

COMMITTEE: LICENSING & REGULATORY REF NO: LR/18/16

DATE: 29 NOVEMBER 2018

**SUBJECT: INTRODUCTION OF A TAXI AND PRIVATE
HIRE LICENSING POLICY**

PORTFOLIO HOLDER: COUNCILLOR A ROSS

HEAD OF SERVICE: IAN BLOFIELD

Short description of report content and the decision requested:

This report introduces a suggested draft taxi and private hire licensing policy and the Committee is requested to approve the draft policy and issue it for consultation.

Ward(s) affected:

All

List of Appendices included in this report:

a) *Appendix 1 a draft Taxi and Private Hire Licensing Policy*

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This report was prepared after consultation with:

Internal consultees

Licensing Team Members

Legal Services

External consultees

The following policies form a context to this report:

(all relevant policies must also be referred to in the body of the report)

Building a Better Ipswich 2017

LIST OF BACKGROUND PAPERS AS REQUIRED BY LAW

(papers relied on to write the report but which are not published and do not contain exempt information)

1.

OTHER HELPFUL PAPERS

(papers which the report author considers might be helpful – this might include published material)

1. Introduction

- 1.1 Over the years many decisions have been made in respect of taxi and private hire licensing and it was considered that there was a need to bring all of these decisions together into one document. Further, it was also considered appropriate to review current processes and where appropriate, propose changes. These are detailed below.
- 1.2 A Taxi and Private Hire Licensing Policy clearly sets out the Council's aims and standards for licensing and gives clear guidance to the public and licensees as to the requirements.
- 1.3 Attached as Appendix A to this report is a draft Taxi and Private Hire Licensing Policy and the Committee is requested to approve the draft policy and issue it to the public and stakeholders for consultation.

2. Background

- 2.1 Taxis are licensed in accordance with the Town Police Clauses Act 1847 and Private Hire are licensed in accordance with Part II of the Local Government (Miscellaneous Provisions) Act 1976. Other legislation, such as the Equality Act 2010 and Road Traffic Acts have some bearing on licensing as well.
- 2.2 Over the years, there have been a significant number of decisions made for taxi and private hire licensing. In addition, some elements of licensing have evolved over time and it was considered appropriate to carry out a review of all of the processes and procedures and form a current taxi and private hire licensing policy from this review.
- 2.3 Attached as an appendix to this report is a draft taxi and private hire licensing policy and listed below are the proposed changes to current practice:-

a) Changes to the Application Process for taxi and private hire Drivers.

(i) DBS Checks

At present, all applicants for licences, whether a new grant or licence renewal, are required to submit an enhanced DBS certificate. It is proposed that the Council carries out the initial DBS disclosure, as it also enables staff to check on the applicants' right to work, however, once a licence has been granted, it is proposed that all licensees must be registered with the DBS Update Service.

The DBS Update Service was recently introduced. Once a person has undergone a DBS check, they can register with the DBS Update Service and pay to keep the registration active year on year. The cost of

registering is £13.00 per year, whereas the cost of a DBS is £44 every 3 years.

In order for staff to carry out a DBS check, it involves the applicant telephoning to make an appointment to come in and complete the form. An officer has to sit with the applicant while they are completing the form and copy the documents that they have brought in with them. If the applicant has not brought in the right documents, it involves them going away and then coming back again. The Officer then has to check the documents and countersign the form, which is then sent to the DBS office for processing. Payment also has to be taken for the DBS check.

This system takes approximately half to $\frac{3}{4}$ of an hour per check. At licence renewal times, this can be over 100 applicants requiring a check in a 3 month period.

If an applicant has failed to register for the DBS Update Service, it will be necessary for them to obtain a DBS certificate via a 3rd party service, which will inevitably cost them more than £44.

ii) Applicants with periods of residency outside the UK

The Council rule was that any applicant who was not born in the UK and moved to the UK after they reached 10 years of age was required to obtain a Certificate of Good Conduct from the embassy of the Country they originated from.

In order to obtain a British Passport, an applicant is vetted by the Immigration Service, and this includes a persons' criminal record, either in the UK or in their country of birth/residency therefore it is suggested that this be changed to remove this requirement for anyone who has a British Passport.

iii) Relevance of Convictions and Cautions etc

The Institute of Licensing, working in partnership with the Local Government Association, lawyers in Local Government and the National Association of Licensing and Enforcement Officers (NALEO) has produced Guidance on the Suitability of applicants and licensees in the hackney carriage and private hire trades.

A copy of this Guidance is attached as Appendix C to the policy and it is suggested that this Guidance be adopted in Ipswich.

iv) Existing Licence holders converting their licence to a Combined Hackney Carriage/Private Hire Driver's Licence

It is suggested that all new applicants for licences be issued with a Combined Hackney Carriage/Private Hire Driver's Licence as the requirements for both licences are the same.

Combined driver licences were introduced in 2015, following changes due to the Deregulation Act 2015 and drivers who had previously held

both a Hackney Carriage and Private Hire Driver's licences converted these into one combined licence.

There are still occasions where a licensed private hire driver wishes to obtain a hackney carriage driver licence or vice-versa and the current practice is that the driver must pass a knowledge test on the conditions of licence/byelaws in order to qualify for a combined licence.

It is suggested that this is changed to match the requirements for new applicants, in that an assessment and the college course must be passed before a combined licence will be issued.

b) Assessment on the Conditions of Licence for a Private Hire Driver and Byelaws for a Hackney Carriage Driver

It is considered vital for a prospective licence holder to know and understand the requirements placed upon them as a licensed driver. An assessment, consisting of 10 multiple choice questions on the Conditions of Licence for Private Hire Drivers and Byelaws for Hackney Carriage Drivers has been introduced for applicants for a combined licence and the pass rate is 80%. It is proposed that this assessment continues.

c) Dress Code

At present, the Council does not have a dress code for drivers, which has led to varying standards of dress for drivers. The policy introduces a proposed dress code.

d) Code of Conduct when working

Taxi and Private Hire Drivers are required to operate in accordance with the conditions of licence, however, the policy introduces an extra requirement of drivers, which is not covered within the conditions of licence and spells out how they must behave, particularly with young, elderly and vulnerable passengers.

e) Introduce Emissions Standards for Taxis and Private Hire Vehicles

At present, the Council only has an age limit for new hackney carriage vehicles in that they must be less than 4 years old and wheelchair accessible. Saloon hackney carriage vehicles and private hire vehicles do not have an age limit, just have to be mechanically sound.

The suggested emissions standards are that all new or replacement non-wheelchair accessible vehicles meet either the Euro 5 petrol, Euro 6 diesel or ultra-low emissions standard.

All existing licensed non-wheelchair accessible vehicles should meet this same standard by 2020.

For wheelchair accessible vehicles, the suggested emissions standards are that new vehicles should be either Euro 5 petrol, Euro 6 diesel, or ultra-low emissions and be less than 4 years old.

All existing licensed wheelchair accessible vehicles to be Euro 5 diesel, Euro 5 petrol or ultra-low emissions standards from 2020 and Euro 6 diesel, Euro 5 petrol or ultra-low emissions by 2025.

3. Relevant Policies

- 3.1 The taxi and private hire trades are the only parts of the public transport system that are operational 24 hours a day, 365 days a year. It is therefore very important that the Council considers the transport needs of all sectors of the community when forming procedures.
- 3.2 The adoption of this policy supports the Corporate Plan, Building a Better Ipswich 2017 and in particular priority 3 – an enjoyable place to live, work and study, priority 4 – a healthy community and priority 6 – safe communities by enabling people with disabilities to travel in a safe and comfortable manner.

4. Consultations

- 4.1 If the Committee is minded to adopt the draft policy, it will be distributed for consultation with stakeholders. Any comments received following the consultation will be brought to the Committee before the policy is adopted.

5. Risk Management

Risk Description	Consequence of risk	Risk Controls	Probability of risk occurring taking account of controls (scale 1-6) 1 – almost impossible 6 – very high	Impact of risk, if it occurred taking account of actions (scale 1 – negligible; 4 – catastrophic)	Actions to mitigate risk
Decisions relating to hackney carriage/private hire licensing could be challenged through the courts and/or via judicial review	Could expose the Council to legal challenge over its procedures for dealing with applications. Reputational damage	Ensure the views of those consulted are taken into account	2	2	Allow for an adequate consultation period and sufficient time to publish a hackney carriage and private hire

					licensing policy
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6. Environmental Impact Assessment

- 6.1 The calculated improvement to air quality in Ipswich arising from an emissions standard for hackney carriages and private hire vehicles of Euro 4 petrol, Euro 6 diesel for non-wheelchair accessible vehicles and Euro 4 petrol, Euro 5 diesel and less than 4 years old for wheelchair accessible vehicles from 2020 changing to Euro 5 petrol, Euro 6 diesel for all vehicles from 2025 is a reduction of 57% of Nox emissions.
- 6.2 The proposed emissions standard of Euro 5 petrol and Euro 6 diesel for all vehicles from 2020 will improve further on these calculations.

7. Equalities and Diversity Implications

- 7.1 Under the general equality duty as set out in the Equality Act 2010, public authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not.
- 7.2 The protected grounds covered by the equality duty are: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. The equality duty also covers marriage and civil partnership, but only in respect of eliminating unlawful discrimination.
- 7.3 The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had due regard to the aims of the equality duty.
- 7.4 An Equality Impact Screening was undertaken to assess if this report could result in less favorable treatment of some groups, and how this could be mitigated. No negative impact on the equalities groups was foreseen.

8. Financial Considerations

- 8.1 There are no financial implications arising from this report.

9. Legal Considerations

- 9.1 Hackney Carriage and Private Hire Licensing is a function of the District Council. The statutory powers are contained within the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- 9.2 The Council is required to issue hackney carriage or private hire licences provided it is satisfied that the applicant/vehicle meet the Council's criteria for licences.
- 9.3 Each Local Authority can determine the criteria by which it can 'measure' if an applicant/vehicle is suitable to be issued a licence and it is considered best practice to publicise what this criteria is in order to have an open and transparent licensing regime.

10. Performance Monitoring

- 10.1 During the three year period of the new policy it will be reviewed and if required amended as appropriate to reflect changes in legislation or guidance.

11. Conclusions

- 11.1 There is no statutory requirement to have a hackney carriage and private hire licensing policy, however, it is considered best practice.
- 11.2 Prior to determining the policy, in order to minimise the risk of judicial review, the policy should be consulted on with the public and stakeholders. By authorising the consultation, the Committee will enable progress to be made towards determining a policy.

12. Recommendations

- 12.1 The Licensing and Regulatory Committee authorises the Operations Manager- Public Protection to undertake the consultation process relating to the determination of a new Hackney Carriage and Private Hire Licensing Policy.**