

Public Agenda Item: **Yes**

Title: **Hackney Carriage and Private Hire Licensing Policy 2012**

Wards Affected: **All**

To: **Licensing Committee** On: **18 February 2016**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

Contact Officer: **Steve Cox**

☎ Telephone: **01803 208034**

✉ E.mail: **Steve.cox@torbay.gov.uk**

1. What we are trying to achieve

- 1.1 This report is concerns amendments to the Hackney Carriage and Private Hire Licensing Policy 2012.

2. Recommendation(s) for decision

- 2.1 That the changes to the Hackney Carriage and Private Hire Licensing Policy 2012, as highlighted in Appendix One, including the delegation to revoke a licence if the criteria in 5.10 of the Policy, is met, be approved.

3. Key points and reasons for recommendations

- 3.1 By the provisions of the Local Government (Miscellaneous Provisions) Act 1976, Torbay Council is the Licensing Authority in respect of Hackney Carriages, Private Hire Vehicles and their drivers within Torbay.
- 3.2 The current Hackney Carriage and Private Hire Licensing Policy 2012 was agreed over three years ago. A number of mostly small amendments have subsequently been identified, which are highlighted in Appendix One.
- 3.3 As these are Policy changes, any subsequent legal challenge would be by way of a Judicial Review. This is considered unlikely for the nature of the proposed amendments.

For more detailed information on this proposal please refer to the Supporting Information.

Frances Hughes
Assistant Director Community and Customer Services

Supporting information to Report

A1. Introduction and history

A1.1 By the provisions of the Local Government (Miscellaneous Provisions) Act 1976, Torbay Council is the Licensing Authority in respect of Hackney Carriages, Private Hire Vehicles and their drivers within Torbay.

A1.2 The current Hackney Carriage and Private Hire Licensing Policy 2012 was agreed over three years ago. A number of mostly small amendments have subsequently been identified, which are highlighted in Appendix One.

A 1.3 The first significant change is due to a long term delay in drivers being able to obtain a Driving Standards Agency (DSA) Practical Driving Test, which they currently need to apply for before being granted a Torbay Council issued Drivers Licence. It is therefore recommended that new Applicants are allowed 6 months to apply for and successfully pass this Driving Test. However, failure to submit confirmation of successfully passing this test within 6 months of the initial grant will result in an automatic revocation of the Licence. The provision of revoking a licence in these circumstances is delegated to Torbay Council's Environmental Health Manager. The new condition shall read as follows.

'Licensed drivers, as a profession, have a responsibility for the safe transportation of fare-paying passengers. Therefore, the Licensing Authority as part of its application procedure requires a Driving Standard Assessment of the drivers' ability and must be obtained by all new applicants, within 6 months of the date of their first granted Licence. A confirmation certificate of this successfully completed assessment must be submitted to Torbay Council's Licensing Department within the said 6 month period. Failure to do so will result in the automatic revocation of the issued Licence. Where this occurs, the Licensing Authority will not refund the fee paid for the said Licence.'

Where an existing licensed driver receives over 6 (six) endorsement/s or penalty points on their licence within each licensing year, the Licensing Authority will require that person to undertake the same assessment. If this is not obtained within 3 months, then the existing licensed drivers badge will be suspended until the necessary driving standards assessment is completed.'

A1.4 The following conditions have been added or changed to extend no smoking in vehicles to E and Vapour Cigarettes. The new condition with read as follows, with italics identifying the added words.

Smoking *is* prohibited in all hackney carriage and private hire vehicles. Smoking signs shall be displayed at all times within the vehicle.

Torbay Council also prohibits the use of E or Vapour Cigarettes by drivers or passengers in licensed vehicles.

A driver found smoking or permitting smoking to take place in a licensed vehicle, will be subject to enforcement action by either the Licensing Authority or the Council.

A1.5 Taxi licensing is now an on line service. This service commenced on the 8th February 2016. There have been a number of necessary Policy amendments to support this change in delivery, which needs to be in place for this years renewal in April 2016.

A1.6 It was anticipated that there would be some additional recommended changes to the Policy regarding Wheelchair Accessible Vehicles. This hasn't been possible to date, as further work and legal advice will be needed before a future report can be brought to the Licensing Committee.

A1.7 As these are Policy changes, legal challenge would be by way of judicial review. This is considered unlikely for the proposed amendments.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

There is no significant risk, as there are no significant Policy changes being implemented by this Licensing Committee.

A3. Options

A3.1 There are two other options:

- (i) Members to implement the Policy changes outlined above;
- (ii) Members to implement amended Policy changes;
- (iii) Members refuse the recommendation.

A4. Summary of resource implications

A4.1 There are no resource implications for the approval of the recommendation, as they are generally minor in nature.

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

A5.1 There are no crime and disorder, equality or sustainability issues regarding this report.

A6. Consultation and Customer Focus

A6.1 There has been limited consultation with users, notably regarding the changes to Driving Standards Agency (DSA) Practical Driving Test.

A7. Are there any implications for other Business Units?

A7.1 There are no significant implications for other business units, if the recommendations are supported.

Annexes

Appendix 1 DRAFT Hackney Carriage and Private Hire Licensing Policy 2016

Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

Hackney Carriage and Private Hire Licensing Policy 2012