November 2023. In addition, it will also be interesting to see how the proposals affecting taxis in the Levelling Up White Paper progress, however the Government has confirmed that it will not be able to progress its previous commitments to national minimum standards and enforcement powers during this Parliament.

#### 3.11.2 Licence Fees

Licence fees were last reviewed in late 2022 and a report concerning a review for 2024/25 is also presented to Licensing Committee as a separate report.

### 3.11.3 Hackney Carriage Fares

The last review of review of taxi fares took place in July 2022 with an annual review not possible due to the demands on the Licensing Service in 2023. However fares increased significantly in 2022 and Guildford remains the 4<sup>th</sup> highest national average fare. A further review may take place between depending on resource which will involve a survey to the trade of running cost prior to following the approved methodology.

### 3.11.4 Online Applications

Progress was made in 2023 to add Driver licensing to the suite of applications which are available online following vehicle licensing being made available in 2022.

## **4. Consultations**

- 4.1 The taxi and private hire trade are always consulted upon decisions which affect their industry. Furthermore a regular newsletter highlighting local and national issues is produced, and trade forums also regularly take place.

## **5. Key Risks**

- 5.1 The principle work areas, the Licensing Act and Taxi and Private hire regimes set out very clearly a legislated obligation for the Council to carry out its duties to promote the licensing objectives (preventing crime and disorder, preventing nuisance, public safety and protecting children). The statutory guidance also requires that the Council be sufficiently resourced to achieve this aim.
- 5.2 Furthermore matters must often be dealt with within strict timescales with a clear separation of duties between the officer investigating a complaint and the officer making a licensing decision, with a view to avoiding corporate risk or more importantly protecting the public.

5.3 Late 2022 saw the creation of a shared Executive Head of Regulatory Services for Waverley Borough Council and Guildford Borough Council, with a mandate to explore opportunities for further efficiency through collaboration. As part of that process there is potential opportunity for joint working on Licensing issues which could bring economies of scale and improved efficiency.

## 6. Financial Implications

6.1 The Licensing service is unique compared to other teams within Environment and Regulatory Services in that the service charges fees for the various permissions administered with the aim for the Council to be able to recover its costs.

6.2 Taxi and Private Hire Licensing fees are reviewed annually in order to recover costs.

6.3 The level of expenditure in providing the taxi licensing service is set out below:

<b>Cost Element</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>
Employee Related Expenditure	£53,568	£56,866	£37,971
Supplies and Services	£20,350	£20,240	£28,497
Support Services including Legal Costs, Case Workers, HR, ICT, Finance	£64,420	£68,621	£70,996
Income	(£127,751)	(£128,523)	(£172,135)
Service Cost	£10,587	£17,204	(£33,032)

6.4 However please note that 23/24 figures are budgeted as the financial year has not finished.

## **7. Legal Implications**

7.1 Unlike most other areas of 'regulation' there are distinct responsibilities on the Council in its role as the 'licensing authority' under many different areas of licensing. This is not just simply relating to the processing of applications, but also includes:

- setting the local framework through a statement of licensing policy
- considering applications with a view to promoting the licensing objectives under the Licensing and Gambling Acts, or the public protection and economic growth aspects of other licensing regimes.
- undertaking inspection and enforcement activities to ensure conditions of licences are being met, and to ensure that any operator who requires a licence has one.
- maintaining the required statutory registers

## **8. Human Resource Implications**

8.1 The legislative update can be managed from within the current resource and Licensing Committee are asked to note that a growth bid has been made to increase the licensing resource.

## **9. Equality and Diversity Implications**

9.1 Under the general equality duty as set out in the Equality Act 2010, public authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not.

9.2 The protected grounds covered by the equality duty are: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. The equality duty also covers marriage and civil partnership, but only in respect of eliminating unlawful discrimination.



- 9.3 The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had due regard to the aims of the equality duty.
- 9.4 Licensing Policies and Licensing decisions all have regard to the Council's Equalities duties.

## **10. Climate Change/Sustainability Implications**

- 10.1 The Council's Taxi Licensing Policy is drafted recognising that the Council has declared a climate change emergency.

## **11. Summary of Options**

- 11.1 The report is presented to the Committee for information.
- 11.2 As the Annual Report is presented for information only there are no further options available to Council as no further action is necessary.

## **12. Conclusion**

- 12.1 It is good practice to provide an overview of information to Committee members, which will thus enable Members to be informed about licence applications, decisions made by Licensing Committee hearings, enforcement action including suspensions and revocations, and future work planned by the licensing area.
- 12.2 This information enables Members to be informed and to aid decision making in the future.

## **13. Background Papers**

[Guildford Borough Council Licensing Policies: Available Publicly online](#)

[Local Government Association – Councillor Handbook: Taxi and PHV Licensing](#)

[Department for Transport – Statutory Taxi and PHV Standards](#)

[Department for Transport – Taxi and Private Hire Vehicle Licensing: Best Practice Guidance](#)

#### **14. Appendices**

None

Please ensure the following service areas have signed off your report.  
Please complete this box and do not delete.

<b><i>Service</i></b>	<b><i>Sign off date</i></b>
<i>Head of Service</i>	<i>21/02/2024</i>
<i>Director</i>	<i>22/02/2024</i>
<i>Finance / S.151 Officer</i>	<i>22/02/2024</i>
<i>Legal / Governance</i>	<i>26/02/2024</i>
<i>HR</i>	<i>22/02/2024</i>
<i>Equalities</i>	<i>22/02/2024</i>
<i>Lead Councillor</i>	<i>01/0/2024</i>
<i>CMB</i>	<i>22/02/2024</i>
<i>Committee Services</i>	<i>29/02/2024</i>