

REPORT TITLE: REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE  
LICENSING POLICY - PHASE ONE TIP TOP TAXIS

6 JUNE 2019

REPORT OF PORTFOLIO HOLDER: Cllr Lynda Murphy, Portfolio Holder for  
Environment

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WARD(S): ALL

PURPOSE

This report is to review the Statement of Licensing Policy with respect to Hackney and Private Hire Drivers, Vehicles and Operators.

The Tip Top Taxi project commenced in 2018 with its main objective being to make positive changes to the licensed taxi regime. The policy changes submitted for consideration is “phase one” of the ongoing project.

RECOMMENDATIONS:

1. That the amended version of the Statement of Licensing Policy with respect to Hackney and Private Hire Drivers, Vehicles and Private Hire Operators be approved for consultation with the taxi and private hire trade.
2. That if no comments are received following consultation, the Policy is referred for consideration of adoption by Cabinet.

## IMPLICATIONS:

### 1 COUNCIL STRATEGY OUTCOME

- 1.1 This report relates to ensuring the safety of the public using taxis and private hire vehicles licensed by the Council.

### 2 FINANCIAL IMPLICATIONS

- 2.1 The changes to the policy and implementation do not require any additional resource implications. The cost of implementation will be covered by the existing Tip Top Taxi project budget.

### 3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 No additional resource implications are anticipated

### 4 WORKFORCE IMPLICATIONS

- 4.1 Two members of the licensing team have been seconded to the Tip Top Taxi project to undertake the review of the Policy.

### 5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 None

### 6 CONSULTATION AND COMMUNICATION

- 6.1 In advance of this report, Officers have met with the Hackney Carriage and Private Hire Forum members to provide a summary of the suggested changes to the Policy. The main area of interest from the trade relates to changes to vehicles, which will be considered in phase 2 of the Policy review later in the year.

- 6.2 Following approval by Members, all licence holders will be directly consulted. The consultation will be held from 17 June 2019 to 31 July 2019.

### 7 ENVIRONMENTAL CONSIDERATIONS

- 8 The Council's Clean Air Policy will be considered as part of phase 2 of the Policy review which will propose to reduce the size of vehicles and offer incentives to licence environmentally friendly vehicles.

### 9 EQUALITY IMPACT ASSESSEMENT

- 9.1 The Council is committed to offering a range of vehicles for all customers. The current Policy requires all new hackney carriage vehicles to be wheelchair accessible; there is no proposal to change this.

10 DATA PROTECTION IMPACT ASSESSMENT

10.1 Information and personal details of licensed drivers and operators are kept on a secure system and no changes are proposed.

11 RISK MANAGEMENT

11.1

<b>Risk</b>	<b>Mitigation</b>	<b>Opportunities</b>
<i>Property</i>	N/A	
<i>Community Support</i>	There is a Tip Top Taxi working party involving the Portfolio Holder for Environment and the Chairman of the Licensing and Regulation Committee.	
<i>Timescales</i>	The reviewed Policy will take effect once adopted by Cabinet.	
<i>Project capacity</i>	N/A	
<i>Financial / VfM</i>	N/A	
<i>Legal</i>	The Policy could be challenged by Judicial Review, but as the Council's decision-making process is believed to be lawful, a challenge is considered to be unlikely.	
<i>Innovation</i>	N/A	
<i>Reputation</i>	The Council's paramount consideration is to protect the public. This Policy sets out what is required of new applicants and current licence holders in line with relevant legislation.	
<i>Other</i>	N/A	

12 SUPPORTING INFORMATION:

12.1 Introduction

12.2 The Statement of Licensing Policy with respect to Hackney and Private Hire Vehicles, Drivers and Private Hire Operators ("the Policy") came into effect

from 1 April 2011 following full consultation and approval by the Licensing and Regulation Committee.

- 12.3 The Policy was last reviewed in January 2017.
- 12.4 Hackney Carriage and Private Hire Drivers, Vehicles and Private Hire Operators are licensed under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. Authorised officers administer and enforce the provisions of this legislation.
- 12.5 The Tip Top Taxi project commenced in 2018 and was placed in the Council's Corporate Strategy, with its main objective being to make positive changes to the licensed taxi regime further enhance public safety. The project has been split into two phases. The policy changes put forward for consideration in this report are Phase 1 of the project.
- 12.6 Proposed deletions
- 12.7 (5.c) & (6.b) The vehicle inspections at six years and inspections prior to licensing is to be removed because this is now being covered by our appointed garages. This was a condition that caused Officers to inspect all licensed vehicles 'prior' to relicensing which caused extra appointments and extra staff commitment. Any new vehicle will always be inspected by Officers prior to licensing. Officers currently check garage reports and will call vehicles into the council for a further inspection if concerns are noted by our appointed garages in addition to this the licensing team carry out roadside compliance checks.
- 12.8 (7.6)Basic Discloser deletion, this is replaced by an amendment. This was changed as a service improvement, the application process now uses an approved outside company and has been a major success saving driver and staff much time.
- 12.9 (8.4) Removal of references upon application. This is being removed because the references are always chosen by the applicant therefore the reference is always exceptional and never ever bad. In addition to this companies do not give references and either don't reply or refuse to complete or form. Considering the staff time to write letters etc and the overall effectiveness of any reference we propose to remove this condition.
- 12.10 (8.1a) The written knowledge test was removed approx. 2 years ago and currently the test is in a classroom on a computer with an officer present.
- 12.11 (8.4b) Removal of good conduct certificate being over 2 months old. This is being removed in fairness to the applicant. If a person from another country enters this country with a good conduct certificate and never re-enters that country the details within that certificate will never change so asking them to get a new one is unfair to that applicant.

- 12.12 (8.7c) Removing Licensing sub committee and Head of Environmental Health and replacing it with Authorised Officer. This is because Officers can deal with a range of enforcement matters and its to allow the lower end of the offence scale to be dealt with by Officers saving the need for a manager or Committee to be concerned.
- 12.13 (8.10,b,c,d) Knowledge Tests , The detail has been removed to enable a working party to be more flexible and not stuck to this prescriptive format and will be part of ongoing improvements to this area.
- 12.14 (8.h) We feel that an applicant attempting to pass the knowledge test should be able to continue to apply if classroom spaces permit, therefore we are requesting that any restriction to the number of attempts is removed.
- 12.15 (8.12) Medical fitness condition; To remove ALL eye related testing within our policy. This is quite simply because The DVLA Level 2 covers all of this within its testing and therefore updates itself with any improvements. It is not necessary to include any extra medical information in our policy outside of DVLA Level 2 requirements as they have it covered.
- 12.16 (9.23) Regarding cautions etc, this is taken out because the old days of thinking a caution is not that important has totally changed for example you may be refused entry to America with a Caution on your record. Also the charging standards have changed and fixed penalty tickets can be given for drug possession and disorder.
- 12.17 (10) Offence chart has been completely changed with an up to date improvement approved and suggested by The Institute of Licensing.
- 12.18 Penalty points scale ; Removal of fire extinguisher and first aid kit. This was removed approximately 2 years ago because the Officers were being put in the position of having to check supplies with any first aid kit and the level of any fire extinguisher. For example if a plaster was missing the licence wouldn't be renewed so a practical approach was taken. Although many drivers do still carry these items and its not discouraged at all.

#### Proposed amendments

- 12.19 The amended Policy can be found at Appendix 1 with the amendments shown underlined and deletions struck through. Below is a summary of the main changes.
- 12.20 All new applicants, current drivers, operators and their employees must attend and pass the Council's approved Safeguarding Awareness training before a driver or operator licence is granted in respect to new applicants and before 31<sup>st</sup> October 2019 for current drivers, operators and their employees.
- 12.21 All licensed drivers who drive a wheelchair accessible vehicle and transport passengers in wheelchairs must complete and pass an approved Wheelchair

Safety Assessment; this must be completed by a training provider approved by the Licensing Authority.

- 12.22 All driver applicants must apply for an enhanced DBS check (Criminal Records Check) using the Council's approved provider. It is also a recommendation from The Institute of Licensing (which Licensing Officers endorse) to request that all staff employed by private hire operators taking bookings must provide to the council with a basic DBS check. It is recognised that members of the public provide personal information such as their home will be vacant for a holiday. This new addition will enhance safety of all customers.
- 12.23 The vehicle Insurance write off categories have changed within the insurance industry and part of these policy changes is simply to replicate these changes. A vehicle that has been 'written off' may be repaired and legally put into use. The changes relevant to this policy are Category C changes to S and Category D becomes N.
- 12.24 These changes also propose new amendments to ensure the applicant provides documentary evidence of correct repair plus inspections at Council approved garages. A detailed vehicle inspectors report may be requested to ensure safety of all licensed vehicles.
- 12.25 Applicants that have lived outside of the UK for up to ten years continually are already required to supply good conduct certificates. All documentation is produced in English or authenticated by a translation service.
- 12.26 The licensing of temporary vehicles occurs normally when a licensed vehicle is involved in an accident, a specialist hire company then supplies a temporary vehicle. Historically the licensing team have licensed the vehicle for one year. A temporary licence option of 2 months is proposed to be added to the Policy. It is believed this is a fair amendment as repairs are normally complete within this time frame.
- 12.27 Safeguarding: All drivers and operators have been requested by the Licensing department to participate and pass Council approved Safeguarding training. Officers request that the licensing policy is amended to formally endorse this change which would ensure compliance in this very importance area of responsibility.
- 12.28 Medical: If a medical condition has or suspected to have occurred to a licensed driver the driver may have to attend a Council approved medical practitioner for examination. The driver's licence may be suspended or revoked depending on each circumstance. This is to protect the safety of the licensed driver and subsequently the passengers.
- 12.29 Criminal Offences Including Motoring Offences: A complete change has been placed within this area. The new offences lists suggested into the policy are

recommended nationally by The Institute of Licensing, they simplify the assessment process but also broaden the coverage of offences.

- 12.30 The police should advise the authority on any DBS application of any police investigation involving the applicant deemed relevant to the taxi trade, even if there wasn't any formal charging. Therefore this authority intends to request the same at point of application.

In addition to this, a police caution, a Fixed Penalty ticket or Community resolution are requested to be disclosed, this is so that the officers can assess the character of the applicant or current licence holder. For example a Fixed Penalty Notice can be given for Shoplifting, Possession of Cannabis and being drunk and disorderly.

- 12.31 The Policy also includes several administrative changes which are considered important for the Officers to carry out their role day-to-day. These are also shown tracked changed in Appendix 1.

### 13 OTHER OPTIONS CONSIDERED AND REJECTED

- 13.1 Not applicable.

#### BACKGROUND DOCUMENTS:-

##### Previous Committee Reports:-

LR 495 - Review of Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators – consultation comments – 16 March 2017

LR 490 - Review of Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators – 19 January 2017

LR 454 - Review of Statement of Licensing Policy with respect to Hackney and Private Hire Vehicles, Drivers and Private Hire Operators – 8 October 2015

##### Other Background Documents:-

Report of the Task and Finish Group on Taxi and Private Hire Vehicle Licensing.

Institute of Licensing Guidance of determining the suitability of applicants and licensees in the hackney and private hire trades – April 2018

#### APPENDICES:

- Appendix 1                      Draft Statement of Licensing Policy with respect to Hackney and Private Hire Vehicles, Drivers and Private Hire Operators.

