

**Meeting: GENERAL PURPOSES**

Agenda Item:

**Date: 15 July 2008**

**4**

## **REVIEW OF TAXI AND PRIVATE HIRE LICENCE CONDITIONS**

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### **1 PURPOSE**

To revise the existing conditions of licensing for taxis, private hire vehicles, drivers and operators.

### **2 RECOMMENDATIONS**

1. To review the draft conditions of taxi and private hire licensing attached as Appendix 1;
2. To make any changes to the document that the committee deems necessary;
3. To put the draft conditions out for consultation for a minimum of 12 weeks;
4. To return to the General Purposes Committee following the consultation period for further consideration, revision as necessary and adoption.

### **3 BACKGROUND**

The Local Government (Miscellaneous Provisions) Act 1976 provides for the Council to attach conditions as they may consider reasonably necessary to private hire operator, driver and vehicle licenses and to hackney carriage licences. Current conditions of licensing were last revised in 2005. Since that time, a number of best practice documents have been published including:

- Department for Transport Taxi & Private Hire Licensing: Best Practice Guidance - Published October 2006
- The National Association of Licensing and Enforcement Officers - Model Standard for Taxi and Private Hire Licensing - Published 2007
- The Public Authority Transport Network - Taxi and PH Technical Officer Group - Vehicle Inspection Manual - published 2008

In addition, a number of suspensions, revocation, prosecutions and appeals against

refusal have occurred relating to licensed drivers and operators in Stevenage.

In light of the above, consultation started through the Stevenage Taxi Forum in 2006 to develop conditions that would both protect the travelling public and the private hire and hackney trade. The document attached as appendix 1 is the draft policy and conditions resulting from both those initial consultations with the Taxi Forum and having consideration of the published guidance and cases in Stevenage.

Many of the conditions are similar to existing (Appendix 2); however, there are some significant changes and additions. These include:

- introduction of a livery in the interests of public safety. Hackney carriages will be black only; private hire vehicles any colour other than black;
- removal of the maximum age limit for licensed vehicles, relying instead on the quality of the vehicle;
- introduction of a new condition on a private hire operator licence that a wheelchair accessible vehicle is available at all times that the company is in operation;
- requirement for all licensed drivers to submit a medical report every three years;
- introduction of an English language tests for all new applicants;
- introduction of the Driving Standards Agency taxi/private hire practical driving test for all new applicants;
- introduction of standard door signs for private hire vehicles;
- introduction of interior identification plates for all licensed vehicles;

## **4 REASONS FOR RECOMMENDED COURSE OF ACTIONS AND OTHER OPTIONS**

It is good practice to consult on the introduction of new policies and conditions, although the only statutory requirement is to consult on changes to fees. Any changes will affect both the public and the trade and their input into the development of clear, understandable and reasonable conditions is vital.

A list of proposed consultees is included in the main body of the document at Appendix 1.

## **5 IMPLICATIONS**

### **5.1 Financial Implications**

Any costs involved with the introduction of new application procedures, such as English Language tests, will be recovered from the applicant.

Where it is considered that the introduction of a new condition will have a significant financial impact on existing licence holders, Grandfather Rights have been granted and these are specified within the individual conditions e.g. requirement for all hackney carriages to be black.

Fees for licence applications will be considered separately and reported to General

Purposes Committee before the end of this financial year. Fees will be amended to reflect new procedures proposed within the policy and conditions e.g. allowing for reduced fees for 3 year licences and vehicles with low emissions.

## **5.2 Legal Implications**

Stevenage Borough Council has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1976 which provides the mechanism for taxi and private hire licensing. Any person aggrieved by a refusal to grant a licence, or the suspension or revocation of an existing licence, has a right of appeal to Magistrate's Court.

## **5.3 Policy Implications**

The draft policy and conditions would, if adopted, improve the quality and safety of the licensed trade in Stevenage.

## **5.4 Environmental Implications**

The policy proposes to introduce a reduced fee for licensed vehicles with low emissions, so could help to promote a lower environmental impact in support of the So Stevenage Community Strategy.

## **5.5 Equal Opportunities Implications**

The proposed introduction of an English Language test would remove the subjective measure of an applicant's ability to understand and be understood.

The proposed change to the medical examination requirement so that any licensed driver must submit a report every 3 years, removes the potential inequality of only requiring regular examinations for drivers over a certain age as is currently the case.

## **5.6 Community Safety Implications**

The draft policy and conditions would, if adopted, improve the quality and safety of the licensed trade in Stevenage.

## **BACKGROUND PAPERS**

- Department for Transport Taxi & Private Hire Licensing: Best Practice Guidance - Published October 2006
- Department for Transport Guidance for operators of stretch limousines - Published January 2008
- The National Association of Licensing and Enforcement Officers - Model Standard for Taxi and Private Hire Licensing - Published 2007
- The Public Authority Transport Network - Taxi and PH Technical Officer Group - Vehicle Inspection Manual - published 2008
- The Local Government (Miscellaneous Provisions) Act 1976

## **APPENDICES**

- Appendix 1 - Draft Policy and Conditions Rev 1 July 2008
- Appendix 2 - Existing Conditions March 2005