

General Licensing and Registration Committee

18 January 2018

Interim Update of the Council's Hackney Carriage and Private Hire Licensing Policy



Report of Joanne Waller, Head of Environment, Health and Consumer Protection, Neighbourhood services

Purpose of the Report

1. To inform Members of the outcome of an interim, technical update of Durham County Council's Hackney Carriage and Private Hire Licensing Policy, more commonly referred to as the "taxi policy" and proposals for its revision and update. For the purposes of this report, unless otherwise stated, the use of the term "taxi" will include private hire vehicles.

Background

2. The existing Hackney Carriage and Private Hire Licensing Policy was adopted by the Council in April 2016. This policy was then slightly amended in January 2017 following the inclusion of minor revisions associated with national changes to taxi driving assessments.
3. The Taxi Policy states that the Council will review it every five years and will also make such revisions to the policy, as it considers appropriate and publish it accordingly.
4. There have been some recent legislative changes brought in by e.g. the Equality Act 2010 concerning wheelchair accessible licensed vehicles and their drivers and the Immigration Act. There have also been changes to the laws dealing with certain categories of historic cautions and convictions.
5. As a result of these legal matters it is considered appropriate to update the policy documentation in order to clearly and explicitly identify how and when take these matters will be taken into consideration by the Council. This update has also provided an opportunity to scrutinise the documentation and to make some other minor alterations. Some of the proposed changes are merely typographical and others involve alterations to some sentences and paragraphs, enhancing clarification and for explanatory purposes.
6. This updated version policy has been amended following consultation with DCC Legal Services. All proposed changes to the current policy are shown in Table 1 'Table of Changes' in Appendix 3. These changes have been included in the revised policy in Appendix 4. The current policy is attached as appendix 2.

7. The updates may be seen to comprise what may be described as a technical review. The changes do not alter adopted policy. The updated documentation 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.
8. Following approval by Corporate Management Team, the proposed changes were sent to all of the registered members of the County Council's Taxi Working Group, the purpose being to take into consideration any opinions or suggestions that may arise from that consultation group. No responses to this consultation were received from any of the trade representatives as a result of the 28-day consultation that took place during November and December 2017.
9. Following presentation of the draft updated policy to the General Licensing and registration Committee, assuming Members of this committee give support to the changes and subject to any further alterations proposed by Members, a copy of the report will be made available to all Members in the Members Library. As this update does not constitute a change in policy, acceptance of the update version rests with Members of this committee. There are no new matters of policy that require adoption by Council.

Recommendations

10. Members consider the nature of the updates to the taxi policy and proposals as outlined in this report and the proposed updated policy document.
11. Members agree to accept the proposed updates allowing a new version of the existing policy and recommend adoption of the updated version of the policy by Council.

Background Papers:

- Durham County Council's existing Hackney Carriage and Private Hire Licensing Policy
- Table of changes
- Local Government (Miscellaneous Provisions) Act 1976
- Town Police Clauses Act 1847

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Appendix 1: Implications

Finance

There will be a financial implication on the income from the Private Hire Operator fees as the duration of the licence will be extended from 1 year to 3 years.

Staffing

None

Risk

None

Equality and Diversity / Public Sector Equality Duty

The current Hackney Carriage and Private Hire Licensing Policy has gone through a full Equality and Diversity Impact Assessment. The changes to the document include new legislative provisions and requirements under the Equality Act.

Accommodation

None

Crime and Disorder

None

Sustainability

None

Human Rights

None

Consultation – A directed/targeted consultation process involving taxi trade representatives who are members of the Durham Taxi Working Group has been undertaken in respect of the review and update of this policy.

Procurement

None

Disability Issues

None

Legal Implications

There are possible challenges by way of judicial review to changes in policy taken under 1976 Act. The updated policy and reports have been considered by Legal Representatives from DCC.