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**TAXI AND PRIVATE HIRE NEWSLETTER**

**JUNE 2022**

**Hackney Tariff**

Further to the last update on the taxi tariff, the statutory consultation process on the proposed amendments has now come to a close.

There were 30 consultation responses received, which contained perhaps unsurprisingly polar opposite views in terms of the proposal, from the rates being either too high, or too low, or concerns over the proposed commencement of rates, etc. Members were provided with all representations and they were examined in turn by Licensing and Community Safety Committee during their meeting of the 14 June. At this meeting members made a recommendation to Strategy and Resources Committee to approve the tariff un-amended from that advertised.

In line with the process outlined under the Local Government (Miscellaneous Provisions) Act 1976 this matter will now be determined in the required period of two months from the date of the original notice. As such, the recommendation before Strategy and Resources Committee on the 4 July is that the new tariff becomes effective on the 11 July 2022. We will update you shortly after this meeting with the decision made, and to provide advice on the next stage. New tariff cards, customer information sheets etc., will be issued, and for those wishing to update their meters, information will be provided on meter testing arrangements.

**New Taxi Legislation**

The Taxi and Private Hire Vehicle (Disabled Persons) Act 2022 has now passed royal assent and will become law on the 28 June 2022. The legislation originated from a Private Members Bill and seeks to address gaps in the protection given to disabled people under Sections 165 and 167 of the Equality Act. The key changes introduced by the Act are:

* Taxi/ PH drivers will be obliged to carry and provide fair service to all passengers, regardless of impairment, at no extra cost. Previously the Equality Act provisions meant that drivers were unable to refuse to carry a customer with an assistance dog unless they had a medical exemption certificate, and drivers of wheelchair accessible vehicles were likewise unable to refuse a wheelchair user without an exemption. The new legislation therefore extends these provisions to carrying and providing reasonable assistance to all disabled passengers.
* Drivers will be required to provide as much mobility assistance as is reasonably required, including carrying mobility aids. This may involve helping a passenger transfer to the vehicle, folding wheelchairs, adjusting seats, or any other *reasonable* modification to ensure the trip is safe and comfortable.
* The act also introduces a new duty requiring that drivers assist disabled passengers to identify and find the vehicle they have booked, without making any additional charge for doing so. This would be on the condition that the driver is made aware before the start of the journey that the passenger requires assistance to identify or find the vehicle. This would be particularly helpful for visually impaired passengers and those with learning disabilities or cognitive impairments.

We know that most people in the taxi trade already undertake all of the above and more to assist customers with additional needs, but we wanted to make you aware that the above will shortly be legal requirements, with fines of up to £1000 for non-compliance. In addition to the above additional driver duties, local authorities will now be legally required to publish a register of licensed wheelchair-accessible Taxi’s and PHV’s.

In addition to the above, the **Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022** became effective on the 31 May 2022. There are two main requirements under the Act, both falling to Local Authorities but with an impact on the taxi and PH trade. The requirements are that:

* Where a Local Authority has information about a taxi or PHV driver licensed by another authority that is relevant to safeguarding or road safety concerns in its area, it must share that information with the authority that issued that driver’s licence.
* Local authorities will be obliged to input, into a central database, instances where the authority has refused, suspended, chosen not to renew or revoked a taxi or PHV driver’s licence based wholly or in part on information relating to the driver concerning safeguarding or road safety.

In practise many Local authorities already shared information in this area (this is why we ask if you have held a licence elsewhere on our application forms, and also specifically if you have ever been refused, revoked or suspended), but authorities are now legally required to do so. Likewise, you may remember that we previously consulted on whether to sign up and use the existing National Register of Revocations and Refusals, and with the passing of this legislation local authorities will shortly have a legal duty to use such a scheme.

**Taxi Policy Consultation**

Thank you to all of the drivers who took the time to respond to our recent consultation on proposed changes to the North Devon Taxi and Private Hire Policy. The consultation period has now closed and we received 53 responses.

Many of the responses included detailed comments on the proposals and we will consider all of the responses carefully before putting forward recommendations for the Licensing and Community Safety Committee to consider.

The most detailed and numerous comments were about proposed changes to the vehicle standards, specifically a proposal to reduce the age limit for new/ first plate vehicles, and also the proposal to introduce an upper age limit for vehicle renewal. Clearly both of these were emotive issues and we will give all of the responses received very careful consideration. In addition to the consultation responses received, the Department for Transport released after the consultation commenced new draft Taxi and Private Hire Vehicle Licensing Best Practise Guidance, which states the following: “The setting of an arbitrary age limit may be inappropriate and counterproductive and result in higher costs to the trade and ultimately passengers”, and “Licensing authorities should not impose age limits for the licensing of vehicles but should consider more targeted requirements to meet its policy objectives on emissions, safety rating and increasing wheelchair accessible provision”. The Licensing and Community Safety Committee will be made aware of this, and of the responses received on this issue, and will bear this in mind when listening to recommendations from Officers who will also have considered this issue carefully.

**Tax Conditionality Checks**

Please be reminded that the Tax conditionality check requirement is now live, so drivers/ new applicants must now provide a tax check code on their applications.

You can obtain a code via the HMRC website and the link below provides guidance on how to complete the check, including a link to the online application portal.

<https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence>

For most people the tax code application should be simple and only take a few minutes, but a small number of drivers have run into difficulty and the Licensing Team have been trying to assist them where possible. However, given the check relates to your personal tax, in most instances HMRC will be your first port of call for assistance, and we have provided links below to their general enquiries helpline:

[Income tax: general enquiries](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Forganisations%2Fhm-revenue-customs%2Fcontact%2Fincome-tax-enquiries-for-individuals-pensioners-and-employees&data=04%7C01%7Ccompliancepolicyisbc%40hmrc.gov.uk%7Cded70d67e1eb4413f4a908da196569ab%7Cac52f73cfd1a4a9a8e7a4a248f3139e1%7C0%7C0%7C637850220589180217%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000&sdata=r5wuGqylxOQ%2FY6wBvR8r6NZ1uaA%2BsZJaRr6B%2BUixzSc%3D&reserved=0)

www.gov.uk/government/organisations/hm-revenue-customs/contact/income-tax-enquiries-for-individuals-pensioners-and-employees for individuals; or

[Corporation Tax: general enquiries](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Forganisations%2Fhm-revenue-customs%2Fcontact%2Fcorporation-tax-enquiries&data=04%7C01%7Ccompliancepolicyisbc%40hmrc.gov.uk%7Cded70d67e1eb4413f4a908da196569ab%7Cac52f73cfd1a4a9a8e7a4a248f3139e1%7C0%7C0%7C637850220589180217%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000&sdata=iEPYVgDhtZUioS%2FPgNGLJFGGd1T0h49XK2HpvzOG6Us%3D&reserved=0)

[www.gov.uk/government/organisations/hm-revenue-customs/contact/corporation-tax-enquiries](http://www.gov.uk/government/organisations/hm-revenue-customs/contact/corporation-tax-enquiries)

for companies

One particular query has come up a few times, namely whether drivers that are directly employed (PAYE registered), as opposed to self-employed, still need to provide a tax check code. The Licensing Team raised this directly with HMRC, who confirmed that tax checks must be completed for ***all*** applications to renew a licence regardless of the applicant’s employment status. They also confirmed that the tax check service includes options for an applicant to declare how they pay tax on their licensed income; if this is via PAYE, the tax check will be completed at this point and a tax check code will be generated.

The Licensing Team are prevented by law from issuing a licence without a tax check code (this isn’t us being unhelpful, it’s the law!), so please look into this in good time before your badge expires as that way in the unlikely scenario that you run into difficulty with it, you will still have some time to contact the HMRC helpline and get this sorted.

**DBS Update Service**

Please also be reminded that as from **1 April 2022** applicants wishing to renew a driver’s licence are required to sign up to the DBS Update Service. [DBS Update Service - GOV.UK (www.gov.uk)](https://www.gov.uk/dbs-update-service)

If you are not already signed up then you will be required to provide a new enhanced DBS certificate with your renewal application and then sign up to the Update Service within **30 days** from the certificate issue date.

In order to make your electronic application you will need to self-register and apply with First Advantage Online Disclosures (previously GB Group) on the following website: www.fadv.onlinedisclosures.co.uk Guidance is available on this page entitled 'The Applicant - How to Get Started'.

If you have applied to GB Group previously (now known as First Advantage Online Disclosures) for a DBS then you will just need to sign in using the organisational pin 144744, your email address and password otherwise you will need to click ‘Register’ on the right hand side of the screen. You will then be asked to submit your full name, email address, and organisational pin which follows. In the second stage of your application you will be required to enter the following secret word.

**Org pin: 144744 Secret word: Taxi**

The application process should only take around 5 minutes to complete. You can save your progress and return at any time to complete your application. You will need your driving licence, national insurance number and if appropriate valid passport or national ID card. To make completing the application easier and faster make sure that you have these documents readily available. You will be prompted to make payment at the end of your application. The current fee for an Enhanced DBS Certificate is £44.00, plus there is an admin fee payable to First Advantage Online Disclosures of £11.40.

In addition after making your online application you will be required to have your identity verified at the Post Office (WHSmith, 76 High Street, Barnstaple, and The Quay, Bideford are the two offering this facility locally). Alternatively you can have this completed at one of our Customer Service Centres. There is a fee of £6.00 for ID verification.