

County Council

13 April 2016



**Review of the Council's Hackney
Carriage and Private Hire
Licensing Policy**

**Report of Corporate Management Team
Oliver Sherratt, Interim Corporate Director Neighbourhood Services
Councillor Brian Stephens, Cabinet Portfolio Holder for
Neighbourhoods and Local Partnerships**

Purpose of the Report

1. To seek adoption of a revised Hackney Carriage and Private Hire Licensing Policy (attached at **Appendix 2**) based on recommendations of the General Licensing and Registration Committee following public consultation on this matter.

Background

2. The primary aim of licensing in relation to hackney carriage and private hire vehicle trades is to protect and safeguard the public and to ensure that the public have reasonable access to hackney carriage and private hire services. The existing Hackney Carriage and Private Hire Licensing Policy ("the Policy") was adopted by the Council in May 2011 and is available to Members in the Members Library and on the Council's website.
3. In April 2015 Cabinet gave its approval to begin a formal 12 week public consultation on proposed revisions to the existing Policy. The consultation exercise sought views on the Policy as well as highlighting potential areas for change and some specific proposals. Consultees included members of the taxi trade, trade representatives, taxi service users and all relevant authorities and organisations.
4. The consultation was widely advertised in the local and regional press and also was available on the Council's website. The consultation briefing paper and results report are attached as **Appendix 3**.
5. In assessing the consultation responses and formulating a draft revision efforts have been made to balance the needs and wants of the trade against the requirements of the legislation, available good practice and the necessity to safeguard the public, especially those who use taxis, including users who may be vulnerable.
6. Informed by the responses to the consultation, a draft policy was formulated and presented to the General Licensing and Registration Committee on 14th January 2016 for consideration. Members can access a copy of this report via

the following link or in the Members Library:-

<http://democracy.durham.gov.uk/ieListDocuments.aspx?CId=247&MID=8173> .

Members will note that this report was comprehensive and included:-

- Copy of the existing policy
- Consultation results report
- Copy of the proposed policy
- Table of changes to existing policy
- Briefing note on major changes
- Equality Impact Assessment

Recommendations of the General Licensing and Registration Committee

7. Responsibility for advising Council on licensing matters has been delegated to the General Licensing and Registration Committee (“the Committee”). This Committee is experienced in applying the Hackney Carriage and Private Hire policy.
8. Within the existing Policy, the Council adopted four licensing objectives:-
 - To ensure that safe, comfortable, reliable and accessible hackney carriage and private hire vehicles are available for all who require them
 - To ensure that all licensed drivers and private hire operators are fit and proper persons
 - To provide clarity for licensees with respect to the Council’s requirements and the decision making process
 - To promote a professional and respected hackney carriage and private hire trade

There are no amendments proposed to these objectives but the recommendations of the Committee were made in furtherance of these objectives.

9. The Committee carefully considered the consultation responses and proposed amendments to the Policy. They recommend that the draft Policy be adopted by Council.
10. Details of all proposed changes to the Policy are attached at **Appendix 4**, however the more significant areas of change are summarised below:-

a) Vehicle top signs

The policy is to be amended to allow specification as to what a vehicle top sign should look like. Private hire vehicles would be allowed to continue to use top signs provided the wording on it does not suggest the vehicle is a hackney carriage (eg “taxi”, “cab”, “for hire”).

b) Identification of licensed drivers

Whilst drivers are already required to display identification badge and on the dashboard, a revision is made that requires that this be positioned to be clearly visible to passengers.

c) Encouragement to CCTV in all licensed vehicles

The use of CCTV in all licensed vehicles be strongly encouraged but not compulsory. Whilst at this stage CCTV provision is not recommended as a mandatory requirement, the necessity to have such a condition in the policy should be regularly reviewed and considered by Members.

d) Use of the Disclosure and Barring Service (DBS) Update Scheme

Following the required initial DBS check, a driver/applicant should be required to subscribe to the *DBS Update Service* within a specified period. This will enable officers to check on the DBS status of drivers at increased frequency with no additional costs to the licensed drivers. Another DBS check would only become necessary should the drivers DBS record alter as a result of a conviction. An annual DBS update subscription will be required but not an annual DBS check.

e) Child Sexual Exploitation (CSE) awareness training for taxi drivers

All drivers and applicants be required to undergo Child Sexual Exploitation (CSE) awareness training; all applicants prior to being first licensed and existing drivers by no later than 1 September 2016. The knowledge tests for new applicants will also be amended to include questions around CSE awareness.

Already 683 taxi drivers (almost 40% of a total of 1757 drivers licensed by DCC) have received CSE awareness training on a voluntary basis. Further free training sessions have been arranged by the Local Safeguarding Children Board and drivers who have not previously attended earlier free sessions have been informed and encouraged to attend.

f) Basic numeracy testing as part of knowledge test for new drivers

The current knowledge tests for new applicants be amended to include basic arithmetic questions relevant to the common transactions drivers undertake.

g) Engine emission standards and increased testing for older vehicles

Three months from the date of the adoption of the new policy, all newly licensed vehicles should meet the Euro Tech 5 manufactured emission standard. Licensed vehicles over ten years old should be subject to three vehicle tests within any 12 month period.

h) Suspension of licensed vehicles

Vehicle licences be immediately suspended when the vehicle is not presented for testing at the allotted time, unless the appointment has been rescheduled for an earlier date and time. This will reduce the risk of mechanically unfit licensed vehicles being driven on the public highway.

i) Continuation of locality tests for private hire vehicle drivers.

Applicants for a private hire drivers licence continue to be tested on locality matters however the test has been adapted and made more relevant for the private hire trade.

11. It should be noted that the above is summary only and the full minutes for the General Licensing and Registration Committee meeting held on 14th January 2016 are available in the Members Library.

Recommendations

12. Council adopts the revised Hackney Carriage and Private Hire Licensing policy as attached at **Appendix 2**.

Background Papers

- Durham County Council's existing Hackney Carriage and Private Hire Licensing Policy
- Local Government (Miscellaneous Provisions) Act 1976
- Town Police Clauses Act 1847
- Department for Transport Best Practice Guidance
- Court transcript of Bouhdid v DCC 6th August 2015
- Letter to HHJ Prince from the Head of Legal and Democratic Services and Chair of Licensing
- Report of Inspection of Rotherham Metropolitan Borough Council - February 2015
- Independent Inquiry into Child Sexual Exploitation in Rotherham 1997 - 2013

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Appendix 1: Implications

Finance

None

Staffing

None

Risk

None

Equality and Diversity / Public Sector Equality Duty

The Hackney Carriage and Private Hire Licensing Policy has gone through a full Equality and Diversity Impact Assessment.

Accommodation

None

Crime and Disorder

The revised policy seeks to further improve customer and driver safety through a range of measures described in this report.

Sustainability

None

Human Rights

None

Consultation – A full public consultation process has been undertaken in respect of the review of this policy.

Procurement

None

Disability Issues

The policy takes full account of duties and obligations under the Equalities Act 2010.

Legal Implications

The proposed policy has also been produced in accordance with the provisions and power conferred by the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the Transport Act 1985, as amended, which places on the Council the duty to carry out its licensing functions in respect of hackney carriage and private hire licensing.

In addition there are possible challenges by way of judicial review to changes in policy taken under 1976 Act.