

**Meeting:** Licensing Committee  
**Date:** 13 January 2025  
**Classification:** Part 1  
**Key Decision:** Yes  
**Title of Report:** Proposal to Consult on Taxi Licensing Policy

**Executive Director:** Alan Richards – Executive Director for Environment & Place  
**Report Author:** Adam Penn – Regulatory Services Manager  
**Chair of Licensing:** Cllr Steve Wakefield

## **1. Executive Summary**

- 1.1. The Licensing Committee are invited to review the draft policy with a view to granting permission to commence a six-week consultation on a draft Taxi Licensing Policy that consolidates statutory guidance and existing conditions. It outlines clear standards and expectations for drivers, proprietors and operators within Southend-on-Sea.
- 1.2. The committee are also invited to hear comment on the draft from members outside the licensing committee for their consideration.

## **2. Recommendations**

**It is recommended that the Licensing Committee:**

- 2.1. **Approve the proposed draft Taxi Licensing Policy as a consultation document**
- 2.2. **Authorise the commencement of a six-week public consultation period to gather feedback from stakeholders**

## **3. Background**

- 3.1. The Council holds statutory responsibility for licensing hackney carriage and private hire drivers, vehicles, and operators under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.
- 3.2. Currently, licensing conditions and guidance for drivers and operators are fragmented across multiple documents. This can lead to inconsistencies in understanding and enforcement. A comprehensive policy document is

needed to clearly outline professional standards, expectations, and the conditions of licensing.

#### **4. Reasons for Decisions**

4.1. The Department for Transport Guidance to Licensing Authorities requires each council to produce a taxi policy. This draft Taxi Licensing Policy has been developed in accordance with that guidance to:

- **Unify Existing Conditions:** Consolidate all current licensing conditions into a single document.
- **Set Clear Standards:** Provide explicit guidance for licensees, covering areas such as:
  - **Driver Conduct:** Customer service, adherence to traffic laws, and assistance for vulnerable passengers.
  - **Vehicle Standards:** Maintenance, cleanliness, and compliance with safety requirements.
  - **Operator Responsibilities:** Record-keeping, booking management, and adherence to licensing requirements.
- **Enhance Public Safety:** Promote measures to protect passengers, particularly children and vulnerable persons.
- **Promote Environmental Sustainability:** Encourage the adoption of low-emission vehicles.

#### **5. Other Options**

5.1. The only other option is to continue as we are without a consolidated policy. This would put the Council in a position where it is not following Government Guidance

#### **6. Financial Implications**

6.1. The consultation process will be conducted within existing resources, drawn from fees paid by the licensed taxi trade.

#### **7. Legal Implications**

7.1 The development and adoption of a consolidated Taxi Licensing Policy ensures compliance with the Council's statutory duties under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847, as well as adherence to Department for Transport guidance for licensing authorities.

7.2 Transparency in decision-making is critical to avoid potential legal challenges. Failure to provide clear and cogent reasons for decisions, particularly where policies affect protected groups under the Equality Act 2010, could result in claims of discrimination or failure to meet the public sector equality duty. The Council must demonstrate that it has given due

regard to the need to eliminate unlawful discrimination, advance equality of opportunity, and foster good relations between different groups.

- 7.3 A consolidated policy will help mitigate risks of inconsistency and unreasonableness in enforcement, which could expose the Council to legal challenges by way of judicial review under principles of administrative fairness and natural justice.
- 7.4 Adopting a unified policy enhances a robust policy by ensuring that all decisions are based on a transparent, comprehensive framework in line with national guidance. The consultation process supports the principles of public accountability and public involvement in decision-making. Ensuring meaningful engagement with stakeholders will help the Council demonstrate that decisions are fair, reasonable, and made with consideration of public input, further strengthening its legal position. This reduces the likelihood of judicial review or challenges from stakeholders, including operators, drivers, or passengers.
- 7.5 Compliance with environmental and safety standards, as outlined in the policy, is essential to meet obligations under other relevant legislation, such as the Road Traffic Act 1988, and other environmental requirements.
- 7.6 By adopting this approach, the Council protects itself from legal risks and reinforces public trust in its licensing framework.

## **8. Policy Context**

- 8.1 Provides a safe city for all, by regulating the safety of the taxi and private hire services licenced by Southend Council with respect to vehicle and personal safety. Taxi and private hire services provide a 24-hour service giving access to those who are unable to use public transport services.

Enables the transition to cleaner vehicles for licenced taxi and private hire vehicles, improving air quality and environmental sustainability.

## **9. Carbon Impact**

- 9.1. The policy promotes environmental sustainability encouraging the adoption of low-emission vehicles as taxis.

## **10. Equalities**

- 10.1. An Equality Assessment has been completed to ensure that the draft policy promotes inclusivity and addresses potential impacts on protected groups. Feedback from the consultation will further inform this assessment.

## 11. Consultation

- 11.1. In developing this draft, officers have consulted heavily with the trade bodies and unions representing Drivers, Proprietors and Operators. The consultation on the draft policy will take the following format:
- 11.2. The consultation will target:
- All licensed drivers, vehicle proprietors and operators
  - Essex Police and other relevant authorities.
  - Local businesses and community and stakeholder groups.
  - Citizens.
- 11.3. Methods will include:
- An online survey hosted on the Council's website.
  - Direct communications with licence holders.
  - Press and Social Media coverage
  - Engagement with key stakeholders

## 12. Appendices

- 12.1. **Appendix 1:** Proposed Draft Taxi Policy, for consultation

## 13. Report Authorisation

This report has been approved for publication by:		
	Name:	Date:
Executive Director(s)	A Richards	03.01.25
S151 Officer	J Chesterton	30.12.24
Monitoring Officer	E Anakwue (PP S Zeiss)	02.02.25
Chair of Licensing	S Wakefield	03.01.25