

County Council

18 April 2018



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

Report of Corporate Director of Regeneration and Local Services Councillor Brian Stephens, Portfolio Holder for Neighbourhoods and Local Partnerships

Purpose of the Report

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

Background

2. The current 'Taxi Policy' Policy was adopted by the Council in April 2016. This policy was then 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 recent legislative changes brought in by the Equality Act 2010 concerning wheelchair accessible licensed vehicles and their drivers and also by the Immigration Act. There have also been changes to the law 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 interim update also provided an opportunity to scrutinise the documentation and to make some other minor grammatical 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 in conjunction 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 to the policy comprise a 'technical review' carried out following new legislation. The changes do not fundamentally alter current adopted policy matters but add to them. 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. The amended policy was presented to the General Licensing and Registration Committee on 18th January 2018. Members of this committee gave support to the proposed changes and recommended adoption of the updated version by Council. A copy of the proposed policy has been made available to all Members in the Members Library.

Recommendations

10. Members consider the nature and content of the updated version of the taxi policy together with the proposals outlined in this report.
11. Council agrees to adopt the proposed updated version of the Taxi Policy with immediate effect. Publication of the revised policy will take place following its adoption.

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

None

Staffing

None

Risk

None

Equality and Diversity / Public Sector Equality Duty

The current Hackney Carriage and Private Hire Licensing Policy has already gone through a full Equality and Diversity Impact Assessment. The proposed 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 consultation process involving taxi trade representatives who were members of the Durham Taxi Working Group was 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 were considered by Legal Representatives from DCC who were fully consulted during and throughout the policy development process.