



Report No: Public Agenda Item: **Yes**

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

Wards Affected: **All**

To: **Licensing Committee** On: **27th July 2012**

Key Decision: **No**

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

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1. What we are trying to achieve

- 1.1 Members agreement to the draft Hackney Carriage and Private Hire Licensing Policy referred to as 'The Policy', going out for public consultation. This Policy shall amend and replace the existing Policy.
- 1.2 To provide Members with an opportunity to amend and approve the draft Policy, prior to the document going out for public consultation. See Appendix 1.

2. Recommendation(s) for decision

- 2.1 To approve the draft Policy and agree to it going out for public consultation.

3. Key points and reasons for recommendations

- 3.1 By the provisions of the Town Clauses Police Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, Torbay Council is the Licensing Authority in respect of Hackney Carriages, Private Hire Vehicles, Private Hire Operators and the drivers of those vehicles within Torbay.
- 3.2 Torbay Council, as the Licensing Authority has been given the responsibility under the legislation to provide a framework within which vehicles, operators and drivers are licensed for the safety of the public and other road users. This draft Policy is written to achieve that responsibility and incorporates the legal changes and current best practice. The draft Policy provides for a more robust licensing regime within Torbay than that which currently exists.

- 3.3 This draft Policy is a public document, which will be subject to a statutory 12 week consultation period. This period concludes on 2nd January 2013 and any person, body or organisation that may wish to make a Representation or comment upon the draft Policy (including Elected Members), is formally invited to do. Representations or comments must be submitted to the in writing.
- 3.4 Approval of the finalised Policy is a Licensing Committee decision and a report on the draft Policy will be presented to Licensing Committee for consideration in January 2013.

For more detailed information on this proposal please refer to Appendix A.

Frances Hughes
Executive Head Community Safety

Appendix A – Supporting information to Report

A1. Introduction and history

A1.1 By the provisions of the Town Clauses Police Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, Torbay Council is the Licensing Authority in respect of Hackney Carriages, Private Hire Vehicles, Private Hire Operators and the drivers of those vehicles within Torbay.

A1.2 Torbay Council, as the Licensing Authority, has been given the responsibility under the legislation to provide a framework within which vehicles, operators and drivers are licensed for the safety of the public and other road users. This draft Policy is written to achieve that responsibility and incorporates the legal changes and current best practice. The draft Policy provides for a more robust licensing regime within Torbay than that which currently exists

A1.3 The aim is to publish the new Policy prior to the Hackney Carriage and Private Hire renewals which are due on the 1st May 2013. The timeline for achieving this requires that the draft Policy undertakes its statutory 12 week public consultation before the New Year, with a report being brought to a Licensing Committee meeting in January 2013 to approve the final Policy.

A1.4 Although the draft Policy has been amended significantly, the majority of the content of the existing Policy is incorporated within it. The major changes are as follows:

- The introduction of a set of Licensing Objectives upon which decisions will be based.
- The introduction of Driver Standard Assessments for all new applicants and those who obtain 6 or more penalty points in a licensed year.
- Extending the medical exemptions to include those who cannot comply with aspects of the Equality Act 2010, most notably the ability to assist those who are wheelchair bound. This includes the clarification of the duties under the Equality Act 2010.
- Replacing the section on the assessment of convictions regarding the 'fit and proper person' test with a more robust and more detailed document.
- Clarifying when a renewal application can no longer be accepted, and the applicant will need to make a new application.
- The amendment of the age of vehicles to include new vehicles being no older than three years and extending the life of Wheelchair Accessible Vehicles to 10 years, but with two additional MOT tests.
- Changing the specification on engine sizes and luggage space in laid out circumstances.
- Clarification on when additional vehicles tests will be required and who pays for those tests.
- The inclusion that the Tariff card must be displayed in Hackney Carriage Vehicles.
- The introduction that Private Hire vehicles have permanent adhesive door stickers
- The introduction of signage inside all vehicles advising how to complain if needed.

A1.5 This draft Policy is a public document, which will be subject to a statutory 12

week consultation period. This period concludes on 2nd January 2013 and any person, body or organisation that may wish to make a Representation or comment upon the draft Policy (including Elected Members), is formally invited to do so. Representations or comments must be submitted to the in writing. Officers will attend any public meeting to hear the view of any group of driver's, operators or users, though a written submission would still be required for formal consideration.

A1.6 Upon completion of the statutory consultation period, the Licensing Authority will consider all Representations or comments made and if necessary, amend the draft Policy accordingly.

A1.7 Approval of the finalised Policy is a Licensing Committee decision and a report on the draft Policy will be presented to a Licensing Committee for determination in January 2013.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

There are no risks associated with this report, as this is a draft Policy and therefore not open to any legal challenge. A subsequent report will be presented to Licensing Committee in January 2013, prior to any implementation.

A3. Options

- A3.1 (i) To agree the draft Policy
(ii) To amend the draft Policy
(iii) To refuse to endorse the draft Policy

A4. Summary of resource implications

A4.1 There are no significant additional resource implications that will derive from the Council discharging its routine and ongoing responsibilities, under the Hackney Carriage and Private Hire licensing regime.

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

A5.1 There are equalities and environmental sustainability implications, due to the implementation of the Equality Act 2010 and the alteration to the vehicles specifications on engine sizes. There are no direct Crime and Disorder implication.

A6. Consultation and Customer Focus

A6.1 There is a statutory period of 12 weeks public consultation on this type of Policy. This is proposed to take place from the 11th October 2012 to the 2nd January 2013. This will include consultation with those involved in providing the services and those using them.

A7. Are there any implications for other Business Units?

A7.1 There are no significant implications for other business units relating to this report.

Appendixes

Appendix 1 Draft Hackney Carriage and Private Hire Licensing Policy 2013

Documents available in members' rooms: None

Background Papers:

The following resources and documents were used to compile this report:

- 1 Existing Taxi Licensing Policy