

NONEXEMPT

EAST HAMPSHIRE DISTRICT COUNCIL

LICENSING COMMITTEE

14 August 2015

TAXI AND PRIVATE HIRE LICENSING POLICY

Report of the Licensing Team Leader

FOR DECISION

1.0 Purpose of Report

- 1.1 The purpose of this report is to set out the responses received to the public consultation and to recommend a revised Taxi and Private Hire Licensing Policy, Licensing Enforcement Policy, Penalty Points Scheme, and Licence Conditions attached to Combined Hackney Carriage/Private Hire Driver, Hackney Carriage Vehicle, Private Hire Vehicle and Private Hire Operator Licences.

2.0 Recommendation

- 2.1 That the Hackney Carriage and Private Hire Policies and Conditions enclosed in the Appendices to this Report are adopted.
- 2.2 Authorise the Service Manager (Environmental Health) in consultation with the Chairman of the Licensing Committee to make minor amendments to the Policy as may be required from time to time.
- 2.3 Fees

3.0 Summary

- 3.1 The Licensing Committee of 29 May 2015 approved a draft Taxi and Private Hire Licensing Policy for public consultation.
- 3.2 The draft Policy took account of feedback received from the trade since the last Policy Review, with the final version presented to Committee taking account of responses received during the consultation period.
- 3.3 The Policy is important as it sets out the public safety standards we require, and these form the framework by which we undertake our statutory responsibilities in respect of hackney carriage and private hire vehicle licensing. These are particularly important in light of the findings of the report into child sexual exploitation in Rotherham.

- 3.4 The conclusions of the Casey report on Rotherham Metropolitan Borough Council following Professor Jay's inquiry into child sexual exploitation in the borough emphasise how important licensing policy is in providing safeguards to protect public safety.
- 3.5 It emphasised the need for safety to be the uppermost concern of any licensing and enforcement regime when determining policy, setting standards and deciding how they are enforced.
- 3.6 The inspectors uncovered serious weaknesses and concerns and judged that Rotherham had not taken sufficient steps to ensure that only fit and proper persons were permitted to hold a taxi licence and, therefore, could not provide assurances that the public including vulnerable people were safe.
- 3.7 The aim of the changes to this Policy is to protect public safety by improving standards and helping to professionalise the trade.
- 3.8 Adoption of the policy will contribute to the delivery of the Council's strategic objectives of Public Service Excellence and Economic Growth.
- 3.9 The proposed Policy changes have been subject of public consultation. The responses can be seen at Appendix I to this report.
- 3.10 Details of the changes to the Policy and Conditions agreed by Licensing Committee for consultation are shown below.

Summary of Changes to Hackney Carriage and Private Hire Vehicle Licensing Policy and Conditions:

Section	Change	Reason
Penalty Points – Appeals to Licensing Committee for the award of points.	Ability to appeal award of individual penalty points.	Removal of appeal mechanism raised concern from members of trade.
Penalty Points for leaving vehicle unattended.	Penalty Points for leaving a Hackney Carriage unattended on a rank.	For clarification.
Penalty Points for carrying greater number of passengers than specified on licence.	Increase in number of points proposed from 6 to 9.	As a result of concern from the trade.
Penalty Points for using uninsured vehicle	Increase in number of points proposed from 6 to 12.	As a result of concern from the trade.

Section	Change	Reason
Hackney and Private Hire Vehicle condition specifying "vehicle must remain in form submitted for licensing"	Removal of condition for wheelchair accessible vehicles fitted with wheelchair tracking to IVA approval.	
Private Hire Vehicle Condition stating tariff/fees must be displayed.	Removal of Condition.	Fares for PHVs not regulated by EHDC and should be agreed in advance.

4.0 Implications

4.1 Resources:

There are no resource implications in this report.

4.2 Legal

The powers for licensing of Hackney Carriages, Private Hire Vehicles, Private Hire Operators and Drivers dates back to the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976.

The legislation has been subject to a recent review by the Law Commission, however the recommendations of this report are yet to be enshrined into law.

It is therefore important that a Local Authorities Policy for regulating the Hackney Carriage and Private Hire trade is up to date and reflects current best practice to protect the public and provide a framework to assist decision makers.

4.3 Strategy:

Regularly reviewing a Policy which is so integral to governing a business sector is necessary to meet our strategic objective of public service excellence.

Listening to the trade making changes to Policy which will suit their business needs but still protect the public is key to the Council's aim of becoming a business friendly Authority and objective of creativity and innovation.

4.4 Risks:

Not updating the Policy means that current best practice is not reflected potentially putting the public at risk and potentially creating disharmony in the trade through inconsistent decisions.

4.5 Communications:

The public and all members of the licensed trade have been informed of the proposed Policy changes with details accessible to the public on the Council's website.

All licence holders were written to with details of the changes and an open meeting on 23 June was held which all licence holders were invited to. The minutes of this meeting are enclosed to this report as Appendix II.

Additionally the draft Policy was presented to the East Hampshire Taxi Association at their meeting on 17 June where members of the Association had the opportunity to ask questions.

The Council publicised the Policy review through a Press Release which was reported on by local newspapers. Additionally media interviews with BBC Radio Surrey and That's Solent TV took place.

4.6 For the Community:

The community will be provided with a safe form of public transport. It is also right for members of the Hackney Carriage and Private Hire trades to expect a clear and up to date Licensing Policy to govern their activities.

An Equality and Diversity Impact Assessment has been carried out and can be seen in Appendix IX.

5.0 Consultation

The proposals have been subject of public consultation during June and July.

During the two month consultation period, we have received xx responses. These are enclosed in Appendix I to this report. A summary of those consulted and responses can be seen at Appendix III.

6.0 Appendices:

Appendix I – Responses received to Policy Consultation

Appendix II – Minutes of Taxi Forum Meeting 17 June

Appendix III – Summary of parties consulted and responses

Appendix IV – Hackney Carriage and Private Hire Licensing Policy

Appendix V – Combined Hackney Carriage/Private Hire Driver Conditions

Appendix VI – Restricted Private Hire Driver Licence Conditions

Appendix VII – Hackney Carriage Conditions

Appendix VIII – Private Hire Vehicle Conditions

Appendix IX – Private Hire Operator Conditions

Appendix X – Penalty Points Scheme

Appendix XI – Enforcement Policy

Appendix XII – Equality and Diversity Impact Assessment

Background Papers:

None

Agreed and signed off by:

Legal Services: Nick Leach, 5 August 2015

Environmental Health Service Manager: Lorna Read, 5 August 2015

Executive Head: Andrew Pritchard, 5 August 2015

Contact Officer: Mike Smith

Job Title: Licensing Team Leader

Telephone: Tel: 01730 234094

E-Mail: mike.smith@easthants.gov.uk