



Public Agenda Item: **Yes**

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

Wards Affected: **All**

To: **Licensing Committee** On: **1 November 2018**

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 new Hackney Carriage and Private Hire Licensing Policy referred to as 'The Policy'. The Policy shall amend and replace the existing Policy.
- 1.2 To provide Members with an opportunity to approve the Policy and to consider the representations received during the consultation period, some of which have been incorporated within the Policy. See **Appendix 1**.

2. Recommendation(s) for decision

- 2.1 To approve the Policy as set out in **Appendix 1**.

3. Key points and reasons for recommendations

- 3.1 Under 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 duty to provide a framework within which vehicles, operators and drivers are licensed for the safety of the public and other road users. This Policy sets the expected standard and expectations in this regard.
- 3.3 The revised Policy, attached in **Appendix 1**, incorporates changes in legislation,

guidance and current best practice and provides for a more robust licensing regime within Torbay than that which currently exists. This draft Policy, was agreed by Licensing Committee on the 15th March 2018 for consultation with the intention not to revisit parts of the Policy which have not received representations. The draft Policy in Appendix 1 therefore only highlights any additional changes from that previously agreed.

- 3.4 This Policy was subject to a 12 week consultation period. This period concluded on 31st August 2018.
- 3.5 In order to facilitate response, a questionnaire was developed which highlighted and sought views on the key changes within the Policy. In total 213 questionnaires were returned. A summary of the responses and recommended action following assessment of those responses is attached at **Appendix 2**.
- 3.6 In addition to the questionnaires, a separate representation was received from the Torbay Taxi and Private Hire Association (TPHA), a further 23 copies of the TPHA representation in support of their views were also received from individuals that are not part of the TPHA and another 3 individual letters from other trade members. A copy of the TPHA response and the 3 individual letters are attached at **Appendix 3**.
- 3.7 A further response was received from the Guide Dogs for the Blind Association, whilst this recognises elements of the proposed Policy, which are welcome, the association have suggested some amendments. The full representation is attached at **Appendix 4** and is addressed, with appropriate recommendations in the consultation response summary attached at **Appendix 2**.
- 3.8 The representations have been considered and where necessary or appropriate to do so, the Policy has been amended with an explanation provided in the summary at Appendix 2 as to why the change is considered to be necessary or appropriate.
- 3.9 Approval of the Policy is a Licensing Committee decision. Any challenge to the Policy would have to take place within three months of it being adopted. Such a challenge would be by way of Judicial Review.

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

Steve Cox
Environmental Health Manager (Commercial)

Annex A – Supporting information to Report

A1. Introduction and history

- A1.1 Under 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 a duty to provide a framework within which vehicles, operators and drivers are licensed for the safety of the public and other road users. This Policy sets the expected standard and expectations in this regard.
- A1.3 The revised Policy, attached in **Appendix 1**, incorporates changes in legislation, guidance and current best practice and provides for a more robust licensing regime within Torbay than that which currently exists.
- A1.4 This draft Policy, was agreed by Licensing Committee on the 15th March 2015 for consultation with the intention not to revisit parts of the Policy which have not received representations. The draft Policy in **Appendix 1** therefore only highlights any additional changes from that previously agreed.
- A1.5 This draft Policy was subject to a 12 week consultation period. This period concluded on 31st August 2018 and focused predominantly on the following significant changes
- Requirement to appear before Licensing Committee for any driver where more than 9 penalty points are current on his/her DVLA driving licence at any time
 - Requirement for Child Sexual Exploitation (CSE) training
 - More regular checks (every 6 months) of DVLA endorsements
 - A new code of conduct for drivers
 - Increase in the maximum permitted age of a licensed vehicle
 - Decrease in the maximum permitted mileage of a vehicle when first presented for licensing
 - Introduction of a vehicle compliance testing requirement
 - Requirement for permanently affixed door signs
 - Addition of a set of conditions for Wheelchair Accessible Vehicles (WAV's)
 - Livery Policy
 - Changes to engine size specification (allowing for measurement of Electric vehicle power and leaner burn engines)
 - Recognition of CCTV in licensed vehicles and provision of guidance for the use of CCTV systems
- A1.6 A questionnaire was developed which highlighted and sought views on these key Policy changes. In total, 213 questionnaires were returned. A summary of the responses and recommended action following assessment of those responses is attached at **Appendix 2**.

A1.7 In addition to the questionnaires, a separate representation was received from the Torbay Taxi and Private Hire Association (TPHA), a further 23 copies of the TPHA representation in support of their views were also received from individuals that are not part of the TPHA and another 3 individual letters from other trade members. A copy of the TPHA response and the 3 individual letters are attached at **Appendix 3**.

A1.8 A further response was received from the Guide Dogs for the Blind Association, whilst this recognises elements of the proposed Policy, which are welcome, the association have suggested some amendments. The full representation is attached at **Appendix 4** and is addressed, with appropriate recommendations in the consultation response summary attached at **Appendix 2**.

A1.9 The changes to the Policy resulting from representations received during the public consultation are covered below.

- Wording to permit the removal of Roof Lights and door signs has been removed from the Policy
- An amendment to paragraph 14.29 of the proposed Policy as outlined under recommendation C in **Appendix 2**
- An amendment to paragraph 5.26 of the Policy to strengthen the evidential requirement relating to exemption from carry assistance dogs as outlined under recommendation D in **Appendix 2**.
- A change to the livery Policy requirement, as under recommendation M in **Appendix 2**.
- An addition, to permit exemption from door signs in respect of purely executive/corporate hire vehicles as under recommendation N in **Appendix 2**.

A1.10 Careful consideration was given to all representations received following the public consultation period but some of the issues raised did not result in an amendment to the Policy. The full reasoning is outlined in **Appendix 2**.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

Approval of the Policy is a Licensing Committee decision. Any challenge to the Policy would have to take place within three months of it being adopted. Such a challenge would be by way of Judicial Review.

A3. Options

- A3.1 (i) To agree the new Policy
(ii) To amend and agree the new Policy
(iii) To refuse to endorse the new 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 no perceived equalities implications. Some environmental sustainability benefits are expected over time, due to the implementation of the alteration to the vehicles specifications on engine sizes and recognition of electric and hybrid technology. There are no direct Crime and Disorder implications.

A6. Consultation and Customer Focus

A6.1 There was a statutory period of 12 weeks public consultation on this draft Policy. This took place between the 8th June 2018 and 31st August 2018. This included 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 Hackney Carriage and Private Hire Licensing Policy 2018

Appendix 2 Consultation response summary

Appendix 3 Representation from TPHA and 3 independent trade members

Appendix 4 Guide Dogs for the Blind Association response

Documents available in members' rooms: None

Background Papers:

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

Department for Transport Guidance