

Subject:	Proposed changes to the Policy for the Licensing of: Hackney Carriage Drivers and Vehicles, Private Hire Operators, Drivers and Vehicles	Status:	For Publication
Report to:	Licensing Committee	Date:	Tuesday 15 November 2016
Report of:	Licensing 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:	Yes	Attached: No
Biodiversity Impact Assessment	Required:	No	Attached: N/A
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1.	RECOMMENDATION(S)
1.1	That the Licensing Committee consider the report and associated appendices and approve the recommendations contained within Appendix C.
1.2	If Appendix C is approved with or without modification, that officers be requested to incorporate the changes into the Council's Policy for the Licensing of Hackney Carriage Drivers and Vehicles, Private Hire Operators, Drivers and Vehicles.
1.3	If Appendix C is approved with or without modification, that the amended policy incorporating, revised conviction policy, exceptional condition policy and CCTV specification be brought back to the Licensing Committee for approval.
1.4	That the Licensing Committee request officers undertake a further review of the private hire licensing requirements.

2. PURPOSE OF REPORT

- 2.1 To provide the Committee with details of the consultation carried out in respect of the review of taxi licensing policy agreed by the Committee at its meeting on 12 July 2016
- 2.2 To provide the Committee with an overview of the consultation responses, recommendations following consultation and reasons for the recommendations.
- 2.3 The Committee to consider and determine the recommendations.

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 The recommendation(s) in this report involve risk considerations as set out below:

- The recommendations have been considered against taking no action in revising the current licensing policy for hackney carriage and private hire vehicles.
- The options recommended have been reached following extensive consultation and research into the needs of both the trade, and the local authority in ensuring the travelling public within the borough have continued access to a safe and modern taxi service in line with the changing profile of the UK taxi trade.

5. BACKGROUND AND OPTIONS

5.1 On 25 January 2016 the Licensing Committee resolved to adopt the current Policy for the Licensing of Hackney Carriage Drivers and Vehicles and Private Hire Operators, Drivers and Vehicles (the Policy). Further on 24 February 2016 Council approved the introduction of the Council's Intended Use Policy for hackney carriage vehicles.

5.2 Following the Licensing Committee meeting 12 July 2016 a consultation questionnaire was devised incorporating questions on each area of the policy being reviewed. The draft consultation questionnaire was discussed with taxi trade representatives at a meeting held on 16 August 2016, amendments were subsequently made to the questions, primarily to clarify the questions posed.

5.3 The consultation included a questionnaire and covering letter; copies are attached at Appendix A

5.4 The consultation documents were issued as follows:

- By placing details on the Council's website
- By email on 22 August to all Rossendale Councillors
- By email on the 22 August to all Lancashire Councils
- By email on 23 August to all Greater Manchester Councils
- By post on 23 August to approximately 4,500 drivers licensed by Rossendale Council
- By email to the following local authorities all of whom had previously been consulted on the Councils Intended use Policy. These Councils are recognised as councils within whose areas Rossendale hackney vehicles undertake pre booked work Bradford, Derby, Kirklees, Leeds and Rotherham
- By email to the Institute of Licensing on 25 August 2016

5.5 The consultation exercise closed on 16 September 2016. Over 300 consultation responses were received, the vast majority of the respondents utilised the consultation questionnaire, providing yes/ no responses and comments where respondents felt it appropriate to do so.

5.6 The responses have been collated into a spread sheet and analysed. The spread sheet of collated responses is available as a background document upon request. The actual

responses will be available at the Committee meeting. Respondents' contact details have been provided where respondents have confirmed they have no objection to this information being released

5.7 The Council has sought legal advice from a leading Licensing Lawyer, although the legal advice received is subject to legal privilege, it is relevant to highlight some of the general advice received, in particular

- The consultation exercise is not a vote
- The consultation is part of the Council's decision making process and the consultation responses are not binding in any way
- Consultations responses must be taken into account but are not binding
- The consultation has been undertaken in a manner that reflects case law
- Any proposals that lead to expenditure by licencees or applicants are likely to be seen by those affected as negative, however the fact that these will have a financial impact on those that are regulated does not mean that they are unlawful.
- It is a matter of balancing the impact on the taxi trade against the overall, overarching concept of public safety, including having regard to the Regulators Code.
- The consultation documents were also posted on the Council's website

5.8 Since the launch of the consultation the Council has seen a rise in the number of private hire related licence applications, a review of the private hire licensing conditions is recommended to ensure that appropriate conditions are in place having regard to the changing dynamics of the taxi trade

Analysis of the Consultation responses

5.9

- A total of 311 consultation responses were received, including a small numbers of responses received after the close of consultation.
- 85 % of the total responses received were from Rossendale licence holders.
- Overall there was a 6% response rate from all Rossendale licence holders i.e. 94% of licence holders chose not to respond to the consultation.
- A number of responses were received from other local authorities.
- All responses will be available at the Committee.

5.10 An overview of the consultation responses, recommendations and reasons for recommendations is attached at Appendix B. For the purposes of clarity and ease of reference the recommendations are also listed in a separate document at Appendix C. A copy of a draft version of Appendix B was circulated to taxi trade reps on 18 October 2016 in advance of a taxi trade meeting on 20 October 2016. All Councillors were sent an email on the 18 October 2016 enclosing a copy of the draft proposals and advising that the draft proposals were being discussed with the taxi trade at a meeting on 20 October 2016.

5.11 At the meeting the taxi trade reps raised concerns regarding a number of the draft proposal, primarily these were around

- proposals regarding the introduction of tests for existing drivers,
- proposals in respect of liveries for vehicles,
- cost implications of CCTV requirements,

- concerns regarding the reasoning provided in support of CCTV
- proposals to reduce the maximum age at which vehicles can become first licensed from 7 to 5 years.
- There was also a request that entry age limits be relaxed for wheelchair accessible vehicles.

The comments made by the taxi trade reps have been considered and additional information provided in Appendix B where appropriate.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.1 It is anticipated that if the recommendations are adopted there will be a significant reduction in the number of applications, fees generated and therefore, contribution to the Council's annual service costs. Current estimates of reduced service cost contribution are put at c. £200k pa. The Council must continue to seek operational efficiencies to ensure that the cost of service matches income received.

7. MONITORING OFFICER

7.1 The Council must make a decision based on all relevant information and following consideration of all relevant Council policies, consultation, legislations and case law. The Council must ensure it has an up to date, robust policy that reflects the service it delivers and regulates.

8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

8.1

- The recommendations in the report address the areas of concern identified by The Committee at its meeting on 12 July 2016. The proposals have been subject to detailed consultation as outlined within the body of the report and the recommendations developed after consideration of the responses received.
- The review and development of Taxi Licensing policies is essential, to ensure that robust policies are in place. The Policy will provide transparent guidance to applicants, existing licence holders, officers, members, taxi users and other stakeholders as to the standards expected of Rossendale taxi licence holders
- The Council's Taxi Licensing policy ensures that the relevant safeguards are in place to enable Rossendale Council to fulfil its licensing function having regard to public safety in its widest sense.
- The recent consultation exercise addressed the issues highlighted at the Committee's meeting on 12 July 2016. As a result of the consultation and changes to local work practices, primarily the growth of Rossendale's private hire trade, it is considered that the Policy can be further strengthened by further changes to the private hire licencing framework

8.2 There are no specific human resources implications.

An EIA initial assessment has been undertaken and it has been identified there are no disproportional impact and a Full EIA is not required.

9. CONCLUSION

9.1 The report in particular Appendix B provides an overview of consultation responses received and officers' recommendations regarding the parts of the policy that were subject to review (and reasons for the recommendations). A number of the recommendations require policies to be further developed e.g. exceptional condition policy and brought back to the Committee for approval.

Over recent months Rossendale Council has seen a growth in applications for private hire related licences, it is appropriate to consider whether the licence conditions associated with private hire licensing are reviewed

Appendices

Document	Place of Inspection
Consultation questionnaire and letter	Appendix A
Consultation over view and recommendations	Appendix B
Recommendations	Appendix C
Taxi Policy	Website and Futures Park