

Report to:	Licensing Committee
Date of Meeting:	5 March 2015
Subject:	Revision of Taxi and Private Hire Licensing Policy
Report of:	Bhavdip Nakum, Licensing Team Leader
Corporate Lead:	Rachel North, Deputy Chief Executive
Lead Member:	Cllr J R Mason
Number of Appendices:	One

Executive Summary:

This report proposes redrafting the existing taxi and private hire licensing policies to address the matters mentioned in this report.

Recommendation:

To AGREE to review the existing taxi and private hire licensing policies.

Reasons for Recommendation:

To ensure that the Council's policy is robust in providing a safe service to the residents and visitors of the Borough and to provide clarity to applicants, existing licence holders and members of the public.

Resource Implications:

Total cost of consultation process will be met from existing resources.

Legal Implications:

The Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 provide the authority for the Council to licence hackney carriage drivers and vehicles and private hire drivers, vehicles and operators.

Risk Management Implications:

If the Council does not fulfil its duties under the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 and does not follow the best practice suggested by the Courts and the Department for Transport when licensing drivers, vehicles and operators, it may be liable to legal challenges.

Performance Management Follow-up:

If agreed, the Licensing Committee will be asked to approve the draft revised policy for consultation or to recommend further amendments.

Environmental Implications:

None

1.0 INTRODUCTION AND BACKGROUND

- 1.1** There are currently five sets of policies, five sets of conditions and one set of bylaws governing hackney carriage and private hire licensing at Tewkesbury Borough Council.
- 1.2** Previous amendments and reviews of the policies have been undertaken in isolation. Levels of duplication are evident across the policies and conditions which may cause some confusion for applicants, existing licence holders and officers.
- 1.3** The current policies, conditions and bylaws, copies of which are attached at Appendices A - K, are as follows:
1. Hackney Carriage Bylaws
 2. Hackney Carriage and Private Hire Drivers Licensing Policy
 3. Hackney Carriage Vehicle Licensing Policy
 4. Private Hire Operators Licensing Policy
 5. Private Hire Vehicle Licensing Policy
 6. Policy on Relevance of Convictions for Hackney Carriage and Private Hire Drivers
 7. Policy on Suspension, Revocation or Refusal to Renew Hackney Carriage and Private Hire Drivers Licences
 8. Hackney Carriage Vehicle Licence Conditions
 9. Private Hire Vehicle Licence Conditions
 10. Private Hire Driver Licence Conditions
 11. Private Hire Operator Licence Conditions

2.0 REVIEWING THE DRAFT POLICY STATEMENT

2.1 In particular, Members may wish to consider that the new Taxi and Private Hire Policy addresses the following matters:

1. Having one clear and concise policy document.
2. Removing operational, procedural and day-to-day matters from the policy and, where necessary, publishing supporting guidance and procedure notes to assist applicants.
3. The current policy requires applicants and existing drivers to be compliant with Group 2 Medical Fitness to Drive (known as Group 2 Medical), however, the frequency of the medical test is more than is required under the guidance for Group 2 Medical. Group 2 Medical is normally issued at age 21, but may be issued from age 18, and is valid until the age of 45. It is renewable every five years thereafter until age 65, unless restricted to a shorter period for medical reasons. From age 65, it is renewable every year.
4. The current policy requires all new applicants to take a County Council Driving Assessment; the new policy will still require applicants to pass the driving assessment with a prescribed provider.
5. The current policy is not very clear on the standard of English required; the new policy should require new applicants to take a prescribed test when they cannot demonstrate a basic level of spoken English.
6. The current policy requires all new hackney carriage applicants to pass a knowledge test; Members may wish to consider introducing a knowledge test for private hire applicants as well. The test for private hire would not be a geographical test but would test the ability to understand laws, policies and regulations as well as map-reading skills.
7. Currently there is no requirement for a driver NVQ certification or Disability Awareness Training; Members are asked to consider whether or not to introduce this requirement for new applicants and/or existing licence holders.
8. Currently there is a separate policy on relevance of convictions; the new policy should consolidate relevance of convictions on a broader 'fit and proper' policy with the offences listed in an appendix to the policy. Similarly, there is a separate policy on suspension, revocation and refusal to renew driver licences; this should also be included in the 'fit and proper' policy. This policy shall be based on Department for Transport guidance, relevant case law, Rehabilitation of Offenders Act and best practices.
9. Currently there is no policy on EU driving licences; the new policy should provide clarity and legality on accepting EU driving licences.
10. The current policy requires all new applicants to undergo an enhanced Disclosure and Barring Service (DBS) check which is renewable every three years following the grant of the licence. There should be no change in this requirement and a policy of random and interim DBS checks should be introduced.
11. The current policy is not very clear on disclosure of convictions, cautions and traffic offences; the new policy should provide clarity on this. Similarly, the current policy is not very clear on reporting of convictions, cautions and traffic offences; the new policy should address this and also include a requirement to report medical conditions, as well as introducing interim medical checks where necessary.

12. Currently there is no policy on accident notifications; this should be addressed in the new policy with a prescribed period for accident notification.
13. Vehicles over one year and under five years old must have a MOT/ Licensing Authority Vehicle Test every twelve months. Vehicles over five years old must have a MOT/Licensing Authority Vehicle Test every six months. These periods should be retained in the new policy but the testing specification should be updated.
14. Currently there is no policy on disabled access vehicles/wheelchair accessible vehicles, low emission vehicles, modified vehicles, Q plate vehicles and electric vehicles; Members are asked to consider introducing a policy for these vehicles.
15. The current policy on exemption from displaying licence plate and door stickers for private hire vehicles is ambiguous; the new policy should address this with a robust set of requirements in order to obtain this exemption.
16. The new policy should have updated responsibilities and conditions for private hire operators including a requirement to have public liability insurance where necessary.
17. The new policy should provide a robust and fair licensing regime for taxis and private hire with public safety and safeguarding at its heart.

3.0 OTHER OPTIONS CONSIDERED

3.1 None

4.0 CONSULTATION

4.1 Consultation is required to take place over a three months period after the draft policy is approved for consultation. It will be undertaken with all required parties, stakeholders and also with the general public. Any responses received during the consultation period will be taken into account and considered by the Licensing Committee.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 Corporate Enforcement Policy

6.0 RELEVANT GOVERNMENT POLICIES

6.1 The Department for Transport has produced best practice guidance to local authorities to assist them in the licensing of taxi and private hire vehicles.

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 Met from existing resources.

8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

8.1 An effective Taxi and Private Hire Policy can help promote community safety and increase public confidence.

9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

9.1 Consultation will be carried out via the Council's website and local media.

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 None

Background Papers: Private Hire Vehicle Licensing: Guidance Note

Guidance to Local Authorities and Operators on the Provisions in the Equality Act in Respect of Taxis

Taxi and Private Hire Vehicle Licensing: Best Practice Guidance

Road Safety Act 2006: Private Hire Vehicles – Guidance Note

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Appendices:

Appendix A – Hackney Carriage Bylaws

Appendix B – Hackney Carriage and Private Hire Drivers Licensing Policy

Appendix C – Hackney Carriage Vehicle Licensing Policy

Appendix D – Private Hire Operators Licensing Policy

Appendix E – Private Hire Vehicle Licensing Policy

Appendix F – Policy on Relevance of Convictions for Hackney Carriage and Private Hire Drivers

Appendix G – Policy on Suspension, Revocation or Refusal to Renew Hackney Carriage and Private Hire Drivers Licences

Appendix H – Hackney Carriage Vehicle Licence Conditions

Appendix I – Private Hire Vehicle Licence Conditions

Appendix J – Private Hire Driver Licence Conditions

Appendix K – Private Hire Operator Licence Conditions