

Consultation on Draft Hackney Carriage and Private Hire Policy

East Cambridgeshire District Council is consulting on a new Hackney Carriage and Private Hire licensing policy and invite your comments. The draft policy and appendix documents are available on the council's website at www.eastcambs.gov.uk and at Council Offices, Nutholt Lane, Ely, CB7 4EE during office hours.

The policy, when adopted, will provide guidance and information regarding the general approach taken by the council, when administering its functions within the legislative framework. It will underpin the current system and procedures, as well as providing information on best practice and other relevant legislation.

The consultation will run from **Wednesday 2nd August to Wednesday 27th September 2017**.

Should you wish to respond and make comment, please ensure that you do so prior to the end of the consultation period, to ensure your comments can be properly considered, prior to the adoption of the final policy. Late responses will not be considered.

Any person who wishes to respond to the consultation may do so by emailing licensing@eastcambs.gov.uk, or by writing to the Senior Licensing Officer, East Cambridgeshire District Council, Nutholt Lane, Ely, CB7 4EE.

So why are we consulting you?

The Council has exercised its responsibilities through a number of sets of conditions, guidelines and procedures which have been developed and adopted over the years and ultimately formed the current policy or "blue book" as it's become known. The aims of the proposals in this consultation are to reflect new legislation and guidance, and improve the existing policy to ensure it provides a clear and transparent framework for applicants, licence holders, officers and elected Members.

Many of the requirements remain unchanged, however, where a new process, condition or requirement is proposed, these will be easily identified as they are highlighted in red.

(Updates being made to reflect a legal change that the Council is required to observe are highlighted in yellow)

To provide further clarification there are 16 main proposed amendments which are listed below:

Driver Proposals

Proposal 1 – Safeguarding Training

For all new driver applicants to be required to attend suitable safeguarding training at the Council Offices in Ely either during the application period, or where this is not possible within 3 months of obtaining a licence, and in the latter case, any new driver who fails to

attend may have their licence suspended until such time that they do attend.
For all existing licence holders to be required to attend suitable safeguarding training at the Council's Offices in Ely within 12 months of the policy being implemented, and that any driver failing to attend may have their licence suspended until such time that they do attend.

Proposal 2 – Code of Conduct

Drivers currently have conditions to abide by regarding their conduct whilst fulfilling the role of a hackney carriage and/or private hire driver. The proposed amendment will replace and build upon the existing requirements, and make them easy to find by placing them in their own appendix.

Proposal 3 – Dress Code

Drivers currently have conditions to abide by regarding their work attire whilst fulfilling the role of a hackney carriage and/or private hire driver. The proposed amendment will replace and build upon the existing requirements, and make them easy to find by placing them in their own appendix.

Proposal 4 – Driver Medicals

The current requirement is that the driver's own GP conducts the Group II medical upon application, and then every 5 years from age 45, and 12 months from age 65. The proposed amendment will permit any GP to conduct the Group II medical, and amend the frequency of medicals to upon application, and every 3 years until the age of 70 and annually thereafter.

Proposal 5 – DBS update service

The current requirement is that all drivers must provide a DBS certificate on application and every 3 years whilst they remain licensed. The proposed amendment does not alter this frequency, but seeks to make it compulsory for all drivers to subscribe to the DBS update service, and provide the Council with consent to conduct online checks. The DBS update service is considered to be very beneficial to applicants, licence holders and the Council as it removes the need to submit application forms to the DBS which can take up to 8 weeks to return. The update service allows an instant check to be conducted.

Vehicle Proposals

Proposal 1 – Vehicle testing frequency

The current requirement is for all vehicles to be tested annually until 3 years of age and then every 6 months thereafter. The proposed amendment will relax this age limit from 3 years to 6 years for normal taxis and private hire vehicles. Non-standard private hire

vehicles will remain at the current testing levels.

Proposal 2 – Hackney Livery (Single Colour Scheme)

There is currently no livery or single colour scheme for hackney carriages. The proposed amendment will require all new hackney carriage vehicles to be presented for licensing in a colour agreed by Members following consultation with the existing trade in order to be considered licensable. Existing hackney carriages will be permitted to remain in the fleet until the end of their natural life, or until such point as their licence is surrendered, revoked, or expires.

Proposal 3 – Hackney Stickers (if a hackney livery scheme is introduced)

There is currently a requirement that all hackney carriages display door stickers identifying them as a taxi. The proposed amendment would remove this requirement (from all vehicles able to comply with the new single colour scheme) if the Council agrees to implement a livery scheme mentioned in proposal 2 above.

All existing hackney carriages that are not able to comply with the new livery colour agreed by Members will be permitted to continue in the fleet until the end of their natural life, or until such point as their licence is surrendered, revoked, or expires providing they continue to display the currently required hackney carriage door stickers.

Proposal 4 – Non-standard and novelty vehicles

The current policy only covers limousines, and does not make reference to other types of non-standard and novelty private hire vehicles. The proposed amendment would introduce specific conditions to enable these vehicles to obtain a licence, whilst upholding the safety objective.

Proposal 5 – Executive vehicles

The current policy provides for licence holders to apply for executive exemption from displaying plates, door stickers, and driver badges. The proposed amendment aims to provide an objective framework to aid decision making by amending the existing executive hire conditions to include the following:

Relevant considerations as to whether a vehicle is an Executive Hire Car include but are not limited to cost, reputation, specification, appearance, perception and superior comfort levels.

In addition, the following may be indicative (but not conclusive) that a vehicle is an Executive Hire Car and that the exemption may be appropriate:

1. Engine size of 2000cc or greater (or equivalent alternative power source)
2. Each seat is of adequate dimension and permits direct access into and out of the side doors of the vehicle without the need to move, remove or fold down any seat. Vehicle types which are capable of seating more than four passengers will be considered for the exemption but will only be licensed for, in the opinion of the authority, the number of passengers who can travel comfortably. This consideration relates to the level of comfort that the average person may believe an Executive Hire Car should afford.
3. The original list price of any vehicle was a minimum of £35,000 in spite of its age on application. This minimum price will be exclusive of any extras added at the time of purchase. Evidence of the original new list value will be obtained at the time of application. (This figure is to be revised when the policy is periodically reviewed and in any case no later than five yearly intervals).
4. The vehicle has a minimum specification of two zone electronic climate control, all electric windows, central locking and suitable front and rear headrests for each passenger.
5. Vehicles will be less than 10 years of age on first application, and will not be permitted to exceed 15 years of age unless they remain in showroom condition both inside and out in addition to complying with all other relevant vehicle conditions.

The driver will wear suitable business attire at all times whilst driving the licensed vehicle.

All work will be invoice based.

Proposal 6 – Vehicle standards of appearance

Vehicles currently have conditions regarding their appearance. The proposed amendment will replace and build upon the existing requirements, and make them easy to find by placing them in their own appendix.

General Proposals

Proposal 1 – Relevance of convictions section

The current policy includes a relevance of convictions sections. The proposed amendment seeks to update the existing relevance of conviction section, and in doing so create separate sections specific to new applicants and existing licence holders.

Proposal 2 – Penalty Point scheme

The controlling legislation allows the Council to suspend, refuse, or revoke a licence, and it allows a Council to prosecute for various offences. Officers currently consider the severity of any non-compliance, and act in a proportionate manner. In cases where the non-compliance is minor a written warning may be considered appropriate. In order to aid consistent decision making, and provide a transparent scheme for all parties, the proposed amendment introduces a penalty point scheme where differing levels of points are awarded depending upon the severity of the non-compliance. This scheme will not

fetter discretion, and will not remove the ability to step aside from the scheme where it is considered appropriate, but it will provide a framework for all parties in much the same way as the DVSA's penalty points scheme.

Other amendments not subject to consultation

Amendment 1 – Private Hire Operator bases

The current policy permits persons wishing to licence operator bases located up to 5 miles outside the Council's district boundary to apply for a licence for those premises. This is now considered to be outside of the scope of the legislation, and therefore, unlawful. The proposed amendment to only licence operator bases located within the Council's district boundary will align the policy to the latest legal interpretation of the Local Government (Miscellaneous Provisions) Act 1976.

Amendment 2 – Departure from policy.

Although departure from policy is considered when dealing with all new applicants and existing licence holders, the current policy does not openly state that Officers and Members may depart from the policy where there are clear and compelling reasons to do so. The proposed amendment makes it clear to all that this important option will be considered.

Amendment 3 – Minor amendments to the policy.

Although minor amendments have been made to the existing policy or "blue book" over time without consultation, the proposed amendment makes it clear when this will happen, and when consultation will occur.