

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	17 October 2019
Subject:	Licensing Update
Report of:	Head of Community Services
Corporate Lead:	Deputy Chief Executive
Lead Member:	Lead Member for Clean and Green Environment
Number of Appendices:	Three

Executive Summary:

The draft revised Hackney Carriage (Taxi) and Private Hire Policy was put out to public consultation between 3 June and 26 August. Seven responses were received from members of the public, private hire drivers, operators and a neighbouring licensing authority. The main comments related to age of vehicles, wheelchair access, enforcement and the relevance of convictions. A meeting has been arranged with an operator to discuss their comments further.

Gloucestershire County Council's Economic Growth Joint Committee has convened a Taxi Licensing Task Group. The intention of this group is to consider a common approach and standards across the County. It is intended that this group will report in early 2020.

A total of five Houses in Multiple Occupation (HMO) have now been licensed following revision of the definition of an HMO. A further HMO has been identified, the landlord has refused to license it, so a prosecution file has been sent to One Legal.

A total of 61 applications for new licences have been received under the new Animal Welfare (Licensing) Regulations. Of these 10 are currently in progress, four have been refused or a refusal has been recommended, and 47 have been granted.

The animal welfare charging scheme and licensed premises risk assessment, remain the two outstanding actions from the Licensing Audit Action Plan.

There have been no representations regarding the Hackney Carriage Tariff, it is therefore proposed to keep it the same until 31 October 2020.

Recommendation:

- 1. To NOTE the responses made in relation to the public consultation on the revised Hackney Carriage (Taxi) and Private Hire Policy.**
- 2. To be aware of the Countywide Group currently considering opportunities for aligning standards and policies across the County.**
- 3. To NOTE progress in relation to implementation of the revised definition of Houses in Multiple Occupation and the Animal Welfare (Licensing) Regulations.**
- 4. To APPROVE no change to the Hackney Carriage Tariff.**

Reasons for Recommendation:

No representations have been received in relation to the Hackney Carriage Tariff and there have not been any significant economic changes that would warrant changes to the tariff.

Resource Implications:

There are no significant resource implications arising from this report.

Legal Implications:

There are no legal implications in relation to this report.

Risk Management Implications:

None.

Performance Management Follow-up:

The comments received during the consultation will be considered, together with the outcomes of the countywide group, and the Hackney Carriage (Taxi) and Private Hire Policy amended accordingly. The amended Policy will be brought back to the next Licensing Committee for approval.

Environmental Implications:

None.

1.0 RESPONSES TO THE PUBLIC CONSULTATION ON THE REVISED HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE POLICY

- 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, Hackney Carriage (Taxi) and Private Hire Policy 2016-2019, revised 6 December 2016.
- 1.3 The Council has committed to review this Policy every three years.
- 1.4 The revised Policy was circulated for public consultation for a period of 12 weeks between 3 June and 26 August 2019.
- 1.5 In response to this consultation, the Council received responses from one local resident, five operators/drivers and one other licensing authority. A summary of these responses is attached as Appendix 1.
- 1.6 One Operator requested a further meeting to discuss the proposals. This is currently being arranged for a mutually convenient time in November.

1.7 Following the meeting with the operator, consideration will be given to the responses received and the Policy amended as necessary. This will be with a view to presenting an amended Policy to the Licensing Committee in February.

2.0 TAXI LICENSING TASK GROUP

2.1 As a result of an action arising from Gloucestershire County Economic Growth Joint Committee a countywide Taxi Licensing Task Group was set up and had its first meeting on Monday 7 October 2019.

2.2 The purpose of this group is to consider opportunities for a consistent approach to taxi licensing across Gloucestershire County.

2.3 Representing the Council on the Task Group are the Licensing Committee Chair and the Senior Licensing Officer.

2.4 The group first met on 7 October 2019 (minutes awaited). The group agreed that a consistent approach is both desirable and achievable and the different licensing authorities already work together in many ways, for instance the Gloucestershire Licensing Officers' Group (GLOG), which meets quarterly to discuss matters arising locally and nationally, changes in licensing law and best practices. The Task Group has agreed to meet again (date to be confirmed).

3.0 HOUSES IN MULTIPLE OCCUPATION

3.1 Following the change to the definition of a house in multiple occupation in October 2018, the Council initially received enquiries from an additional nine landlords. Of these six have either withdrawn or not qualified as HMO's in terms of the new definition.

3.2 The remaining three properties have been licensed.

3.3 Following a complaint regarding the condition of a property, an unlicensed HMO was identified. The landlord was provided with the opportunity to license the property, however has failed to do so. A prosecution file has been presented to Court and the Council is awaiting confirmation of a trial date.

4.0 ANIMAL WELFARE (LICENSING) REGULATIONS

4.1 A total of 61 applications have been received relating to animal activities as prescribed in the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. Of these 47 have been approved and issued, 10 are currently in progress and four have been refused or a refusal has been recommended.

5.0 LICENSING AUDIT ACTION PLAN

5.1 An updated version of the licensing audit action plan is attached as Appendix 2.

5.2 There are two outstanding actions on the plan. Revisions are currently being made to the Animal Activity licensing charging scheme. It is intended to have a revised scheme completed by end of November to be introduced in January 2020.

5.3 The risk rating of licensed premises has been programmed in to be completed by April 2020.

6.0 HACKNEY CARRIAGE TARIFF

6.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, which has been adopted by the Council, allows a District Council to fix and vary maximum tariffs for hackney carriages in the area.

6.2 The tariffs are the maximum that the proprietor of a hackney carriage may legally charge a passenger for a journey. There is no requirement for the hackney carriage driver to charge the maximum amount, and they are free to charge a lower amount if they so wish

6.3 The current tariff was last approved by the Licensing Committee on 14 June 2018 and is attached as Appendix 3.

6.4 No representation has been made by the trade or members of the public for a change to the current tariff.

7.0 RELEVANT COUNCIL POLICIES/STRATEGIES

7.1 Hackney Carriage (Taxi) and Private Hire Policy 2016-2019.

8.0 RELEVANT GOVERNMENT POLICIES

8.1 DfT Taxi and Private Hire Vehicle Licensing: Best Practice Guidance.

9.0 RESOURCE IMPLICATIONS (Human/Property)

9.1 None arising out of this report.

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

10.1 None arising out of this report.

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

11.1 Allowing taxi drivers to charge for the carriage of dogs could potentially give rise to discrimination against those that are aided by an assistance dog. Such a charge would be unlawful in accordance with the Equality Act 2010. Allowing taxi drivers to charge for the carriage of wheelchairs, walking frames or other similar mobility aids could potentially give rise to discrimination against individuals with certain disabilities. Therefore, the tariff makes clear that no additional charges can be made for carrying assistance dogs, wheelchairs, walking frames or similar mobility aids.

12.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

12.1 None.

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

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Appendices: Appendix 1 – A summary of responses received to the consultation to review the Council’s Hackney Carriage (Taxi) and Private Hire Licensing Policy.

Appendix 2 – Licensing Audit Action Plan.

Appendix 3 – Hackney Carriage Tariff Card.