

Report to the Council

Committee: Licensing

Date: 5 November 2013

Subject: Hackney Carriage and Private Hire Licensing Policy

Chairman: Councillor K Angold-Stephens

Recommendation:

That the attached Hackney Carriage and Private Hire Licensing Policy be adopted.

Background

1. At our meeting held on 11 April 2012, we decided the Council should set a fare tariff for journeys undertaken within the district in a Hackney Carriage and that meters should be fixed into the vehicles. The current licensing conditions would need to be amended to take this change into account.
2. We received a further report at our meeting on 10 April 2013 recommending that a policy be adopted in accordance with the Department of Transport "Taxi and Private Hire Vehicle Licensing - Best Practice Guide" to regulate the types of meters to be used in Hackney Carriages and also to set out the factors that the Authority would take account of when considering applications in respect of the various licences. It was agreed that the draft policy should be the subject of a consultation exercise.
3. The result of the consultation was reported to our meeting on 26 September. Many of the representations received related to the setting of a fare tariff and installation of meters into Hackney Carriages. The Committee decided to hold a special meeting to enable it to discuss that issue and is recommending to the Council that the policy be adopted but that reference to the meters and fare tariffs be omitted.

Draft Policy

4. The Guidance states that "The aim of the local authority licensing of the taxi and PHV trades is to protect the public. Local Licensing Authorities will also be aware that the public should have reasonable access to taxi and PHV services because of the part they play in local transport provision". The purpose of the draft policy is to set out and inform the trade of the Council's requirements. It will also allow members of the public to know what it may expect of the trade.

Consultation

5. The draft policy document was sent to the people and bodies listed in Appendix I of the draft policy and a copy placed on the Council's website. .

Licensing Objectives

6. There are no formal licensing objectives specified in taxi licensing legislation as there is with the Licensing Act 2003 or the Gambling Act 2005. The licensing objectives which are included in the policy have been selected by considering the requirements of the taxi licensing legislation. There were no representations made on these objectives.

Criminal Records Policy

7. The Guidance recognises that a criminal record check is an important measure especially for those working with the young and the vulnerable. It recommends that in order to achieve consistency and thus avoid legal challenge local authorities should have a clear policy for the consideration of criminal records. A draft policy has been included as appendix 8 of the policy document.

8. This draft policy will be particularly relevant when an application in respect of a licence is being decided. If adopted, the members of the Sub-Committee will be required to have regard to the criminal records policy and must be guided by it, unless there are good reasons not to.

9. The draft policy distinguishes minor traffic offences and major traffic offences. There was attached to the Committee's report information as to the different types of offence.

10. The Rehabilitation of Offenders Act 1974 and the associated regulations permit members to take account of criminal convictions when making a decision as to whether a person is a fit and proper person to hold a driver's licence after the period when a conviction is otherwise regarded as 'spent'.

11. No representations were received regarding the Criminal Records policy.

Hackney Carriage Vehicles/Private Hire Vehicles, Drivers and Operators.

12. This section of the draft policy sets out the procedure and matters which licensing officers take into account when assessing the applications and whether they should be referred to the sub-committee in accordance with delegated authority. The policy sets out the current delegations and the procedure has been approved in the past by members either as part of the licensing conditions or in committee decisions.

Licence Conditions

(a) Hackney Carriage Proprietor's Licence

13. The licence conditions have been updated but the mention of taxi meters as set out in the report to the Licensing Committee has been removed pending further consideration by our Committee.

(b) Private Hire Vehicle Licence

14. These have been updated but not substantially changed.

(c) Hackney Carriage Driver's Licence

15. These conditions have been updated and again and reference to the taxi meters have been removed.

16. One of the replies to the consultation suggested that drivers should have a large photograph and their badge number displayed in the taxi. This is to ensure that the person driving is the same person as that shown on his badge. Currently there is a small photograph on the driver's badge of a similar size as the Council's staff identification badges. We did not take any decision on this issue.

Private Hire Driver's Licence and Operator's Licence.

17. Again these have been amended but the amendments are minor or reflect the current practice. The comment made with regards to providing a larger sized photo in the taxi mentioned in paragraph 16 would also apply to private hire drivers.

Conclusion

18. The Council is requested to agree the new policy which includes the Licence conditions and the new Criminal Records Policy. .

Background Papers:

Guidance issued by the Secretary of State
Reports to the Licensing Committee