

REPORT TO: Licensing Committee
Environmental Services Portfolio Holder
LEAD OFFICER: Director Health & Environmental Services

27 October 2017

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY AND CONDITIONS

Purpose

1. The purpose of this report is to seek the Licensing Committee and Portfolio Holder's approval for a new draft Taxi Licensing Policy and amended conditions of licensing for Hackney Carriage and Private Hire vehicles, drivers and operators, for consultation.
2. This is not currently a key decision, but will become a key decision because the new Taxi Licensing Policy will be 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.

Recommendations

3. It is recommended that the Licensing Committee and Environmental Services Portfolio Holder approve the draft policy and conditions attached as appendices A to H, for public consultation between 1st November 2017 and 31st December 2017.

Reasons for Recommendations

4. In order to adopt any changes of policy or conditions there is a requirement to consult and consider the views of those who may be affected either directly or indirectly from the changes proposed.

Background

5. 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.
6. 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 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.

7. 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.
8. In November 2016 it was agreed and reported to the Licensing Committee that a full review of all licensing conditions would be undertaken and a new comprehensive and robust Licensing Policy would be developed.
9. Officers have held four workshops that members were invited to attend, the purpose of which was to gain broad views on direction and content of any proposed new policy and conditions.
10. As part of the review, an overarching policy and a set of separate appendices covering specific conditions have been developed that reflect current good practice and are broadly consistent with neighbouring authorities. The documents and their changes are detailed below.

Taxi Licensing Policy document

11. This draft policy will if adopted replace the current Taxi Handbook which is a guidance document. Much of the information is transferred over in a revised format, however the policy has been updated to bring a summary review of our key expectations and principles in considering any application. In preparing the new policy and appendices where there are significant changes or entirely new sections added, these are highlighted in grey for specific consideration/decision by members. The key sections to consider are :-

12. **Main Licensing Policy document**

- Introduction of CCTV in vehicles,
- Vehicle age and Livery
- Private Hire plate exemption policy
- Vehicle accessibility
- Monitoring of drivers (Penalty Points)
- Complaints Policy
- Safeguarding

13. In addition some other key changes within existing information are ;-

- Introduction of 3yearly medicals for all drivers
- DBS checks to be completed on persons acting as operators only
- Door signage
- Knowledge test introduction
- Conduct towards SCDC staff
- Introduction of mandatory DBS update service as licensing requirement

14. In addition to the overarching there are a number of appendices which support the main policy and address licence specific conditions, the main changes and new appendices are outlined below:-

15. **Appendix A -Driver conditions**

- Equality Act
- Plate exemption
- Conveyance of passengers
- Conduct of driver

16. **Appendix B – Vehicle conditions**

- Environmentally friendly vehicles
- Age at first registration
- Wheelchair accessible vehicles – Hackney Carriage
- Colour and livery – Hackney Carriages
- Window tints
- Interior and exterior signage
- Additional wording to brakes, steering and seatbelt conditions

17. **Appendix C – Operator conditions**

- Change to reflect use of digital storage for information

18. **Appendix D – Plate exemptions policy**

- New policy relating to Plate exemptions (chauffer work)

19. **Appendix E – Convictions policy**

- New Policy relating to cautions and convictions

20. **Appendix F**

- No change, existing Byelaws

21. **Appendix G**

- New policy on a penalty points scheme for drivers

22. **Appendix H**

- New policy on DBS update scheme

Considerations

23. In recommending the proposed draft policy and conditions, consideration has been given to the Department of Transport Best practise on Taxi & Private hire vehicle licensing, Local Government Association guidance and Institute of Licensing model convictions policy as well as policies currently in force with neighbouring authorities and the need to promote public safety.

24. 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 licence holders. The overarching aim of any policy or conditions is to ensure that protection of the travelling public is paramount in any decisions taken by this authority.

25. 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.

- 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 such activities.

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

26. Members may agree one of the following options
- Agree the proposed draft policy and conditions as recommended
 - Reject the proposed draft policy and conditions.
 - Amend the draft policy and conditions attached

Implications

27. 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

28. There are no significant implications.

Legal

29. 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.

Staffing

30. There are no significant implications.

Risk Management

31. There are no significant implications.

Equality and Diversity

32. The licensing regime promotes equal opportunity.

Climate Change

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

Consultation responses (including from the Youth Council)

34. All existing licence holders will be consulted seeking their written views and comments on the proposed changes. In addition we will seek views from:-
- Hackney Carriage drivers and proprietors
 - Private Hire drivers and proprietors
 - South Cambridgeshire Private Hire operators
 - South Cambridgeshire DC Councillors
 - Parish Councillors
 - Local Children's Safeguarding Board
 - Neighbouring authorities
 - Local safeguarding board
 - Local Colleges
 - Bodies that represent the elderly
 - General Public
35. The draft policy and conditions will be available on the Councils webpage.
36. The consultation period will run from 1st November 2017 to 31st December 2017 the results of the consultation and any suggested amendments will be part of a final report to the Licensing Committee to approve the final policy and conditions.

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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