

LICENSING AND REGULATION COMMITTEE

28 March 2011

STATEMENT OF LICENSING POLICY WITH RESPECT TO HACKNEY CARRIAGE  
AND PRIVATE HIRE VEHICLES, DRIVERS AND PRIVATE HIRE OPERATORS

REPORT OF HEAD OF LEGAL SERVICES

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RECENT REFERENCES:

[LR 301 - REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER  
LICENCES - POLICIES AND PROCEDURES – 6 OCTOBER 2009](#)

[LR 265 – APPLICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE  
DRIVER LICENCES – POLICIES AND PROCEDURES – 5 FEBRUARY 2008](#)

[LR 205 – APPLICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE  
DRIVER LICENCES – POLICIES AND PROCEDURES – 12 DECEMBER 2006](#)

[LR 331 - STATEMENT OF LICENSING POLICY WITH RESPECT TO HACKNEY  
CARRIAGE AND PRIVATE HIRE VEHICLES, DRIVERS AND PRIVATE HIRE  
OPERATORS - 25 JANUARY 2011](#)

EXECUTIVE SUMMARY:

At the meeting of the Licensing and Regulation Committee on 25 January 2011, Members considered the draft policy with respect to taxis and private hire licensing. It was resolved that the draft policy was approved for consultation with the trade and other relevant partners.

Following consultation, the draft policy has been amended and is submitted for consideration.

RECOMMENDATION:

That the Policy attached at Appendix 1 be recommended to Cabinet for adoption as the Council's Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators.

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### STATEMENT OF LICENSING POLICY WITH RESPECT TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES, DRIVERS AND PRIVATE HIRE OPERATORS

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##### DETAIL:

##### 1 Introduction

- 1.1 At the meeting on 25 January 2011 members considered the draft Statement of Licensing Policy with Respect to Hackney Carriage and Private Hire Drivers and Private Hire Operators.
- 1.2 It was resolved to publish the draft and consult with the taxi trade.
- 1.3 This consultation took place between 1 February and 28 February 2011. All licence holders were notified of the consultation process.
- 1.4 In addition, licensing officers held a meeting with licence holders on 8 February 2011, in order to discuss the draft policy.
- 1.5 Representations were received from eight persons and a petition was received, signed by 94 persons.
- 1.6 The representations focussed mainly on the age of private hire vehicles when presented for licensing or renewal of the vehicle licence, especially regarding "executive" vehicles. The latter point was amended in the draft following the meeting of 25 January 2011.
- 1.7 The petition related mainly to the introduction of the "penalty points system." It suggested that it would give excessive power to authorised officers.
- 1.8 The petition also suggested that drivers should be allowed to undergo a medical at any medical practitioner's surgery, and not just the surgery where they are registered.
- 1.9 The petition made mention of the provision of CCTV and extra taxi ranks. These items are outside the scope of this policy.
- 1.10 The petition also suggested that there should be no further hackney carriage licences issued. As outlined at the previous meeting this would require to be subject to an unmet demand survey.

- 2 Amendments
- 2.1 Paragraph 5.1.b - All hackney carriage vehicles presented for licensing for the first time must be wheelchair accessible vehicles (WAV), except in cases where the vehicle is to replace an existing saloon vehicle which is already licensed.
- 2.2 Paragraph 5.9 - All vehicles must have at least four doors. **Saloon vehicles must have four doors in addition to any tailgate.**
- 2.3 Paragraph 6.2 - All vehicles must have at least four doors. **Saloon vehicles must have four doors in addition to any tailgate.**
- 2.4 New paragraph 6.4 - **In exceptional circumstances, an exemption certificate may be granted to dispense with the requirement to display the licence plate. This will only be granted where proof of “executive hiring” is to take place.**
- 2.5 Paragraph 7.3 - The exemption to the Rehabilitation of Offenders Act 1974 does not apply, therefore an applicant must supply a Basic Disclosure from the Criminal Records Bureau. **The disclosure is completed on application for the grant of a licence and every three years thereafter.**
- 2.6 Paragraph 7.5 - An applicant for a private hire operator licence who also holds, or is applying for a private hire driver licence, is required to have an enhanced CRB check **when applying for the driver licence. Therefore it will not be necessary for the applicant to have a further check for the operator application.**
- 2.7 Paragraph 8.5.b – addition of “**cautions**”.
- 2.8 Paragraph 8.9.c - The examination must take place at the surgery where the applicant is registered in order that the examining doctor has access to their medical records, **or, at another surgery provided that the examining doctor has access to the applicant’s medical records.**
- 2.9 New Paragraph 13.7 - If a licence is revoked under this procedure, no new application will be considered until a period of 12 months has elapsed since the revocation.
- 2.10 Penalty points table – removed “evidence of smoking in vehicle”, “evidence of food or drink in vehicle available for hire”, “using a vehicle the appearance of which suggests that it is a taxi”, “failure to behave in a civil and orderly manner.” These items are duplicated by other provisions in the table.
- 2.11 Penalty points table – addition of the item “Leaving an unattended Hackney Carriage on a taxi rank”, and “Failure to carry legal spare wheel and tools, **or suitable tyre reinflation device.**”
- 2.12 Appendix A – Criminal Offences, amended heading for Table 6 - A licence may be issued **(or not revoked) following the offences below. However a**

***strict warning may be given regarding future conduct. More than one offence may result in refusal or revocation.***

3 Conclusion

- 3.1 The policy is intended to ensure a consistent approach to the licensing and regulation of the taxi and private hire trade. The overriding objective is to ensure the safety of the travelling public.
- 3.2 It is the recommendation of the Head of Legal Services that the policy as amended at appendix 1 be recommended to Cabinet for adoption as the Council's Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators.

OTHER CONSIDERATIONS:4 SUSTAINABLE COMMUNITY STRATEGY AND CORPORATE BUSINESS PLAN (RELEVANCE TO):

4.1 This report covers issues which relate to safe and strong communities.

5 RESOURCE IMPLICATIONS:

5.1 Subject to Members agreeing fees as set out in LR352 elsewhere on the agenda, fee income from taxi licences in 2011/12 is likely to be approximately £115,000, but the proposals in this report are not expected to have a material impact on this level of income.

6 RISK MANAGEMENT ISSUES

6.1 None

BACKGROUND DOCUMENTS:

Department for Transport Taxi and Private Hire Vehicle Licensing – Best Practice Guide.

APPENDICES:

- 1 Draft Statement of Licensing Policy with regard to Hackney and Private Hire Vehicles, Drivers and Private Hire Operators
- 2 Petition against penalty points system
- 3 Representation from Leigh Crane
- 4 Representation from John Fairey
- 5 Representation from Steve Eckton
- 6 Representation from Robert Skeats
- 7 Representation from Chris Shawyer
- 8 Representation from Brian Kelly
- 9 Representation from Robin Peckham
- 10 Barry Hussey