

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter:	Update on Consultation of the draft Hackney Carriage and Private Hire Licensing Policy
Meeting/Date:	Licensing and Protection Committee – 20 June 2018
Executive Portfolio:	Executive Councillor for Operations and Regulation - Cllr Jim White
Report by:	Head of Community – Chris Stopford
Ward(s) affected:	All

Executive Summary:

To update members on the responses received from the public consultation exercise undertaken on a Draft Hackney Carriage and Private Hire Licensing Policy.

On 20 September 2017 the Licensing and Protection Committee approved a draft policy for public consultation. The consultation exercise sought views on matters associated with recent changes to guidance and best practice within the sector, including the consideration of a number of discretionary initiatives aimed at raising standards.

Seven written submissions were received alongside forty valid on-line survey responses. The majority were strongly in favour of the Council establishing an overarching taxi policy, replacing a number of documents with a new single policy, and having a dedicated hackney carriage and private hire licensing policy which included

- training on equalities, child sexual exploitation, safeguarding and disability awareness
- a code of conduct for licensed drivers and operators
- a local knowledge test
- a basic assessment of English language and arithmetic
- extending the prohibition of smoking in vehicles to include vaping and electronic cigarettes
- mandatory vehicle inspection following a road traffic accident
- a maximum age policy for vehicles upon first application
- a maximum age policy for vehicles on renewal
- visual difference between hackney carriage and private hire vehicles
- Hackney Carriage signage and the Council's logo
- Private Hire vehicle signage stating Insurance invalid unless pre-booked with operator and the Council's logo
- a requirement for Operators to have a documented complaints procedure which is available to the council upon request

Recommendation(s):

It is recommended that:

- 1. Members consider the responses received and the level of support for the new policy**
- 2. Acknowledge that work is continuing to develop the business case for the implementation of the training and testing elements proposed within the new policy. This will include a cost impact assessment to the trade and a timeframe for the introduction of the new elements for new and existing licence holders.**
- 3. The final policy will be brought back to members for approval.**

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 was agreed by the Licensing and Protection Committee in July 2017 that a dedicated taxi policy be formulated, consulted upon and published. On 20 September 2017 the Licensing and Protection Committee approved a draft policy for public consultation.
- 1.2 The purpose of this report is to inform members of the public consultation responses and recommendations put forward.

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, including additional areas such as protection from harm, environmental sustainability and crime and disorder. It has also provided an opportunity to review, update, introduce or discontinue elements to ensure they are LEAN and customer led.
- 2.2 Some changes are statutory, whilst 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 The document sets out the Council's policy and duties relating to the licensing of Hackney Carriage and Private Hire drivers, vehicles and operators. It provides guidance and information on the approach taken by the Council in administering its functions and addresses the legislative framework. Once introduced, the policy will need regular updating to reflect changes, but will provide a customer focused and readily available reference for the trade and the public. It will be available to view on line.

3. OPTIONS CONSIDERED/ANALYSIS

- 3.1 At the meeting on 20 September 2017, members agreed the scope of the policy document.
- 3.2 The following legislative elements were 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
 - new statutory provisions relating to the Immigration Act 2016 and right to work in the UK.
 - statutory provisions relating to the Equality Act 2010.
- 3.3 It was agreed that the following be consulted upon as being examples of good practice, providing a safe and secure taxi service to the public and 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.
- A requirement for operators to have a documented complaints procedure.
- Consideration of new requirements for operators, including a sliding scale of fees

3.4 At the meeting on 20 September 2017, members also agreed that:

- The penalty points system in its current format be discontinued.
- The delegations of authority be reviewed as a separate exercise.

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 Twelve weeks public consultation and engagement with the trade on the new policy was undertaken between October and December 2017.

5.2 It is proposed that implementation of the policy/ proposals will be introduced as soon as reasonably practicable, however there may be elements that will take longer to put in place or require a period of time to achieve. Examples of this may include a transition period when renewing a vehicle following commencement of the vehicle age policy. Similarly, that a period of one year be permitted for existing drivers to undertake safeguarding/ equality training.

5.3 It states in the policy that amendments to sections of the policy can be undertaken without requiring public consultation on the whole document. This will enable periodic reviews to keep the document relevant and current. It will also enable sections of the document to be updated as appropriate.

6. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND / OR CORPORATE OBJECTIVES

6.1 This opportunity is being used to review and simplify related areas, ensuring that our processes are LEAN, customer focused and provide value for money. The introduction of safeguarding and child exploitation training is a positive move in support of the Council's corporate plan.

7. CONSULTATION

7.1 The draft policy was introduced to Policy Development Group on 23 May 2017 and the Licensing and Protection Committee on 5 July 2017. Consultation with

the trade and public took place over a twelve week period between 29 September and 22 December 2017 in accordance with Cabinet Office guidelines.

7.2 Seven individual written responses and one hundred and forty five responses to the on-line survey were received. Forty of the on-line survey responses are considered to be valid and have been considered. A further one hundred and five virtually identical responses originating from one IP address have been discounted as being vexatious. The individual comments have been summarised and are attached as Appendix B, together with an appropriate response and action taken. The results of the on-line survey are attached as Appendix C. Of the 40 relevant responses received to the survey, 75% lived within Huntingdonshire District.

7.3 It is for the Licensing Authority to consider the views of consultees and attach an appropriate weight on whether they should be taken into account and to what extent. Some of the matters raised fall outside the scope of the policy and/or the consultation exercise undertaken. However, it is acknowledged that a number of other issues have arisen as a result of the consultation that will be investigated separately as a part of on-going review to effective service delivery. E.g. emission limits and air quality considerations, electric cars etc.

7.4 Views were invited on the following specific issues:

Legislative – will be introduced

- Should the Council have a dedicated licensing policy for the Hackney Carriage and Private Hire trade reflecting current legislation and guidance? 85% (34) strongly agreed or agreed, together with 3 individual responses in support.
- Do you agree that the Council's conditions for drivers, operators and vehicles be revised and kept up to date? 85% (34) strongly agreed or agreed.
- Do you agree that the council's guidelines relating to the relevance and treatment of convictions for new and existing drivers be kept relevant and up to date? 100% (40) strongly agreed or agreed.

Good practice – consultation in favour – will be introduced

- Do you agree that all licensed drivers should undertake training on equalities, child sexual exploitation, safeguarding and disability awareness? 77.5% (31) strongly agreed or agreed. Training will be included in the policy.
- Should the Council include within the policy a code of conduct for licensed drivers and operators? 90% (36) and 1 individual responded Yes. This will be introduced and reflected in the policy.
- Should the Council introduce a local knowledge test for new drivers? 67% (26) responded Yes. This will be introduced and reflected in the policy.
- Should the Council introduce a basic assessment of English language and arithmetic for new drivers? 90% (36) responded Yes. This will be introduced and reflected in the policy.
- The Health Act 2006 prohibits smoking in vehicles. Should the Council extend this to electronic cigarettes and vaping? 82.5% (33) and one individual responded Yes. This will be introduced and reflected in the policy.
- Following an accident, do you agree that a vehicle should be inspected and/or submitted to the testing station to ensure it is safe to drive before

the plate is re-issued? 72.5% (29) responded Yes. This will be reflected in the policy and conditions.

- Should the Council introduce a maximum age policy at first application with HDC for licensed vehicles? 62.5% (25) responded Yes, 30% (13) suggesting a maximum age. (37.5%) (15) responded No, Taking into account the survey responses, individual responses and an average of the age suggestions the policy will include a maximum age on first application of seven years. This will be introduced and reflected in the policy.
- Should the Council introduce a maximum age policy at renewal with HDC for licensed vehicles? i.e. the maximum age a vehicle can hold a licence. 67.5% (23) responded Yes, 30% (12) suggesting a maximum age. 42.5% (17) responded No. Taking into account the above responses, individual responses and an average of the age suggestions the policy will include a maximum age on renewal of twelve years. This will be introduced and reflected in the policy.
- Do you agree that the Council should not licence any Private Hire vehicles that look like Hackney Carriage Vehicles? 72% strongly agreed or agreed. This will be introduced and reflected in the policy.
- Should all Hackney Carriage vehicles have signage stating 'Licensed Hackney Carriage' and bear the Council's logo? 80% (32) responded Yes. 20% responded No, together with one individual comment of 'no, unless free of charge'. This will be introduced and reflected in the policy.
- Should all Private Hire vehicles have signage stating 'Private Hire Vehicle – Insurance invalid unless pre-booked with operator' and bearing the Council logo? 61.54% (24) responded Yes, 38.46% (15) and 1 individual responded No. Alternative wording of 'No booking – no ride' has been proposed for consideration
- Do you agree that operators should have a documented complaints procedure that can be made available to the Council upon request? 87.5% (35) strongly agreed or agreed. This will be reflected in the policy.

Good practice – consultation in favour – will not be introduced

- Should Private Hire vehicles be permitted to use magnetic signage instead of fixed signage? 57.5% (23) responded yes, together with 2 individual responses, 42.5% (17) responded No. The Council has taken into account the comments received, but has also considered other factors such as loss, theft and misuse. It is therefore proposed that the Council will not be introducing this form of signage on 1st April 2018, but will undertake further investigations with other Councils currently using magnetic signage.

Good practice – consultation not in favour – will not be introduced

- Should all licensed drivers be required to hold a first aid certificate? 62.5% (25) and 1 individual responded No. This will not feature in the policy.
- Should the Council require CCTV in all licensed vehicles? 65% (26) and 2 individuals responded No. This will not feature in the policy.
- Should all Hackney Carriage vehicles be the same colour? 67.5% (27) responded No. 32.5% (13) and 1 individual response responded Yes. A coloured livery will not feature in the policy.

No overall concensus - will not be introduced.

- Should the Council change from a single set fee for an operator's licence to a sliding scale of fees based upon the number of vehicles operated?

52.5% (21) responded Yes, 47.5% (19) and 2 individuals responded No. Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 only allows for the recovery of costs associated with the issue and administration of the licence. The number of vehicles is considered to be immaterial and for this reason it is proposed that the Council continues its current practice of one fee.

Consultation in favour – to be considered as a separate exercise

- Do you consider there is a need for the Council to limit the number of Hackney Carriage vehicle licences granted within the district? 57.5% (23) responded Yes. A demand survey will firstly need to be undertaken and for this reason cannot be incorporated into the policy at present. However the Council has noted the result of the survey.

7.5 Having considered the responses to the consultation exercise, clearly respondents agree that the Council should have an overarching policy document that reflects current legislation and guidance, that is relevant and kept up to date.

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. This overarching policy will state the way in which the Council will undertake its statutory duties. The advice of a taxi licensing specialist has been taken in the drafting of the final policy.

9. RESOURCE IMPLICATIONS

9.1 There will be a staff resource implication for completion of the work to be undertaken and its implementation. It will require the design of different processes and on-going communication with the trade. Once in place the new policy should generate efficiencies. The changes proposed will be met from within existing resources.

9.2 All fees and charges associated with taxi licensing must be self-financing and on a cost recovery basis only. Any changes determined as a result of this report will impact upon fees and charges. Some costs may be absorbed within licence fees, but others will need to be borne by the applicant. As methods of implementation and procedures are still to be determined, a review of fees and charges mid-term through the financial year is likely and the business case considering the options for implementation will include a cost impact assessment.

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 A – Results of on-line survey
- Appendix B – Summary of individual responses received

BACKGROUND PAPERS

LGA example Taxi & PHV licensing criminal convictions policy template – Feb 2017
Various existing documents relating to conditions for drivers, vehicles and operators, byelaws, plate exemptions and guidelines relating to the relevance and treatment of convictions.

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