

Public Agenda Item: **Yes**

Title: **Review of the Hackney Carriage and Private Hire Policy 2016**

Wards
Affected: **All**

To: **Licensing Committee** On: **15th March 2018**

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1. What we are trying to achieve

1.1 Following a full review of the Hackney Carriage and Private Hire Licensing Policy (the Policy), this report is to inform Members of proposed alterations to the Policy and to seek agreement in principle to the changes prior to a full public consultation.

2. Recommendation(s) for decision

2.1 That the Licensing Committee agrees to the proposed alterations to the Hackney Carriage and Private Hire Licensing Policy as highlighted in appendix one and approves that it be released for full public consultation for a period of 8 weeks.

3. Key points and reasons for recommendations

3.1 Under provision 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 Policy was originally agreed in 2012 with some amendments being made by way of an interim review in 2016. Although the Policy has served the Licensing Authority well, a full review of the Policy has been considered necessary due to a number of factors, which include changes in governing legislation, developing case law and advances in vehicle quality and technology.

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 Annex A.

Steve Cox
Environmental Health Manager (Commercial)

Appendix A – Supporting information to Report

A1. Introduction and history

- A1.1 Under provision 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.
- A1.3 There are a significant number of changes identified to the Policy, which range from relatively minor in nature to some that are more substantial. All changes have been highlighted in the current Policy, which is attached as **Appendix one**, by use of red text for additions and red text crossed through for any deletions.
- A1.4 In order to provide further clarity and by way of full transparency, any of the proposed alterations that are considered significant in nature have been submitted in a separate document (as well as in the changes illustrated in appendix one). This document outlines the change that is being proposed, the reason that the change is proposed and provides an assessment of any potential implications that have been considered during process of the reviewing the Policy. This document is attached for Members consideration at **Appendix two**.
- A1.5 Members will note that the main changes to the Policy relate to age and experience of drivers, knowledge and proficiency of drivers, medical exemptions for drivers, DVLA driving licence checks, driver conduct, specification and condition of vehicles, vehicle compliance testing, signage and advertising (including door signs), CCTV in vehicles and Hackney Carriage Livery.
- A1.6 With regard to a livery policy for Hackney Carriage vehicles, it is proposed that two options be put forward for consultation as identified in 14.49 of the Policy in appendix one. A livery policy is considered necessary in order to create a uniform and more easily recognisable Hackney Carriage fleet, which in turn will reflect the professionalism of the trade whilst better promoting customer confidence and safety. At the very least it is believed that this will be achieved with one uniform colour e.g. white, although some areas of the Country have opted for vinyl wrapped bonnets and boots in order to create a clearer distinction. It is considered that the views of the trade and public in general would be a valuable consideration of any final decision in this regard.
- A1.7 Should the Licensing Authority ultimately opt for vinyl wrapping, the approximate cost to each vehicle operator will be in the region of £300.
- A 1.8 With regard to vehicle compliance testing, whilst the provider(s) will be identified through a full tendering process, there has been some ‘soft testing’ of appropriate VOSA authority providers, to ensure that this is a viable option. This process has identified a number of suitably qualified companies that have indicated that they would be interested in putting forward a tender for this work.
- A1.7 As these are Policy changes, legal challenge would be by way of judicial review. This is considered unlikely for the proposed amendments given that they will be subject to a full process of consultation and consideration of any responses by Licensing Committee prior to adoption of the revised Policy.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

There is considered to be no significant risk, as the changes to the Policy will be subject to a full 8 week consultation and consideration of any responses received as highlighted in A1.7 (above).

A3. Options

A3.1 There are three options:

- (i) Members to agree the Policy changes outlined above and release the Policy for consultation;
- (ii) Members to implement amended Policy changes and to release the Policy for consultation;
- (iii) Members refuse the recommendation.

A4. Summary of resource implications

A4.1 There are no resource implications for the approval of the recommendation, as any costs associated with any Policy change will be met by the trade direct to the service provider e.g. DSA testing or are met through licence fees, which are set annually on a fully cost recoverable basis.

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 One of the recommendations of this report, as outlined in paragraph 2.1 of the report, is that the Policy should undergo a full 8 week consultation and that any responses received should be brought back to Licensing Committee for consideration prior to adoption of the final Policy.

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.

Appendices

Appendix 1 DRAFT Hackney Carriage and Private Hire Licensing Policy 2018
Appendix 2 Summary of the main changes proposed in this report

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 (as amended 2016)