

Meeting: General Purposes Committee

Agenda Item: 6

Portfolio Area: Safer and Stronger

Date: 17 December 2013

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING – REVIEW OF POLICY AND CONDITIONS OF LICENSING

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1. PURPOSE

- 1.1. That Members consider the proposed changes to the current Policy and Conditions for Hackney Carriage and Private Hire licensing that was last approved and adopted by Stevenage Borough Council on the 11 March 2009 and to consider arrangements for the public consultation of this policy.

2. RECOMMENDATIONS

- 2.1. That subject to any amendments recommended by the Committee, officers undertake a public consultation exercise (12 weeks from 19 December 2013-14 March 2014) on the proposed Policy and Conditions of Licensing for Private Hire Operators, Drivers and Vehicle proprietors.

3. BACKGROUND

- 3.1. The Council last conducted a review of its Policy and Conditions for Hackney Carriage and Private Hire licensing in 2008/09.
- 3.2. Officers have noted areas of the current policy that would benefit from further explanation, or being adjusted in line with improved standards, which will bring about clarity, not only for officers, but also for licence holders.
- 3.3. Revised drafts of these policies and conditions have been produced for the Committee's approval, and are attached at Appendices 1 to 4 of this report.

4. REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

4.1. The proposed Policy and Conditions documents are supported by:

4.1.1. Town Police Clauses Act 1847;

4.1.2. Local Government (Miscellaneous Provisions) Act 1976.

4.2. Officers have reviewed the current policy and conditions following identification of operational issues since its introduction in April 2009.

4.3. The draft policies and conditions documents include suggested changes and inclusions to the current policy as follows:

4.4 Amendments – Private Hire Operators

4.4.1 Status

Clarification that decisions to depart from a policy will be provided in writing.

4.4.2 Application procedures and service standards

Clarification as to timelines in which a completed application will be processed, and change of time in which renewal applications would normally be expected to be received in advance of current licence expiring.

Introduction of a limit as to the number of failures and repeat takes of both the spoken English Test and Knowledge Test (three occasions), and the suggested time period to be left before attempting to take the test further.

4.4.3 Right to work in the UK

New information as to information to be provided to establish that an applicant has the right to work in the UK.

4.4.4 Disclosure Scotland check

Clarification as to a basic certificate being provided every three years in addition to the requirement to declare previous convictions and disclosure requirements of previous convictions, cautions, warnings or reprimands both on an initial application and subsequent renewals.

4.4.5 Operators Records of Work

Requirement to record hirer's address at the discretion of the Private Hire operator.

4.4.6 Convictions

Clarification that a DBS certificate will replace the need to provide a basic CRB checks when the applicant(s) are the holder of a dual drivers licence.

4.4.7 Licence Renewal

Disclosure requirements of convictions, cautions, warnings or reprimands on an application to renew a Private Hire operator's licence.

4.5 **Amendments – Hackney Carriage and Private Hire Vehicles**

4.5.1 Application procedures and service standards

Clarification as to timelines in which a completed application will be processed, and change of time in which renewal applications would normally be expected to be received in advance of current licence expiring.

Clarification that, in the instance of a late application being received that the applicant(s) cannot utilise the vehicle until such time the vehicle licence has been granted.

4.5.2 Maximum age of vehicles & Environmental Considerations

Requirement for new or replacement vehicles to be a minimum of Euro 4 compliant in terms of vehicle emissions.

4.5.3 Security/CCTV

Clarity as to registration with ICO, and signage showing that the vehicle is equipped with CCTV recording equipment.

Confirmation that systems enabled with voice recording capability will not be permitted.

4.5.4 Livery and Exemption process from requirement to display PHV signage permanently on a vehicle

Clarity as to permissible signage and process to apply for an exemption from this condition of PHV licensing.

4.5.5 Change of Vehicle application

Clarity as to application requirements when a proprietor wishes to make an application to change their licensed vehicle.

4.5.6 Transfer of Vehicle application

Clarity as to the application requirements when a proprietor wishes to transfer their interest in a licensed vehicle, and the process the new proprietors will need to complete

4.5.7 Change of vehicle registration

Clarity as to the application requirements when a proprietor wishes to change their vehicle registration details

4.6 Amendments – Dual Driver Licences

4.6.1 Application procedures and service standards

Clarification as to timelines in which a completed application will be processed, and change of time in which renewal applications would normally be expected to be received in advance of current licence expiring.

Clarification that, in the instance of a late application being received that the applicant(s) cannot utilise any vehicle licensed by the Council until such time the dual drivers licence has been granted.

4.6.2 Rights to work in the UK

New information as to information to be provided to establish that an applicant has the right to work in the UK.

4.6.3 Disclosure and Barring (DBS checks)

Clarification as to a disclosure of all previous convictions on an initial grant of a licence, and requirements on-going for renewal applications.

New enclosure as to ability of licence holders to apply for the DBS's new on-line updates service.

4.6.4 DVLA licence checks & Driving Proficiency and Qualifications

New consideration to completing DVLA checks for drivers with 7 or more penalty points on their DVLA driver's licence.

Clarity that, in all other instances, reference will be made to our Policy on Convictions for any motoring convictions incurred.

New consideration for new applicants whose drivers licence has been issued by an EU member state Country; to apply to have this converted to a UK driver's license.

4.6.5 Late applications

Clarity as to the process that will be applied in the instance of an application for renewal being received late from an existing licence holder and the supporting checks that they will need to complete in each instance.

In the draft documents, all changes have been highlighted in grey for ease of reference.

In addition, and in preparation for the completion of a demand survey and any outcomes that may arise from this, officers have also worked on vehicle provisions for Hackney Carriage vehicles, should it be established that there is a level of unmet demand and that there should be additional vehicles licensed.

It is only the areas as highlighted in each document that are being proposed to be consulted on. All other areas of the policies and conditions are as they are at present, and will not be subject to comment as part of this consultation.

- 4.7 In addition to all of our existing licence holders, licensing will also consult with the following individuals/organisations:
- 4.7.1 Local Authorities bordering Stevenage;
 - 4.7.2 The National Private Hire association;
 - 4.7.3 Hertfordshire County Council (Passenger Transport Unit);
 - 4.7.4 Hertfordshire Constabulary;
 - 4.7.5 Hertfordshire Fire and Rescue;
 - 4.7.6 Hertfordshire Safeguarding Authority (Herts CC & SBC);
 - 4.7.7 Arriva
 - 4.7.8 First Group
 - 4.7.9 Stevenage Senior's Forum;
 - 4.7.10 Stevenage Youth Council;
 - 4.7.11 Hertfordshire Action on Disability;
 - 4.7.12 Hertfordshire Hearing Advisory Service;
 - 4.7.13 Hertfordshire Society for the Blind;
 - 4.7.14 North Herts People First;
- 4.8 All of those consulted will be notified in writing of the consultation period; copies of the draft Policies and Conditions will be made available to any of those consulted, or any other person requesting a copy of our consultation documents upon request. A detail of the consultation and the draft policies and conditions will also be placed on the Council's web-site.
- 4.9 This consultation will be in line with recommendations from the Cabinet Office as published on the 17 July 2012.
- 4.10 Options for Committee's consideration:
- 4.10.1 To approve the draft policies and conditions for Operators, Hackney Carriage and Private Hire Vehicles and Dual drivers as prepared for consultation;
 - 4.10.2 To reject the draft policies and conditions for Operators, Hackney Carriage and Private Hire Vehicles and Dual drivers as prepared, instead noting that the existing policies and conditions as approved on the 11 March 2009 remain fit for purpose, and that this was approved on this date.

5 IMPLICATIONS

5.1 Financial Implications

- 5.1.1 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 to the licence holder until such time that they make an application to vary their licence, at which time they will be required to comply with the application requirements for the type of application that they are making. These are specified within the individual conditions.

5.2 Legal Implications

- 5.2.1 Stevenage Borough Council has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1976 which provides the mechanism for taxi, private hire and operator 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 the Magistrate's Court.

5.3 Policy Implications

- 5.3.1 The policy and conditions, if adopted, would improve the quality and safety of the licensed trade within Stevenage, and provide a clear and transparent understanding of processes for both officers and applicants alike.

5.4 Environmental Implications

- 5.4.1 The policy proposes to introduce a requirement for replacement and new vehicles to be Euro 4 compliant in terms of vehicle emissions, and could help to promote a lower environmental impact to residents and visitors of Stevenage alike.

5.5 Equalities and Diversity Implications

- 5.5.1 The proposed policy removes the subjective measure of an applicant's ability to apply for, and maintain their licence, by making the application process applicable to all, as well as providing clarity as to measures that may be applied to existing licence holders should there be a cause to review a licence
- 5.5.2 A reviewed equalities impact assessment for these policies will be undertaken.

5.6 Service Delivery Implications

- 5.6.1 The policy and conditions, if adopted, will improve the service standards that the department can offer to its licence holders through offering more timelines for when applications should be received by, and then processed.

5.7 Community Safety Implications

- 5.7.1 The policy and conditions, if adopted, would improve the quality and safety not only of the licensed trade within Stevenage, but to the public also.

6 BACKGROUND DOCUMENTS

- Local Government (Miscellaneous Provisions) Act 1976
- Department for Transport Best Practice Guidance (March 2010)
- Taxi and Private Hire Conditions of Licensing (11 March 2009)

7 APPENDICES

- Appendix 1: Policy and Conditions (Private Hire Operators)
- Appendix 2: Policy and Conditions (Hackney Carriage and Private Hire Vehicles)
- Appendix 3: Policy and Conditions (Dual Drivers)
- Appendix 4: Policy and Conditions (Hackney Carriages) (unmet demand)