

Creation of a Hackney Carriage and Private Hire Licensing Policy

Date:	5 th February 2019
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Key Decision?	YES (delete as appropriate)
Local Ward Members	All Wards

REGULATORY AND LICENSING COMMITTEE

1. Executive Summary

- 1.1 This report gives members feedback on the outcome of the consultation for the Hackney Carriage and Private Hire Licensing Policy and seeks approval from committee members for the policy to be submitted to Full Council for adoption.
- 1.2 The policy outlines the decision making framework that Lichfield District Council will apply when exercising its responsibilities for licensing hackney carriage and private hire vehicles, drivers and operators.

2. Recommendations

- 2.1 That Members approve the Hackney Carriage and Private Hire Licensing Policy for submission to Full Council for adoption.
- 2.2 That the Chairman of Regulatory and Licensing Committee together with the Head of Regulatory Services, Housing & Wellbeing be delegated to make any minor amendments to the Policy.

3. Background

- 3.1 Lichfield District Council (“The Licensing Authority”) is responsible for the regulation of the Hackney Carriage and Private Hire trades within the District of Lichfield.
- 3.2 In exercising this responsibility Lichfield District Council recognises the important role of Hackney Carriages and Private Hire vehicles in enabling people to travel around the District and the need to provide public reassurance and a positive customer experience by transporting customers safely.
- 3.3 Presently, the Licensing Authority has a number of policy decisions, guidance notes and conditions in place but does not have an overarching policy that combines them all together.
- 3.4 The policy has been developed by Lichfield District Council officers and takes into account the following:-
 - The Council’s Licensing Objectives
 - Current legislation including the Deregulation Act 2015
 - The Office of Fair Trading “The regulation of Licensed Taxi and PHV Services in the UK” 2003
 - Taxi and PHV Licensing Criminal Conviction Policy, LGA

- Guidance on the Rehabilitation of Offenders Act 1974 – March 2014
- Disclosure & Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Order – 2013
- Regulators Code 2014
- The Department for Transport “Taxi and Private Hire Vehicle Licensing: Best practice Guidance” March 2010
- Secretary of State report in to governance, protection of young people and taxi licensing, Louise Casey CB February 2015
- Guide Dogs – Taxi and PHV Policy – Assistance Dogs – Best Practice Guide
- Institute of Licensing guidance on determining the suitability of applicants and licensees in the Hackney and Private hire trades April 2018
- The report of the Task and Finish Group on Taxi and Private Hire Licensing October 2018

3.6 The policy sets out the decision making framework against which licensing decisions will be made. It also sets out conditions which drivers and operators are required to meet. In developing the draft policy best practice has been identified and incorporated into the policy.

3.7 This includes a number of key improvements, including:

- Proposed introduction of a penalty point scheme designed to improve driver standards
- Proposed introduction of requirement for drivers to undertake disability awareness training
- Proposed extension of the upper age limit of vehicles to 7 years (taking account of improvements in vehicle standards and average vehicle life expectancy, now at 200,000 miles or 10 years)
- Proposed introduction of DBS checks being carried out at a minimum of every 6 months
- Proposed requirement that all Private Hire Vehicles are required to provide information to passengers including driver photo ID and the vehicle licence number, in advance of a journey
- Proposed introduction of a condition that drivers cooperate with requests from authorised compliance officers in other areas.

3.8 Public Safety has remained at the heart of all the changes and the proposed changes will put the licensing framework in line with best practice and make it clearer and transparent. Subject to council agreement, it is proposed that this policy takes effect from 1 April 2019.

3.9 On 8th November 2018 the Regulatory & Licensing Committee recommended that the Draft Hackney Carriage & Private Hire Licensing Policy be sent out for consultation. The following were consulted:

- All Combined Hackney Carriage & Private Hire Drivers Licence Holders
- All Private Hire Vehicle Proprietors
- All Hackney Carriage Vehicle Proprietors
- All Private Hire Operators
- TT Autos (Vehicle Tester)
- Safeguarding Board for Young People
- Adult Safeguarding Board
- Fire Service
- Trading Standards, Staffordshire County Council
- Staffordshire Police
- Support Staffordshire
- Environmental Health Pollution Team

- CHC Medical
- Members of the public via the Council’s website

- 3.10 Consultation commenced following the Regulatory & Licensing Committee held on 8th November 2018 and concluded on 11th January 2019. The consultation was in line with the guidance issued by the Better Regulation Office dated 2018.
- 3.11 12 Individual responses were received, with 70 licensed drivers putting their names to one of the responses. An overview of responses is attached at Appendix A. Each respondent will be written to after this meeting.
- 3.12 A number of changes have been made in response to the consultation and attached at Appendix C is a table of proposed changes.
- 3.13 Feedback from the consultation also indicated that some respondents felt the document needed simplifying and making clearer in places. In response to this some minor not material changes have been made to the wording and the following changes proposed:
- For the avoidance of any doubt, where it says ‘shall’ the wording be changed to ‘must’
 - Statements where there is repetition and the wording needs to be consistent
 - Individual conditions that refer to requirements under licensing legislation, the Equalities Act and the Highway Code are deleted and replaced with an overriding condition that states ‘*All drivers must observe all the requirements set out in the relevant legislation and the Highway Code.*’
- 3.14 The proposed changes have been incorporated into a revised draft Policy which is attached at Appendix C.
- 3.15 The consultation responses also included a number of requests for a review of the fare tariff. This review will now be undertaken, in consultation with the taxi trade and a report will then be taken to Cabinet setting out any proposed changes.

Alternative Options	1. The Committee could consider not approving the proposed Policy or amending it.
Consultation	1. A List of those consulted is set out in paragraph 3.9 2. The draft policy was also published on the Lichfield District Council website.
Financial Implications	1. The costs of administering the licensing function is recovered through the fees charged. The policy provides a clear decision making framework which supports the delivery of an efficient and effective service.
Contribution to the Delivery of the Strategic Plan	1. The policy will support objectives contained within the District Council’s Strategic Plan 2016 -20. In particular, a vibrant and prosperous economy and healthy and safe communities.
Equality, Diversity and Human Rights Implications	1. An Equality Impact Assessment has been undertaken, this identified a positive impact on customers.
Crime & Safety	1. The policy will assist the Local Authority is exercising its duties and

Issues	responsibilities, in particular with regard to safeguarding, child sexual exploitation and human trafficking.
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	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Negative response from taxi trade	Ongoing consultation with the trade	Yellow
B			
C			
D			
E			

<p>Background documents</p> <p>Appendix A – Overview of Responses</p> <p>Appendix B – Table of proposed changes</p> <p>Appendix C – Revised Draft Hackney Carriage & Private Hire Licensing Policy</p>

<p>Relevant web links</p> <p>https://www.instituteoflicensing.org/documents/Guidance_on_Suitability_Web_Version_(16_May_2018).pdf</p>
