

Licensing and Regulatory Committee



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Adoption of Conditions in Respect of Hackney Carriage and Private Hire Drivers/Vehicles/Operators	
Report No:	LIC/SE/17/004	
Report to and date:	Licensing and Regulatory Committee	11 April 2017
Portfolio holder:	Councillor Alaric Pugh Portfolio Holder for Planning and Growth Tel: 07930460899 Email: alaric.pugh@stedsbc.gov.uk	
Lead officer:	Amanda Garnham Licensing Team Leader Tel: 01284 757132 Email: Amanda.garnham@westsuffolk.gov.uk	
Purpose of report:	To seek approval to adopt revised conditions in to the existing Taxi Handbook across both licensing authorities in West Suffolk.	
Recommendation:	<p>It is <u>RECOMMENDED</u> that the Licensing and Regulatory Committee:</p> <ul style="list-style-type: none"> Approve and adopt the conditions (attached at Appendix 3) so that they can be applied by the Licensing Authority. 	
Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>Yes, it is a Key Decision - <input type="checkbox"/></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p>	
Consultation:	<ul style="list-style-type: none"> 6 February – 20 March 2017 	

Alternative option(s):		Do nothing. The current conditions have not been updated since 2009 and are out of date in terms of good practice and current legislation resulting in lower standards of protection of the public	
Implications:			
Are there any financial implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> • Within budget	
Are there any staffing implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> • Planned work with current resources	
Are there any ICT implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any legal and/or policy implications? If yes, please give details		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> • See body of report	
Are there any equality implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> • See body of report. See body of report	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
	Low/Medium/ High*		Low/Medium/ High*
Keeping our conditions for Drivers and Vehicles up to date promotes public safety and ensures drivers meet the fit and proper person test	Medium	Conditions are adopted under the Home Office Guidance to give control and public reassurance	Low
Ward(s) affected:		All	
Background papers:		Existing outdated conditions in their current format http://www.westsuffolk.gov.uk/Business/Regulation_and_Licensing/Licensing/Taxi_licensing/upload/SEBC-Hackney-Carriage-and-Private-Hire-Drivers-Guidance-Notes.pdf http://www.westsuffolk.gov.uk/Business/Regulation_and_Licensing/Licensing/Taxi_licensing/upload/Hackney-Carriage-Vehicle-Guidance-Notes.pdf http://www.westsuffolk.gov.uk/Business/Regulation_and_Licensing/Licensing/Taxi_licensing/upload/Private-Hire-Vehicle-Guidance-Notes.pdf	
Documents attached:		Appendix 1 – Pre-consultation Handbook Appendix 2 – Consultation responses Appendix 3 – Post-consultation proposed Handbook	

1. Key issues and reasons for recommendation

1.1 Background

1.2 The Council licenses the following:

- Hackney Carriage and Private Hire Vehicle Drivers
- Hackney Carriage Vehicles
- Private Hire Vehicles
- Private Hire Operators.

1.3 A range of legislation covers the licensing and control of the above which includes the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1976 and the Public Health Act 1875.

1.4 An important part of the control is locally formed conditions. Under section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976, "*A District Council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the District Council may consider reasonably necessary*".

1.5 Under section 48(2) (Licensing of Private Hire Vehicles), "*A District Council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary*".

1.6 The current conditions for Taxis and Private Hire drivers/operators and vehicles are available under background papers and have not been updated since 2009. A handbook, as proposed, provides is a "one-stop" document for all licensing requirements in terms of Taxi/Private Hire conditions, licensing drivers, vehicles, operators and the disciplinary codes.

2. Conditions

2.1 The proposed new Handbook conditions presented at **Appendix 3** reflect feedback received during the consultation set out in Section 3 below.

2.2 The main changes to the conditions following the consultation are listed below:

- The new Driver application requirement to include a Level 2 Certificate which covering safety of vulnerable people, disability awareness and customer care adopted by the Council in December 2016
- Requirement for existing drivers to complete basic training covering some of the key issues within the Level 2 Certificate
- Introduction of a twice yearly test for vehicles separating the vehicle test 6 months from its MOT to improve safety and standards of the vehicle
- Introduction of a maximum age limit on first plating or replacement of a vehicle and the ability to waive this exemption when the car meets exceptional quality
- CRB requirements have changed to a DBS criminal conviction certificate
- Addition of door stickers for private hire vehicles stating "Pre-bookings only, no booking – No Insurance" these will be a separate charge to the vehicle owner when they renew their vehicle plates
- DVLA check changes making them free of charge
- Immigration legislation updates

- Appropriate wording revisions for the dress code for drivers
- For Drivers aged 45 and over, to remove the ability to use 'Doctors on wheels'. Reasons being that Doctors on wheels do not have access to any complicated medical history, only a registered GP would. Once drivers reach the age of 45, they are required to have a medical every 5 years and from this age until 65 then annually. The need for full medical records is considered a necessity for the criteria of fit and proper person.
- Introduction of new disciplinary codes relating to smoking in the vehicle, failure to produce documents, failing to behave in a civil manner towards the public or council staff and refusal to transport assistance dogs.
- Equality Act update for wheelchair users
- Sanctions for drivers who do not complete mandatory training.

3. **Consultation**

- 3.1 A formal consultation on the draft proposed handbook was undertaken between 6 February and 20 March 2017. The Consultation covered both licensing authorities in West Suffolk.
- 3.2 Prior to commencing the consultation, a working party was established comprising of the Committee Chairs, a member from each Licensing and Regulatory Committee of West Suffolk and licensing officers with the purpose of engaging with stakeholders and providing insight to ensure that changes to the conditions are undertaken fairly and robustly.
- 3.3 Key stakeholders were consulted in a range of ways:
- All Taxi and Private hire drivers/owners/Operators were written to individually and invited to comment on the proposals online via the Council's website, in writing, by phone or in person
 - The public were invited to comment via the Council's website
 - Key stakeholders, including all licensed drivers, were invited to attend a drop-in session with licensing officers and members to discuss the proposed changes
 - Drivers were approached during day-to-day contact with licensing staff to engage in informal discussion about the proposals.
- 3.4 All formal responses received during the consultation were recorded with informal responses considered by the licensing officers and checked that they were fairly represented in the recorded comments. The formal responses are summarised in **Appendix 2**. All comments were reviewed by the Working Party and relevant revisions to the draft handbook are shown in RED where the Working Party concluded that changes to the consultation version were appropriate.
- 3.5 There was much discussion amongst consultees with respect to the introduction of the maximum age for licensed vehicles, when a vehicle would be first plated or when an existing plated vehicle would need replacing. The original proposal put forward in the consultation was to introduce a maximum 5 year age limit at first plating with consideration to accepting applications for older vehicles in exceptional quality. Due to concerns expressed by taxi driver consultees that this would impose financial hardship by drivers, a compromise has been proposed of 6 years maximum age with no more than 100,000 miles. Alongside this, there is an option for drivers to apply to have this condition waived if they apply for an

'exceptional quality exemption' meaning they can plate an older vehicle if it has less than 150,000 miles, where the vehicle is considered by the Licensing Authority to be in exceptional quality inside and out, it meets the required vehicle test and has a full recorded service history.

- 3.6 The introduction of twice annual tests caused some confusion with some consultees. For clarification, this would not consist of an additional test, just separating the mandatory council required vehicle test and MOT so that they are six months apart. This ensures that the vehicle is checked for safety purposes more than once a year, improving standards and giving public protection and reassurance.
- 3.7 There was discussion amongst consultees with the respect to the minimum size of vehicle engines. The Working Party concluded that due to the improvements made in engine efficiency, concern over diesel emissions and air quality and the emerging market for non-internal combustion engines, engine size was set at 1200cc or equivalent. However, the Working Party considered that further research should be undertaken by officers before setting higher standards and that these proposals would be brought forward in a separate report for approval by this Committee at a later date.
- 3.8 In the mean-time, the Councils would wish to encourage the use of fuel efficient and Ultra Low/Zero Emission vehicles by drivers in the future. Therefore, the West Suffolk Councils will continue to offer a grant to businesses in West Suffolk Called the West Suffolk Greener Business Grant of up to £1000, where the applicant can demonstrate significant energy efficiency/carbon reduction for example, through switching to hybrid/plug-in hybrid/electric motive power.
- 3.9 Your officers are in discussion with key organisations, including the Distribution Network Operator (UK Power Networks), with the intention of developing electric vehicle charging infrastructure to allow all electric vehicle drivers access to appropriately rated charging facilities in our key towns.