



**REPORT TO:** Council

22 February 2018

**LEAD OFFICER:** Mike Hill – Director Health & Environmental Services

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## **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY AND CONDITIONS**

### **Purpose**

1. Council is invited to approve a new Taxi and Private Hire Licensing Policy and conditions of licensing for Hackney Carriage and Private Hire vehicles, drivers and operators following a public consultation and full consideration by the Licensing Committee
2. This is a key decision because it is significant in terms of its effects on communities throughout the district where taxi services are an integral part of the transport needs for rural areas and it was first published in the November 2016 forward Plan.

### **Recommendations**

3. It is recommended that Council approve and adopt the attached Policy and Appendices A to H, as recommended by the Licensing Committee, with effect from 1<sup>st</sup> April 2018

### **Reasons for Recommendations**

4. The Licensing Committee after a period of public consultation between 1<sup>st</sup> November 2017 and 5<sup>th</sup> January 2018 have considered the consultation responses in full along with the professional advice from its Licensing Officer now recommend to Council a new policy and conditions to
  - Maintain and improve standards within taxi and private hire licensing,
  - Ensure the highest standards of public safety
  - Ensure that our policy and conditions reflect changes in technology
5. Adoption of the Policy from 1 April 2018 will align with the revised fees and charges for 2018-19 to be agreed by the Environmental Services Portfolio Holder on 23 February 2018.
6. The revised Policy is supported by the Environmental Services Portfolio Holder

### **Background**

7. The Local Government (Miscellaneous Provisions) Act 1976 Part II and the Town Police Clauses Act 1847 creates a statutory duty for Local Authorities to licence

Private Hire and Hackney Carriage vehicles, drivers and operators. In carrying out this function the Licensing Authority has a duty to ensure that public safety is paramount whether it is to prevent direct danger to the passenger from the driver of the vehicle or danger to the passenger and other members of society from the vehicle itself.

8. Under current legislation the Licensing Authority has the powers to impose policies and conditions that they consider “reasonably necessary” to provide a service that is accessible and safe and promotes the safety of the travelling public. Too restrictive an approach can work against the public interest, and could have safety implications. by encouraging illegal operations or indirectly forcing the trade to licence elsewhere where conditions are less onerous, thereby losing regulatory control over drivers and vehicles working in our area. The provision of a service to the public should be accessible and safe.
9. The current licensing conditions have been in force since 2009 and cover conditions of licensing for Drivers, Operators and Vehicles along with a Policy on relevance of convictions and a handbook to act as guidance to licence holders and applicants.
10. The consultation process, approved at the previous Licensing committee meeting on 27<sup>th</sup> October 2017, took place between 1<sup>st</sup> November 2017 and 5<sup>th</sup> January 2018 and followed the gov.uk consultation principles 2016 .The consultation was placed on the Council website and all 1,300 licensees were contacted and invited to take part. In addition a range of stakeholders, including local Colleges, Parish Councils and Police were also notified and invited to submit views.
11. In total 51 views were submitted with a breakdown as follows:-
  - Residents - 11
  - Licensed drivers - 23
  - Licensed operators - 7
  - Parish Councils - 4
  - Other - 6
12. Based on the consultation responses, the professional expertise of the Licensing Officers and the view of the Licensing Committee the policy and appendices were fully considered on January 24<sup>th</sup> with the Licensing Committee making the recommendations to Council laid out in this report.
13. Within the consultation responses a range of views were given across the Policy and conditions, all of which were considered by the Licensing Committee, however the following areas raised the most responses, including
  - Introduction of CCTV in vehicles,
  - Wheelchair accessible vehicles
  - Knowledge test
  - Plate exemption policy
  - Vehicle age policy

### **CCTV**

14. The increased popularity of dashcams led the Licensing Committee to propose that CCTV in licensed vehicles should be regulated, both for the protection of licensed drivers and the travelling public. After careful consideration of the comments made

during the consultation, which broadly reflected the view that Hackney Carriages should have CCTV but Private Hire and executive vehicles should not. The Licensing Committee recognised that although there is no legal difference between private hire and executive hire, there is an operational difference between corporate executive and the normal “pub to club” type work that was relevant in this matter.

15. A recommendation is made to introduce CCTV in Hackney Carriage and Private Hire vehicles by 2020 with vehicles that primarily undertake corporate executive work and are subject to a plate exemption as defined in our policy be exempt from CCTV requirements.
16. In making the recommendation to Council the Licensing Committee considered not only the safety aspect but also the overall cost of purchase. Officers reported that an indicative price for CCTV that meets the ICO (Information Commissioner Office) regulations was around £500 to £650.
17. The period 1<sup>st</sup> June 2017 to 31<sup>st</sup> December 2017 there were approximately 30 complaints ranging from dangerous driving through to inappropriate behaviour reported to the Licensing officer where CCTV footage may have assisted in any investigation
18. No specific decisions have been made as to the requirements of the exact type of CCTV as these will now form part of the implementation process, which will involve further consultation with the trade. This process will take place along with colleagues at Cambridge City Council who have also adopted a CCTV policy.
19. Officers will work closely with the Information commissioner and Cambridge City Council to ensure full compliance with Data Protection regulations CCTV retention and access policy, including the approval for SCDC to be the named Data Controller and undertake any necessary assessments to promote full compliance with Data Protection regulations, relevant Codes of Practice, and the Human Rights of both driver and customer progression to achieve this will be reviewed by the Licensing Committee and legal.
20. In implementing any CCTV policy, officers will use reasonable endeavours to find out what resources are available to the trade to assist in the financial cost of installing CCTV and signage. However this should not be taken as a guarantee that such financial support will be found or offered by the Council.

21. **Wheelchair accessible vehicles**

The Committee considered the responses made including how passengers reliant on using a wheelchair can access a vehicle and the initial purchase cost of a Wheelchair Accessible vehicle before making the recommendation that all new Hackney Carriages must be Wheelchair Accessible. Legislation does not permit this condition to be applied to Private Hire vehicles.

22. **Knowledge test**

23. The main area of comment from the consultation related to the requirement for existing drivers to take a test. The Licensing Committee considered this point carefully and recommend that all new applicants are required to take the test. In addition where a complaint is upheld particularly around knowledge of the area, arithmetic, conditions of licensing or spoken English, directly attributable to the role of

a licenced driver, existing drivers can be instructed to undertake and pass the test to show they are fit and proper to continue to hold a licence.

24. **Plate Exemption Policy**

Vehicles undertaking pre booked corporate and executive “Chauffer” style work made particular responses around being permitted from time to time to undertake localised “normal” Private Hire work, highlighting that whilst chauffer style work is the primary focus, there is still an occasional local need, particularly in rural areas where the transport network is reduced, to serve local people in a normal Private Hire style. The Licensing Committee considered this to be reasonable and have reflected this request in the policy for recommendation.

25. **Vehicle Age Policy**

During the consultation views were received in respect of the proposal to reduce the age of vehicles at initial licensing and a specific proposal was put forward to the Licensing Committee to be more favourable to Hybrid/Electric/Ultra low emission vehicles. The Licensing Committee therefore recommends the following;-

	<b>Hackney Carriage</b>	<b>Private Hire</b>
Maximum age for Hybrid/ Electric/ultra low emission vehicles as defined by Gov.uk	<b>5yrs old</b>	<b>5yrs old</b>
Maximum age for other vehicles at time of first being licensed	4 years old	4 years old
Maximum age at time of first being licensed for Exempt Executive (Non electric/Hybrid vehicles	N/A Hackney Carriages are not permitted to be plate exempt	6 years old

**Considerations**

26. In recommending the proposed draft policy and conditions, careful consideration has been given to the views of those that responded to the consultation, Department of Transport Best Practise on Taxi & Private hire vehicle licensing, Local Government Association guidance, Institute of Licensing model convictions policy as well as policies currently in force with neighbouring authorities and the need to promote public safety.
27. The adoption of a comprehensive policy alongside more specific conditions will allow the authority to maintain high standards throughout the trade and will set expectations of conduct both to existing licence holders and prospective license holders. The overarching aim of any policy or conditions is to ensure that safety of the travelling public is paramount in any decisions taken by this authority
28. In preparing any policy, consideration must be given to the risks and benefits of adopting a policy that is too onerous to encourage take up by new applicants and existing trade :-

- Benefits

A strict policy and conditions will contribute to those people applying for and holding a licence with South Cambridgeshire District Council meeting stringent standards that will help contribute to a higher professional standard and safety of the travelling public.

Encourage eco friendly vehicles promoting general Environmental protection by way of Air quality standards

Raising standards across the licensing regime for driver and vehicles as well as reflecting technological changes.

Introduction of a revised convictions policy to ensure that SCDC maintains the most stringent entry requirements for applicants

The development of a clear enforcement process to monitor and enforce by the introduction of a penalty points system

- Risk

A licensing policy and conditions that are too onerous may encourage the trade to go elsewhere where conditions are lower to obtain a licence and return to work in the South Cambridgeshire district. In such cases this authority would have no powers to enforce or regulate licensing conditions or customer complaints. Officers would only be able to pass the details to the originating licensing authority for action.

Setting entry standards that are disproportionate or too onerous may lead to persons deliberately operating illegally due to the difficulty and cost of being licensed against the risk of being caught and the possible fines imposed by any court

### **Options**

29. Council may agree one of the following options

- approve and adopt the Hackney Carriage and Private Hire policy and conditions as per Licensing Committee' recommendation, or
- change the policy and conditions as per an alternative agreed by Council, or
- not agree to change the Hackney Carriage and Private Hire policy and conditions.

### **Implications**

30. In the writing of this report, taking into account financial, legal, staffing, risk management, equality and diversity, climate change, community safety and any other key issues, the following implications have been considered: -

#### ***Financial***

31. There are no significant implications any increase in costs would be reflected in future fees that are aimed at ensuring the service is cost neutral.

#### ***Legal***

32. Any applicant for a licence or any existing licensee affected by a decision resulting from the introduction of new policies or conditions has a right of appeal to a Licensing sub-committee or a Magistrates Court or a Judicial review process

### ***Staffing***

33. There are no significant implications on the Council, should any unexpected costs arise they will be met from the fees and charges which are set annually to be cost neutral.

### ***Risk Management***

34. There are no significant implications other than identified at Paragraph 36, Legal

### ***Equality and Diversity***

35. The licensing regime promotes equal opportunity by being open to all.  
A privacy impact assessment will be conducted as part of the CCTV condition

### ***Climate Change***

36. Promotion of environmentally friendly vehicles will contribute to the reduction of harmful gasses in the atmosphere

### **Consultation responses (including from the Youth Council)**

37. All 1300 existing licence holders were consulted seeking their written views and comments on the proposed changes. In addition we also sought views from:-

South Cambridgeshire District Councillors

- Parish Councillors
- Police
- Local Children's Safeguarding Board
- Neighbouring authorities
- Local safeguarding board
- Local Colleges
- Bodies that represent the elderly
- General Public

38. The policy and conditions will be available on the Councils webpage

39. The Policy was consulted on between 1<sup>st</sup> November 2017 and 5<sup>th</sup> January 2018 the results of the consultation and any relevant amendments are part of this final report to the Licensing Committee to approve the policy and conditions that will come into effect no later than 31<sup>st</sup> March 2018.

### **Effect on Strategic Aims**

**Aim 1 - Living Well - Support our Communities to remain in good health whilst protecting the natural and built environment**

### **Background Papers**

Local Government (Miscellaneous Provisions) Act 1976  
Town Police Clauses Act 1847  
DFT Taxi & Private Hire Vehicle Licensing – best practise guidance  
Local Government Association Convictions guidance

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