



REPORT TO: Environmental Services Portfolio Holder
Licensing Committee

LEAD OFFICER: Director Health & Environmental Services

24 January 2018

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY AND CONDITIONS

Purpose

1. For the Environmental Services Portfolio Holder and the Licensing Committee to approve a new Taxi Licensing Policy and amended conditions of licensing for Hackney Carriage and Private Hire vehicles, drivers and operators following a public consultation.
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. It was first published in the November 2017 forward Plan.

Recommendations

3. It is recommended that the Environmental Services Portfolio Holder and Licensing Committee approve the amendments attached as appendices A to H for adoption and recommendation to full Council.
4. That this approved policy and conditions be recommended to the full Council for adoption by no later than 31st March 2018.

Reasons for Recommendations

5. In order to adopt any changes of policy or conditions, there is a requirement to consider the views submitted from any consultation of those who may be affected either directly or indirectly, from the changes proposed.
6. Where changes have been made through the policy and appendices, these are shown in yellow along with track changes.

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 power to impose policies and conditions that it considers 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.
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 committee meeting on 27th October 2017, took place between 1st November 2017 and 5th January 2018. The consultation was placed on the Council website and all licensees were contacted and invited to take part. In addition a range of stakeholders 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. A wide range of views have been submitted with a number of suggestions to be considered for any final policy. All consultations responses are attached as **Appendix I**.
13. A summary of all the responses collated into the relevant section are attached as **Appendix J**.
14. Through the consultation most comments reflected common sense views that have been considered at officer level and the relevant part of the policy and appendices have been amended to reflect these. Areas amended are highlighted in yellow with track changes from the consultation document clearly shown and are recommended for approval.
15. There are some areas where the views from consultees are entirely different from the original consultation and therefore members should agree a clear view and direction for the policies and conditions, these are:-
 - Introduction of CCTV in vehicles,
 - Wheelchair accessible vehicles
 - Knowledge test
 - Plate exemption policy
 - Vehicle age policy

CCTV

16. A number of comments have been raised relating to CCTV with a strong resistance to installation in plate exempt vehicles (chauffeur work) and also in relation to the cost being a barrier to entry. Officers have looked into the overall cost of purchase and have come to an indicative price that meets the ICO (Information Commissioner Office) regulations at around £500 to £650.
17. In reflecting the consultation responses, policy has been amended (subject to approval) to introduce CCTV for Hackney Carriages only at this present time, to reflect the nature of work that they undertake, but to commit to further consultation with the trade and a further review in 2019 specifically considering the Private Hire trade.

Wheelchair accessible vehicles

18. There was some confusion in the consultation responses that some Private Hire drivers did not realise this was a specific condition to Hackney Carriage only. Cost was cited as a major problem in introducing a wheelchair only fleet. Officer investigation shows that smaller 4 seater vehicles such as Peugeot Partner vehicles can be purchased with rear loading, second hand (i.e under 3yrs of age) from around £16k larger 8 seater mini bus style vehicles start around £30K for a 2/3 yr old model. Officers have spoken with other authorities to understand what alternatives there are to a whole fleet wheelchair accessible approach and have found that mixed fleets are common place.
19. It was noted that whilst specifications for entry and capacity were covered in the draft consultation document, no wording was included specifying overall vehicle type approval, this has now been included.

Knowledge test

20. A number of opinions were submitted on this matter with a range of views however, the main area of comment was against the requirement for existing drivers to take a test. Officers have considered this point carefully and also looked back at previous complaints, which have indicated that there are relatively few complaints that indicate drivers do not know the area or have issues around areas covered in the test.
21. The policy has therefore been amended to reflect these views but with a caveat that existing drivers can be instructed to undertake the test should complaints relating to knowledge of the area, arithmetic, licensing conditions, spoken English directly attributable to the role be upheld.

Plate Exemption Policy

22. Particular responses made around executive vehicles that from time to time undertake localised "normal" Private Hire work highlighting that whilst chauffeur 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 which subject to approval has been reflected in the policy.

Age Policy

23. Views were received in respect of the proposal to reduce the age of first entry to all vehicles and a specific proposal was put forward to be more favourable to hybrid/electric/ultra low emission vehicles.

Considerations

24. In recommending the proposed draft policy and conditions, consideration has been given to the views of those that responded to the consultation, Department of Transport best practise on taxi and 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.
25. 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.
26. 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

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

Implications

28. 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

29. There are no significant implications

Legal

30. 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

31. There are no significant implications

Risk Management

32. There are no significant implications

Equality and Diversity

33. The licensing regime promotes equal opportunity

Climate Change

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

Consultation responses (including from the Youth Council)

35. All existing licence holders were consulted seeking their written views and comments on the proposed changes. In addition we also sought 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

36. The policy and conditions will be available on the Council's webpage.

37. The policy was consulted on between 1st November 2017 and 5th 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 31st 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

Report Author: Myles Bebbington – Head of Service, Environmental Health and Licensing
Telephone: (01954) 712922
E-mail: myles.bebbington@scambs.gov.uk