

# TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Licensing Committee
<b>Date of Meeting:</b>	21 March 2019
<b>Subject:</b>	Review of Hackney Carriage and Private Hire Policy
<b>Report of:</b>	Head of Community Services
<b>Corporate Lead:</b>	Deputy Chief Executive
<b>Lead Member:</b>	Lead Member for Clean and Green Environment
<b>Number of Appendices:</b>	4

## **Executive Summary:**

It is accepted best practice that taxi licensing policies will be reviewed on a three yearly basis. The Council's Hackney Carriage and Private Hire Policy was last revised in December 2016. Following a number of Working Group meetings, which included representations from taxi/private hire operators, a revised version of the policy has been produced. Where possible, the policy has been aligned as closely as possible with Cheltenham Borough and Gloucester City Councils' policies. In order to make the policy more user-friendly, it has been separated into four distinct documents.

## **Recommendation:**

**To APPROVE the draft revised Hackney Carriage and Private Hire Policy for public consultation following the Working Group's review.**

## **Reasons for Recommendation:**

It is a requirement of the existing policy that, where any significant changes are made to the policy, these changes are subject to a public consultation. The review is a wholesale review of the policy where a number of the components that make up the policy have changed.

## **Resource Implications:**

There are no significant resource implications arising from this report.

## **Legal Implications:**

1. When introducing or changing a policy, the Council must ensure that it complies with the relevant legislation.
2. The Council must ensure that any decision-making or delegation complies with its powers under the Council's Constitution.
3. Whenever significant changes are introduced that affect those individuals or stakeholders, consultation should be undertaken.

**Risk Management Implications:**

None.

**Performance Management Follow-up:**

Any comments received as a result of the public consultation will be considered and the policy amended to reflect these comments where appropriate. Following the public consultation, the final draft of the policy will be brought back to Licensing Committee for approval.

**Environmental Implications:**

None.

**1.0 INTRODUCTION/BACKGROUND**

- 1.1** Tewkesbury Borough Council has the responsibility to regulate hackney carriage and private hire trade under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 1.2** The Council's regulatory position is set out in Tewkesbury Borough Council's Hackney Carriage (Taxi) and Private Hire Policy 2016-19 which was revised on 6 December 2016. The Council has committed to review this policy every three years, therefore the next review is due to be completed by 6 December 2019.
- 1.3** At Licensing Committee on 8 October 2018, it was resolved that a Working Group should be established in order to consider the specific changes that were required to reflect current best practice and to align it as closely as possible with Cheltenham Borough and Gloucester City Council's policies.
- 1.4** The Working Group met on three occasions on 21 November 2018, 10 December 2018 and 14 February 2019. Representatives from the hackney carriage and private hire industry were invited along to the second meeting and provided technical input into the review process.

**2.0 KEY CHANGES TO THE HACKNEY CARRIAGE AND PRIVATE HIRE POLICY**

- 2.1** The current policy consists of a single document. In order to make the policy more user friendly for Officers, Members and the taxi industry, the revised policy has been split into four separate documents which are as follows:
- Hackney Carriage and Private Hire Policy: Regulatory Guidelines
  - Hackney Carriage and Private Hire Policy: Hackney Carriage Driver and Vehicle Rules
  - Hackney Carriage and Private Hire Policy: Private Hire Driver and Vehicle Rules
  - Hackney Carriage and Private Hire Policy: Private Hire Operator Rules

**2.2 Three Strikes Policy**

- 2.2.1** The current policy does not provide sufficient clarity regarding when a driver, operator or vehicle proprietor should be referred to the Licensing Sub-Committee.

- 2.2.2** In order to provide some clarity to Officers, Members and those in the taxi industry, the Three Strikes Policy currently used by Cheltenham Borough Council has been incorporated into the revised policy.
- 2.2.3** The aim of the three strikes policy is to define and clarify specific infractions which may, on their own, not be considered serious enough to warrant direct referral to a Licensing Sub-Committee. When individual infractions are aggregated over a two year rolling period, the cumulative effect can be indicative of more serious underlying issues and would warrant a referral to the Licensing Sub-Committee.
- 2.2.4** It is proposed that, where three infractions occur within the two year rolling period, the driver, operator or vehicle proprietor will be referred to the Licensing Sub-Committee.
- 2.2.5** The three strikes policy seeks to strike a balance, allowing Officers to deal with the less serious issues whilst ensuring that cumulative non-compliance is considered to be more serious and referred to the Licensing Sub-Committee.
- 2.2.6** Members should note that, should there be particular aggravating factors that result in an infraction, the Officer continues to have the discretion to refer the driver, operator or vehicle proprietor to the Licensing Sub-Committee even where the number of infractions in a two year rolling period is less than three.

### **2.3 Age/Experience of Driver**

- 2.3.1** The existing policy does not specify a minimum age of the driver; however, it does specify a requirement that an applicant must have held a Driver and Vehicle Licensing Agency (DVLA) licence for a minimum of three years. Both Cheltenham Borough and Gloucester City Council specify a minimum age of 21 years. In order to align with the policies of those authorities, the revised policy makes it a requirement that applicants must be 21 years or older.
- 2.3.2** The existing policy does not require a driving proficiency test; however, it does specify that an applicant must have held a DVLA licence for a minimum of three years. It was concluded through the Working Group that, although a driver may have held a DVLA driving licence for three years, this did not necessarily mean that the applicant had been driving for three years and therefore confirm a high degree of driving proficiency. The revised policy now requires all new applicants to have held a full DVLA licence for one year and to provide evidence of the successful completion of a recognised driver proficiency test. This brings the revised policy into alignment with those of Cheltenham Borough and Gloucester City Councils.

### **2.4 Age of Vehicles**

- 2.4.1** The current policy does not restrict the minimum or maximum age of vehicles as long as they meet the other requirements of the policy. Both Cheltenham Borough and Gloucester City Council will not licence any vehicles that has not previously been licensed unless they have a Euro 5 or 6 engine. Gloucester City Council will not re-license vehicles older than 10 years; Cheltenham Borough Council will not re-license vehicles older than 14 years.
- 2.4.2** Through the Working Group, taxi industry representatives advised that a number of drivers and operators bought vehicles aged between five and 10 years old on the basis that, given the improved build quality of vehicles, vehicles of this age represented good value for money, while still remaining in good condition.

- 2.4.3** Having considered the representations from the taxi industry, the Working Group concluded that, given the rural nature of Tewkesbury Borough and the fact that modern cars between five and 10 years old can remain in excellent condition and have a range of modern safety features, as maximum age of 10 years for initial licensing would be included in the revised policy. An upper age limit of 14 years is also included in the revised policy for the majority of vehicles.
- 2.4.4** Vehicles that do not currently meet the age limit will require to be replaced with one that meets the age policy no later than two years from the date of the revised policy.
- 2.4.5** Tewkesbury Borough Council licenses a large number of vehicles that are used for school contracts and have been adapted for wheelchair access. Representatives from the industry advised that these vehicles are expensive and difficult to replace. The Working Group concluded from the representations made by the industry representatives that there were sufficient checks in place regarding the condition and safety of these vehicles, therefore wheelchair accessible vehicles will be exempt from the age of vehicles component of the policy.
- 2.4.6** The revised policy retains the discretion for Licensing Officers to license vehicles that do not meet the vehicle age criteria, provided these vehicles are in excellent condition. The types of vehicle which will be covered under this exemption include wedding vehicles, elite vehicles, adapted vehicles or novelty vehicles.

## **2.5 Vehicle Checks**

- 2.5.1** The existing policy requires that a standard MOT be carried out as part of the licensing process. The revised policy includes a requirement that additional checks are carried out on the vehicle. These additional checks are based on national standards that have been adopted by a large number of licensing authorities across the UK including Cheltenham Borough and Gloucester City Councils.
- 2.5.2** The existing policy does not specify where vehicles should be checked. With the introduction of the additional checks, the requirement to have vehicles checked at approved garages has been included in the revised policy. The move to using approved garages will require a garage approval scheme to be introduced.

## **2.6 Lifting Operations and Lifting Regulations 1989 (LOLER)**

- 2.6.1** It is a requirement of LOLER that any lifting equipment fitted to vehicles that lifts people requires inspection by a competent person every six months. It is now a requirement of the revised policy that a certificate of inspection is presented at the time of application and then submitted to the authority following the next six monthly inspection.

## **2.7 Signage**

- 2.7.1** The revised policy contains specific requirements regarding signage on the vehicles. It is now a requirement that all non-exempt vehicles have signage on the door panels. This signage will include the operator's name, contact details, the words "pre-booking only" and "licensed by Tewkesbury Borough Council". These revised requirements are aimed at making the vehicle more identifiable and are being introduced partly due to concerns raised by Cheltenham Borough and Gloucester City Councils in relation relating to identifying Tewkesbury Borough Council licensed taxis in Cheltenham and Gloucester.
- 2.7.2** A requirement to have a "no smoking" sign in each of the vehicle's compartments has been introduced into the revised policy. This reflects the requirements of smoke free legislation.

## **2.8 Disabled Access**

**2.8.1** The revised policy introduces a requirement that all new hackney carriage vehicles are wheelchair accessible; this aligns with both Cheltenham Borough and Gloucester City Councils.

## **3.0 OTHER OPTIONS CONSIDERED**

**3.1** N/A

## **4.0 CONSULTATION**

**4.1** Subject to Members' approval, it is proposed to carry out a full public consultation on the revised Hackney Carriage and Private Hire Policy.

## **5.0 RELEVANT COUNCIL POLICIES/STRATEGIES**

**5.1** Hackney Carriage (Taxi) and Private Hire Policy 2016-2019

## **6.0 RELEVANT GOVERNMENT POLICIES**

**6.1** None arising out of this report

## **7.0 RESOURCE IMPLICATIONS (Human/Property)**

**7.1** None arising out of this report

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

**8.1** None arising out of this report

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

**9.1** None arising out of this report

**10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**

**10.1** None arising out of this report

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**Background Papers:** Hackney Carriage (Taxi) and Private Hire Policy

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**Appendices:** Appendix 1 - Hackney Carriage and Private Hire Policy: Regulatory Guidelines

Appendix 2 - Hackney Carriage and Private Hire Policy: Hackney Carriage Driver and Vehicle Rules

Appendix 3 - Hackney Carriage and Private Hire Policy: Private Hire Driver and Vehicle Rules

Appendix 4 - Hackney Carriage and Private Hire Policy: Private Hire Operator Rules