

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	11 February 2016
Subject:	Revision of Hackney Carriage and Private Hire Licensing Policy
Report of:	Bhavdip Nakum, Licensing and Systems Officer
Corporate Lead:	Val Garside, Environmental and Housing Services Group Manager
Lead Member:	Cllr J R Mason, Lead Member for Clean and Green Environment
Number of Appendices:	Two

Executive Summary:

This report proposes redrafting the Council's Hackney Carriage and Private Hire Licensing Policy to address the matters cited in this report followed by a six week consultation with public and relevant parties.

Recommendation:

To APPROVE the revised draft Hackney Carriage and Private Hire Licensing Policy for a six week consultation.

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:

A Special Licensing Committee meeting will be held to consider consultation responses and recommend further amendments.

Environmental Implications:

None

1.0 INTRODUCTION/BACKGROUND

- 1.1** On 5 March 2015, the Licensing Committee resolved to review the Council's Hackney Carriage (Taxi) and Private Hire Licensing Policy.
- 1.2** 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.
- 1.3** There have been various amendments to the policies and conditions in the last few years but the policies and conditions have not been reviewed together. As a result of this, there is a lot of duplication across the policies and conditions which may cause some confusion for applicants, existing licence holders and officers.
- 1.4** The current policies, conditions and bylaws are attached at **Appendix A** to the report and 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 Policy
 6. Policy on Relevance of Conviction for Hackney Carriage and Private Hire Drivers
 7. Policy on Suspension, Revocation and Refusal for Hackney Carriage and Private Hire Drivers
 8. Hackney Carriage Vehicle Conditions
 9. Private Hire Vehicle Conditions
 10. Private Hire Drivers Conditions
 11. Private Hire Operator Conditions

2.0 DRAFT REVISED HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

- 2.1** The proposed revised Hackney Carriage and Private Hire Licensing Policy is attached at Appendix B. Members are asked to give particular consideration as to whether the policy addresses the following matters:

1. Having one clear and concise policy which is evidence based, forward looking and fit for purpose.
2. Removing operational, procedural and day to day matters from the policy and where necessary, publish as supporting guidance and procedure notes to help applicants.
3. Updating the policy in accordance with the recent changes in legislation to allow sub-contracting for licensed private hire operators and revise licence periods for driver and operator licences.

3.0 OTHER OPTIONS CONSIDERED

3.1 None

4.0 CONSULTATION

4.1 Consultation is required to take place over a six week 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 Committee.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 Environmental Health 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 To be 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 Licensing Committee Decision – 5 March 2015.

Background Papers: Private Hire Vehicle Licensing: Guidance Note
Guidance to Local Authorities and Operators on 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
Councillors' Handbook on Taxi and Private Hire Licensing

Contact Officer: Bhavdip Nakum, Licensing and Systems Officer
01684 272044 bhavdip.nakum@teWKesbury.gov.uk

Appendices: Appendix A – Current policies, conditions and bylaws
Appendix B – Draft revised Hackney Carriage and Private Hire
Licensing Policy.