

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Consultation on a draft Hackney Carriage and Private Hire Licensing Policy

Meeting/Date: Licensing and Protection Committee – 20 September 2017

Executive Portfolio: Executive Councillor for Community Resilience, Well-Being and Regulatory Services, Cllr Angie Dickinson

Report by: Head of Community – Chris Stopford

Ward(s) affected: All

Executive Summary:

To approve a draft taxi licensing policy for public consultation. The cost of consultation and implementing the policy will be financed from receipt of licence fees.

The service currently operates within a number of separately published policies and procedures, but has no overarching policy document. It is now considered that a dedicated taxi policy statement be formulated and published.

The draft policy addresses new and recent statutory duties placed upon the Council, it provides an opportunity to re-visit a number of existing policies and procedures and enables consideration of the introduction of a number of new discretionary initiatives to raise standards.

Recommendation(s):

It is recommended that:

1. Members approve the draft taxi licensing policy for public consultation, attached as an appendix to the report.
2. The Head of Community be authorised to make any amendments to the draft policy that are considered necessary as a result of any comments received from the public consultation exercise, or arising from any further legislation or guidance received during the drafting period.
3. The revised final draft is put before the Licensing Committee in January 2018 for approval, with a view to implementation with effect from 1st April 2018.

1. PURPOSE OF THE REPORT

- 1.1 The Council has a duty to provide a safe and secure taxi service to the public which provides value for money. Between 1 April 2015 and 31 March 2017, the number of drivers and vehicles licensed within the district increased by 31% and 17% respectively. The service currently operates within a number of separately published policies and procedures, but has no overarching policy document. It is now considered that a dedicated taxi policy be formulated, consulted upon and published.
- 1.2 The purpose of this report is to invite members to approve the draft policy for public consultation. Following consultation, a final draft will be prepared, taking into account the consultation responses.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 The introduction of a policy provides the ability to state and extend our aims and objectives to include additional areas such as protection from harm, environmental sustainability and crime and disorder. It also provides an opportunity to review, update, introduce or discontinue elements to ensure they are LEAN and customer led.
- 2.2 Some matters for consideration are statutory, others are in line with our corporate plan, or provide positive improvements to standards. Our standards going forward will determine our position in the market and include measures to support the local community.
- 2.3 All policies, processes and procedures will be fully transparent and available to view on line. A policy, once introduced, may need regular updating to reflect changes, but will provide a customer focused and readily available service for the trade and the public

3. OPTIONS CONSIDERED/ANALYSIS

- 3.1 It is considered necessary to introduce a new dedicated taxi licensing policy.
- 3.2 The following legislative elements must be included:
 - The operation of 3 year licences for drivers and 5 year licences for operators with effect from 1.4.18 with the option for 1 year licences, if appropriate
 - To include new statutory provisions relating to the Immigration Act 2016 and right to work in the UK.
 - To include new statutory provisions relating to the Equality Act 2010.
- 3.3 The following are examples of good practice/ providing a safe and secure taxi service to the public/ raising standards:
 - The introduction of new elements of training for drivers on child sexual exploitation, safeguarding and disability awareness.
 - To review the conditions for drivers, vehicles and operators.
 - To update the Council's guidelines relating to the relevance and treatment of convictions.
 - To introduce a local knowledge test for new drivers.
 - To introduce an English/ Maths test
 - Imposing an age limit on licensed vehicles.
 - Consideration of a more uniform appearance for Hackney Carriage Vehicles.

- Consideration of mandatory door stickers for Private Hire Vehicles.
 - Consideration of new requirements for operators, including a sliding scale of fees and a requirement to have a documented complaints procedure.
- 3.4 Delegations of authority will be altered as a separate exercise to be smart and appropriate and to enable decisions to be quickly arrived at.
- 3.5 The penalty point system will be discontinued and new forms for new processes will be drawn up as appropriate.
- 4. KEY IMPACTS / RISKS**
- 4.1 We have a duty to implement government legislation and are advised to adopt government guidance. If we do not do so, then we are open to legal challenge.
- 4.2 Policies and procedures provide evidence of our stance on taxi licensing matters. A policy will be transparent, will aid consistency of practice and will be made available to the public.
- 4.3 The absence of an overarching policy could impact upon the ability for drivers and customers to easily access relevant information.
- 5. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION**
- 5.1 Public consultation and engagement with the trade will be undertaken between October and December 2017.
- 5.2 A further draft policy will then be drawn up, taking into account all responses received from the consultation and will be presented to the Licensing and Protection Committee in January 2018 for final approval.
- 5.3 The draft policy will also be put before the Overview and Scrutiny Committee on 31 October 2017
- 5.4 It is proposed that implementation of the policy/ proposals will take effect on 1 April 2018.
- 6. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND / OR CORPORATE OBJECTIVES**
- 6.1 This opportunity can be used to review and simplify other related areas, ensuring that our processes are LEAN, customer focused and provide value for money. The introduction of safeguarding and child exploitation training will be a positive move in support of the Council's corporate plan.
- 7. CONSULTATION**
- 7.1 The development of a policy was put before the Policy Development Group meeting on 23 May 2017 and the Licensing and Protection Committee on 5 July 2017, where it was acknowledged that it would be beneficial to have an overarching policy statement containing all the relevant information in one place that a potential driver or operator could easily access and understand.
- 7.2 Before determining the policy, we propose to consult with the trade and the public over a twelve week period between 29 September and 22 December 2017, in accordance with Cabinet Office guidelines.

- 7.3 All comments received will be considered and reported back to the Licensing and Protection Committee in January 2018. It will be for the Licensing Authority to ensure that it looks at the views of consultees in considering whether they should be taken into account and to what extent.

8. LEGAL IMPLICATIONS

- 8.1 Legal implications may arise as a result of non-compliance with legislation, leaving us open to challenge and the possibility of costs being awarded against the Council. An overarching policy will clearly state the way in which the Council will undertake its statutory duties.

9. RESOURCE IMPLICATIONS

- 9.1 There will be a staff resource implication for completion of the work to be undertaken, but this can be met from within existing resources. Some costs can be absorbed within licence fees, but others will need to be borne by the applicant.

10. REASONS FOR THE RECOMMENDED DECISIONS

- 10.1 The actions proposed will redefine and determine our position within the market going forward and will provide an easily accessible overarching document setting out our policy on taxi matters.

11. LIST OF APPENDICES INCLUDED

Appendix 1 – Draft policy.

BACKGROUND PAPERS

LGA example taxi & PHV licensing criminal convictions policy template – Feb 2017

Various existing documents relating to conditions for drivers, vehicles and operators

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