

Subject:	Review of Taxi Policy	Status:	For Publication
Report to:	Licensing Committee	Date:	Tuesday 12 th July 2016
Report of:	Legal Services Manager	Portfolio Holder:	Legal and Democratic Services
Key Decision:	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required:	No	Attached: No
Biodiversity Impact Assessment	Required:	No	Attached: N/A
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1.	RECOMMENDATION(S)
1.1	That the Licensing Committee resolves to commence consultation on the revision of the policies and guidance relating to the Council's Hackney Carriage and Private Hire licensing regime.
1.2	That the Licensing Committee note the update report given herein.

2. PURPOSE OF REPORT

- 2.1 To update members on recent service improvements and implementation of the Basic Skills Assessment and mandatory awareness training.
- 2.2 To seek approval from members to commence a 6 week consultation on the review of the Policy for the Licensing of: Hackney Carriage Drivers and Vehicles, Private Hire Operators, Drivers and Vehicles, Intended Use Policy and Guideline for Convictions.

3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:
- **Regenerating Rossendale:** This priority focuses on regeneration in its broadest sense, so it means supporting communities that get on well together, attracting sustainable investment, promoting Rossendale, as well as working as an enabler to promote the physical regeneration of Rossendale.
 - **Responsive Value for Money Services:** This priority is about the Council working collaboratively, being a provider, procurer and a commissioner of services that are efficient and that meet the needs of local people.
 - **Clean Green Rossendale:** This priority focuses on clean streets and town centres and well managed open spaces, whilst recognising that the Council has to work with communities and as a partner to deliver this ambition.

4. RISK ASSESSMENT IMPLICATIONS

- 4.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:
- The absence of robust policies to guide applicants and members when an application for a license under the hackney carriage or private hire licensing regime is detrimental to service delivery, effective enforcement, applicants, members and residents.
 - Failure to consult could result in successful legal challenge. It must be recognised that any policy changes carry a risk of legal challenge but this is minimised by proceeding in a reasonable and considered fashion in the light of legal advice.

5. BACKGROUND AND OPTIONS

- 5.1 The Council is committed to strengthening current policy which endorses the statutory requirement to ensure public safety in the hackney carriage and private hire licensing regime.
- 5.2 On 25th January 2016 the Licensing Committee adopted the current policy following extensive public consultation. Further on 24th February 2016 Full Council approved the introduction of the Intended Use Policy, delegating amendments to the same to the Licensing Committee.

Updates

- 5.3 The new policies saw the introduction of a pre-requisite Basic Skills test to include Maths, English, CSE Awareness training, customer service along with a policy knowledge test. Members are advised that officers have worked closely with Accrington and Rossendale College on the introduction of this test which was implemented on 1st July 2016. This test is set at the BKSB Level 1 Functional Skills Assessment and must be passed before new drivers can submit an application to be licensed by this authority.
- 5.5 The Intended Use Policy was implemented following approval by Full Council. Since then we have refined and clarified our policy which means that applicants for a hackney carriage vehicle licence whose address is beyond a 30 mile radius of the designated point in the Borough will not normally be granted a licence as it would be reasonably and defensibly presumed that the vehicle will not be predominantly used in the Borough. This advice has been communicated to applicants and the Trade by posting the guidance on the web, at taxi liaison and relevant face to face/telephone contact.
- 5.6 It has further been communicated to applicants at renewal of Hackney Carriage Driver's licence that their application will not be processed without a full DBS being presented at the time of submission.

Proposed Consultation

- 5.7 With a view to continually improve and raise our standards members are now asked to consider approving the commencement of a 6 weeks public consultation on the following matters:-
- i) Age and emissions – Our present policy prescribes an age limit of 7 years when submitting an application to first license that vehicle with the Council. With public safety in mind it is proposed to consult on the reduction in age to improve the general standard and help improve local air quality through the reduction of emissions from taxis. Further consideration to the use of the Euro Tech emission criteria for all newly licensed vehicles will form part of the consultation process.
 - ii) Vehicle appearance - Consideration of a uniform livery for Hackney Carriages to differentiate them from Private Hire, to provide a strong local identity, to allow a customer to clearly identify the taxi as a licensed vehicle and to assist in the enforcement.
 - iii) Wheelchair accessible vehicles - Whilst the decision as to whether any or all hackney carriages must be wheelchair accessible vehicles is left to the discretion of local authorities, there has been a move to consider whether the requirement to offer assistance may result in an all accessible fleet over a period of time which would also support the idea of uniformity.

- iv) Mandatory use of CCTV - Consideration to be given to the imposition of a condition making CCTV compulsory in vehicles. Such a condition would be applied in line with both the Information Commissioners Office guidance and Data Protection Act 1998. Many councils are taking affirmative action to this end which provides invaluable evidence in investigations. It may act as a deterrent and would be used to protect the driver from attacks and making off without payment. Current policy does not prevent the use of CCTV and is at the discretion of the driver. The Government has recently indicated that it might introduce new measures that will ensure all councils make CCTV compulsory in taxis to protect children. The Government move follows a pilot scheme in Rotherham, where from July 6 all taxi drivers have to have CCTV cameras and an audio recording device in their vehicles.
- v) A requirement that drivers to subscribe to the DBS update service – This is presently at the discretion of an applicant at the time of applying for an Enhanced DBS. It is an additional fee of £13 per year but this will allow the Council to access the service when necessary to confirm whether there has been any change to the DBS status necessitating a full DBS check and assist in the renewal process. It would be entirely reasonable on the basis of public protection. Those failing to subscribe would face suspension of the licence.
- vi) Pre-requisite Basic Skills Test and mandatory training – As stated above the Licensing Committee approved the introduction of basic skills tests to all new driver applications. Consideration to the imposition of this test and training prior to the renewal of drivers licence should be given. Drivers are required to ensure that they meet the standards imposed by the Council in its licensing regime. It is proposed that this would be rolled out as and when licences are due for renewal after the expiry of their 3 year badge.
- vii) Proprietors of Vehicles – consideration around potentially requiring Hackney Carriage proprietors to maintain an accurate record of their use of that vehicle in order to assist in the determination of whether that vehicle is predominantly being used in the Borough of Rossendale.
- viii) Suitability of fitness and propriety of Hackney Carriage proprietors – Presently the Council does not have any requirement to demonstrate the fitness of a Hackney Carriage proprietor. It is proposed to consider that proprietors who do not already hold a Hackney Carriage Drivers/Private Hire Licence where an Enhanced DBS has already been obtained, then a basic disclosure must be obtained from Disclosure Scotland prior to licence being granted of this process and renew every year thereafter.
- ix) Tinted windows - Concerns from the Trade continue following Licensing Committees decision to amend the policy which reads:

12 Vehicle Windows

All vehicle windows shall be transparent or if tinted, the front windscreen, front passenger window and drivers window must let at least 75% of light through and all other windows must let at least 70% of light through to the satisfaction of the Authorised Officer. The Council will not licence a vehicle to which a laminating film has been applied.

Officers have requested further evidence to support the Trade's view. This is an opportunity to again consult on tinted windows to either confirm/amend/delete from our policy conditions around tinted windows in vehicles.

- x) Fees – Whilst fees were discussed at length during the previous consultation exercise it is proposed structure of fees for applications will be revisited as part of this potential consultation exercise.
- xi) Introduction of locality knowledge test for driver’s licences - Whilst this has previously been considered it is proposed that further consultation take place to potentially impose a locality test into the pre-requisite assessment process. This will further consider the advantages and disadvantages of introducing this element in order to improve and maintain high standards of driving.
- xii) Private Hire trade policy requirements - Historically Rossendale has had very few private hire operators and drivers. However following the Deregulation Act 2015 it is clear that trends are shifting and the Council is seeing more applications submitted under the private hire regime. It is proposed as part of the consultation process to review the relevant aspects of both the Licensing and Intended Use policies to strive to maintain a high standard and robust procedure.
- xiii) Review of Guidelines to Convictions - Previous consultation carried out in 2015 captured responses around the Council’s Guideline to Convictions. No changes were made to the policy at that time as joint working with other authorities on a review of this guidance continued. It is now proposed to revisit and review our current policy.
- xiv) Code of Good Conduct – The Council is committed to improving the image of the Trade so expect drivers to be courteous, knowledgeable and smart in appearance. It is proposed to introduce a Code of Good Conduct that will raise the reputation of the licenced trade and tackle those who seek to bring the trade into disrepute by considering whether that driver continues to be a “fit and proper person” to hold or retain a licence.
- xv) Tariff Card – At a recent Taxi Liaison meeting the issue of the current Tariff card was raised as this has not been reviewed since circa 2007. Particular attention was drawn to numbers of passengers and waiting times.
- xvi) Alternative option in addition to DSA test – the Council has been informed of recent issues with regards to obtaining appointments from DSA by applicants resulting in delays and cancellations. The Council has been requested to look into the possibility of accepting alternative providers when dealing with driving standards to assist in the backlog and issues with DSA.

5.8 Throughout this consultation process the Council will be working with and seeking advice from James Button, a highly regarded licensing solicitor. Advice from him regarding recent changes to our procedures and guidance has been sought and the Council is entirely satisfied that it had a defensible position in terms of any challenge or appeal the Council may receive from those aggrieved by the Council’s recent improvements.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.1 It is anticipated that the recommendations will result in a reduction in the number of applications and therefore fees generated. The Council will continue to ensure that income and expenditure is matched.

7. MONITORING OFFICER

7.1 In the interest of public safety the Council must ensure it has an up to date, robust policy that reflects the service it delivers and regulates. The Council as a matter of best practice should consult with those they seek to regulate and other stakeholders.

8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

8.1 Attendees of the Taxi Liaison Meeting
Management Team
Portfolio Holder, Chair and Vice Chair of Licensing Committee
Leader and Opposition Leader

8.2 There are no specific human resources implications.

9. CONCLUSION

9.1 To seek approval from members to commence a 6 week consultation on the review of the Policy for the Licensing of: Hackney Carriage Drivers and Vehicles, Private Hire Operators, Drivers and Vehicles, Intended Use Policy and Guideline for Convictions.

Document	Place of Inspection
Policy for the Licensing of: Hackney Carriage Drivers and Vehicles, Private Hire Operators, Drivers and Vehicles	Website and Room 219 Futures Park
Hackney Carriage Intended Use Policy	Website and Room 219 Futures Park
Fees for private hire and hackney carriage drivers, vehicles and operators	Website and Room 219 Futures Park