

REPORT TO: LICENSING COMMITTEE

Date of Hearing: 19 July 2016

Report of: Assistant Director Environment

Type of Application: To seek the introduction of amendments to the policy relating to Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators

Legislation: Local Government (Miscellaneous Provisions) Act 1976

Is this a Key Decision?

No

Is this an Executive or Council Function?

Licensing is a Council function delegated to the Licensing Committee

1. What is the report about?

1.1 The report seeks to introduce amendments to the current policy relating Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators.

2. Recommendations:

2.1 It is recommended that the Committee accepts the updated compilation of Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators

3. Reasons for the recommendation:

3.1 Licenced Hackney carriage vehicles may legitimately work on the private hire circuit in other licensing authority areas. This has led to Hackney carriage vehicles being plated in licensing authorities where there are less prescriptive vehicle standards, or lower licensing fees, and then working elsewhere. This was the case in R (on the application of Newcastle District Council) v Berwick-Upon-Tweed BC, where the majority of their Berwick's licenced Hackney carriages worked away from the district in Newcastle. This presented problems for both Councils, in that Berwick were unable to effectively undertake enforcement against those vehicles, and the Licensing regime in Newcastle was significantly undermined. For some time now we have received complaints from Exeter licenced drivers regarding out of town licenced hackney carriages operating on a near full-time basis on the Exeter private hire circuit. It was therefore agreed by the Devon Licensing Officers Group that each Devon authority would seek to amend their policies to restrict the licensing of Hackney carriages, private hire operators, and drivers, to those who will predominantly work in their own district. This would enable the 'home' local authority to refer the matter to their Licensing Sub-Committee where evidence is provided that 'home' authority is not the predominant place of work.

3.2 Following derestriction of the number of Hackney Carriage vehicles, and the introduction of more prescriptive vehicle standards, a number of occasions have arisen whereby a Hackney carriage proprietor has requested a temporary exemption to the vehicle standard (for example to allow the use of a temporary replacement vehicle following accident damage to the policy compliant licenced vehicle). The proposed

condition would allow consideration of such requests, but is suitably limited to avoid this becoming a loop hole in the prescribed vehicle standards. The proposed wording can be seen at points A15 and A17 (Appendix A) of the policy.

- 3.3 Members will be aware that an increasing number of private hire vehicle owners whose vehicles are over 8 years are requesting referral to Sub-committee for consideration of renewing the vehicle licence. The amendment to policy seeks to reduce the number of cases referred to Sub-committee by extending the delegated powers of Licensing Officers to enable them to deal with applications for renewal where the vehicle is between 8 and 9 years old. It is proposed that safety standards will be maintained through Licensing Officers requiring a comprehensive report into the mechanical fitness of the vehicle, and undertaking a physical inspection of the vehicle before issuing the renewal. The proposed wording can be seen at point M4 (Appendix M) of the policy.
- 3.4 The Rotherham Child Sexual Exploitation (CSE) report highlighted that private hire and hackney carriage drivers are highly likely to come across instances of CSE. Therefore in-line with numerous other local authorities, we therefore propose to make it a compulsory requirement for all licenced drivers to undertake CSE training in order to raise awareness of the signs and how to report suspicions to the appropriate authorities. We will facilitate a programme of workshops with the expectation that all drivers will attend one of the workshops within the 12 months. New drivers will be expected to attend this training as part of their application process.
- 3.5 We will also be providing all licenced drivers with a taxi handbook containing details on CSE, disability/ diversity awareness, and our driver code of conduct. Disability/ diversity awareness training sessions will also be scheduled, and all drivers who have yet to undertake such training will be expected to attend (these sessions will be led by an experienced trainer from a local disability awareness charity, and will include practical elements such as practising loading and securing a wheelchair in the vehicle).

4. What are the resource implications including non financial resources.

- 4.1 The resources required to fund the CSE training, Taxi Handbook, and Disability/ Diversity Awareness workshops will be provided from the Taxi Licensing budget which is paid for via licence fees. This budget is ring fenced and must be used to fund the costs of taxi licensing/ enforcement. The above activities can be funded from this budget without levying additional charges.

5. Section 151 Officer comments:

6. What are the legal aspects?

- 6.1 The Licensing Authority has a statutory duty to ensure that public safety is not compromised when considering the issue of licences and to ensure that any vehicle licensed is suitable, safe and fit for the purpose. It is felt that the proposals contained in this report will enhance public safety without significantly increasing the burdens on existing or prospective licenced drivers/ proprietors.

7. Monitoring Officer's comments:

8. Report details

- 8.1 The Licensing Committee on 22 September 2015 adopted an Updated compilation of Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators.
- 8.2 It was resolved that the Assistant Director Environment be authorised under the scheme of delegations to make changes if or when necessary; the changes to be reported to the next Licensing Committee.
- 8.3 Following that decision, it is necessary to seek approval for further revisions of this document in order to enhance standards and safety with respect to this aspect of licensing.
- 8.4 The amendments include a proposed new condition restricting the licensing of Hackney carriages, private hire operators, and drivers, to those who will predominantly work in Exeter. This amendment has been proposed in light of the decision of R (on the application of Newcastle District Council) v Berwick-Upon-Tweed BC, which ruled that Berwick-Upon-Tweed BC should not licence taxis which predominantly work in Newcastle-Upon-Tyne.
- 8.5 Additional proposed conditions include a temporary exemption from the livery/ vehicle standards for Hackney carriage vehicles where the proprietor has been obliged to make an unplanned change in vehicle, and could not have reasonably foreseen that unplanned change (for example to facilitate a temporary replacement vehicle following an accident).
- 8.6 A further proposed amendment to the current policy introduces an extension to the delegated powers of Licensing Officers to enable them to renew the licences for private hire vehicles that are between 8 and 9 years old provided that the application is accompanied by a comprehensive report provided into the mechanical fitness of the vehicle. It is further proposed that private hire vehicles between 9 and 10 years old will be referred to the Licensing-Sub Committee as per the existing arrangements, and that private hire vehicles more than 10 years old should not ordinarily be granted a licence.
- 8.7 The policy is also amended to introduce a requirement for all new and existing licenced drivers to undertake child sexual exploitation and safeguarding awareness training (CSE awareness training) within one year from the amended policy coming into effect.
- 8.8 Amendments have been made to Appendix P11 to clarify acceptable and unacceptable dress codes.

9. How does the decision contribute to the Council's Corporate Plan?

- 9.1 Approving these amendments will contribute to a healthy and safe city and assist the primary aim of taxi licensing which is to protect public safety.

10. What risks are there and how can they be reduced?

- 10.1 Formulating a hackney carriage vehicle policy that protects public safety should lead to a positive impact on creating a vibrant city to live, work and visit. The higher quality standards were coupled with the decision not to maintain the policy of restriction, in

order to prevent any negative impact (if any); the amendment to policy in this report will assist in this prevention.

11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

11.1 The proposed amendments should lead to a positive impacts on equality and diversity, and safeguarding.

12. Are there any other options?

12.1 Members could maintain the current policy, but this would risk the policy becoming out of date and thereby less effective.

Assistant Director Environment

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

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