
TITLE: TAXI LICENSING POLICY - UPDATE

COMMITTEE: LICENSING COMMITTEE

DATE: 19 APRIL 2017

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[R265]

1.0 ISSUE

- 1.1 To consider updates to the Taxi Licensing Policy for consultation with key stakeholders.

2.0 RECOMMENDATION(S)

- 2.1 That Members consider the report and approve Officers to include the proposals in a draft Taxi Licensing Policy; and
- 2.2 That Members give permission to the Senior Licensing Officer to transpose, add to, and amend the existing content of the “blue book” when creating the new draft Taxi Licensing Policy.
- 2.3 That Members agree to a public consultation taking place on the draft Taxi Licensing Policy for a period of 12 weeks, the results of which to be considered by Members at a subsequent Committee meeting, subject to the final content of the proposed policy being approved by the Environmental Services Manager and the Chair of Licensing prior to any public consultation commencing.

3.0 BACKGROUND

- 3.1 The Council has responsibility for licensing hackney carriage vehicles and drivers, and private hire vehicles, drivers and operators within the Council’s district boundary. The main powers to control these licensable activities are granted by:

The Local Government (Miscellaneous Provisions) Act 1976
Town Police Clauses Act 1847

- 3.2 The Council has traditionally exercised these powers through a number of different procedures and guidance notes that have been developed over a significant number of years, and have ultimately formed the taxi guide or “blue book”.
- 3.3 Although this “blue book” has been updated from time to time, it is felt that it no longer reflects the modern taxi industry, and needs to be re-drafted in order to provide a robust document which ensures transparency, consistency, and

above all else promotes public safety, and a professional taxi service in the district.

- 3.4 The taxi trade as a whole accounts for around 40% to 45% of the licensing department's resources. At any given time there are in the region of 350 live records which need maintaining, and a dozen new applications going through the system. A clear and concise policy is essential to ensure the smooth running of this area of licensing.
- 3.5 In December 2016 Members of the trade were invited to submit ideas on how they would like to see the policy amended, unfortunately, no comments were received.

4.0 SUMMARY

- 4.1 The proposals in this report reflect the current thinking on vehicle licensing, and driver and public safeguarding, as well as providing an inclusive licensing system which looks to provide a framework for all types of hire and reward activities permitted by the controlling legislation.
- 4.2 The proposals also aim to strike a balance that will be of benefit to the licensed trade, the public, Committee Members, and Officers.

5.0 PROPOSALS

5.1 Driver licence proposals

5.1.1 Safeguarding training for new and existing licence holders.

Everyone is aware of the well-publicised issues relating to Child Sexual Exploitation and Human Trafficking that have occurred throughout the country. These are abhorrent crimes, and although Officers do not have any known concerns in this district, Officers consider that it is essential to ensure the taxi and private hire trade are positively engaged in tackling this issue, and are able to assist the Council in protecting those who are vulnerable and / or being exploited.

It is also worth noting that section 177 of the Policing and Crime Act 2017 states that the Secretary of State may issue guidance to public authorities as to how their licensing functions under taxi and private hire vehicle legislation may be exercised so as to protect children, and vulnerable individuals who are 18 or over, from harm. Although no guidance has yet been released, it is likely to include basic mandatory safeguarding training for all applicants and licence holders. It is felt that the proposal below is likely to meet the requirement of any future guidance released by the Secretary of State.

Proposal 1

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.

5.1.2 Code of conduct

Taxi drivers provide an important personalised transport service to the public. The way taxi drivers talk and act affects the way passengers feel about each taxi trip they take. For these reasons it is considered important to build on the existing provisions contained in the "blue book".

Proposal 2

All hackney carriage and private hire drivers will be required to comply with a code of conduct whilst driving a licensed vehicle.

5.1.3 Dress code

Officers are committed to encouraging the professional image of the hackney carriage and private hire trade, and consider that drivers of licensed vehicles are vocational drivers. For this reason it is considered important to build on the existing provisions contained in the "blue book".

Proposal 3

All hackney carriage and private hire drivers will be required to comply with a dress code whilst driving a licensed vehicle.

5.1.4 Driver medicals

The current policy requires a medical on initial application and then every 5 years from the age of 45, and then annually from the age of 65. This means that a person applying for a licence at 21 could effectively drive for 24 years without requiring a medical assessment. It is considered by Officers that this large period of time does not provide sufficient safeguards over an individual's health status. The current policy also requires that the medical is conducted by the applicant's or licence holder's own registered GP or GP practice. In reality a number of GP surgeries have been unable to offer this service due to resource issues and priority being given to NHS work (as medicals are considered to be private practice work).

Taxi medicals are the same type of medical that is required to drive a bus or a HGV, and yet bus and truck drivers are permitted to use any registered GP. As drivers are obligated to disclose their previous medical history, and failure to do so can have serious legal consequences for them, it is considered low risk to amend the policy to allow any GP to conduct the medical test.

Proposal 4

To amend the medical requirement to permit any GP to conduct the group II medical, and to amend the frequency of medicals to every 3 years until the age of 70 and annually thereafter.

5.1.5 DBS update service

The current policy requires a DBS criminal record certificate to be provided on application and every three years thereafter. The current policy also permits the DBS update scheme to be used to fulfil this requirement. Where an applicant or existing licence holder is registered on the update service, there is no need to complete a new application form, and due to this there is no risk of a lengthy delay occurring between submitting an application form and receiving the official certificate. The update service cost is currently slightly less than the cost of submitting a normal DBS application, and they are portable, meaning a licence holder who holds an East Cambs and a Cambs County badge does not need to apply for two separate DBS certificates, which results in a further saving.

For these reasons, Officers consider that the update service benefits both the trade and the Council, and therefore proposes that registering on the DBS update service should be made compulsory for all licence holders.

Proposal 5

To amend the DBS requirements to state that existing licence holders must maintain a subscription with the DBS update service, and provide consent to the Council to access their DBS record.

5.2 Vehicle licence proposals

5.2.1 Vehicle testing frequency

The current policy requires vehicle testing every year up to the vehicle's third anniversary of registration, and then every six months whilst the vehicle remains licensed. This policy is considered by Officers to be overly burdensome on licence holders, and does not reflect the general improvements in overall build quality of modern vehicles. For this reason Officers consider that the age limits on testing should be relaxed, subject to the testing frequency of vehicles falling within the definition of a non-standard/ novelty licensed vehicle remaining at the current frequencies.

Proposal 1

The testing frequency of standard hackney carriage and private hire vehicles be amended to every year up to the sixth anniversary of registration, and then every six months whilst the vehicle remains licensed.

5.2.2 Hackney Carriage livery

The current policy requires hackney carriage vehicles to display door stickers in order to assist members of the public in identifying the type of vehicle they are approaching. This requirement is considered necessary as the Council does not have a requirement that all hackney carriages are a purpose built design such as a London Taxi. Officers consider that the requirement to display stickers could be removed if all hackney carriages were a standard uniform colour. Silver is the most prolific colour in the fleet at 67 vehicles, with black having 19, grey having 17, and blue having 15.

Proposal 2

All new hackney carriages will be presented in the colour agreed by Members following consultation with the existing trade in order to be considered licensable.

All existing hackney carriages that comply with the livery colour agreed by Members will be permitted to remove their door stickers immediately, all other non-compliant vehicles will be permitted to continue in the fleet until the licence expires providing they continue to display the currently required hackney carriage door stickers.

5.2.3 Private hire novelty and non-standard vehicles

The current policy mentions limousines, but is silent on other types of novelty and non-standard vehicles, such as fire engines, ambulances, police cars, army vehicles and Tuk Tuks. Officers consider that introducing a more inclusive non-standard or novelty vehicle policy will promote this sector of the trade, whilst ensuring public safety is promoted.

Proposal 3

New non-standard and novelty private hire vehicles conditions are introduced into the policy.

5.2.4 Executive private hire vehicles

The current policy permits licence holders to apply for exemption from displaying door stickers, plates and driver badges whilst conducting executive type private hire work. This policy is effective, but is not overly objective leaving the potential for inconsistent decisions to be made. Officers consider that there are three important factors which should be present when determining whether the exemption can be given or not, one is the type of work being fulfilled, the second is the type of vehicle fulfilling the work, and the third is the driver's attire.

Proposal 4

That the existing executive hire conditions be reworded 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.
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.

5.2.5 Standards of condition of appearance

The current policy includes conditions on the appearance of licensed vehicles, but it is considered by Officers that these conditions are not particularly clear and that in order to promote consistency in decision making these conditions should be enhanced.

Proposal 5

New standards of appearance conditions are introduced for all vehicle licence types.

5.3 Private hire operator licence proposals

5.3.1 Operator base location

The current policy permits operator bases to be located up to 5 miles outside of the Council's district. Although a number of local authorities have historically permitted this to occur, Officers have identified that this is not permitted by the controlling legislation. For this reason Officers propose that the condition is reworded to reflect the legislation, and no new licences will be issued in such circumstances. Existing operators will be contacted, and given time to migrate their business to ensure compliance.

Proposal 1

No private hire operator licence shall be issued where the operator base is located outside of the Council's district boundary.

5.4 General proposals

5.4.1 Relevance of convictions section

Officers consider the current relevance of convictions section is unclear, and outdated. For this reason it is considered necessary to update this section, and in doing so Officers consider creating separate sections for new applicants and existing licence holders will provide the clearest information for all stakeholders.

Proposal 1

To update the existing relevance of conviction section and in doing so create separate sections specific to new applicants and existing licence holders.

5.4.2 Departure from policy and minor amendments to the policy

The current policy does not contain a section which enables Officers to step away from the policy, or make minor amendments to the policy. Historically, there have been instances where Officers have been approached by potential applicants who can promote public safety, but cannot comply with minor conditions of the policy, and therefore, Officers have been required to consult the Chair of Licensing and the Legal Officer to progress matters, or turn the applicant away. There are also times where the controlling laws change which Officers have a duty to obey, or internal procedures are updated that have no major impact on licence holders or applicants, but Officers are required to present to Committee in order to amend the policy. To avoid these issues, it is routine to include a section in policies which permits Officers to step away from the policy when there are compelling reasons to do so, and make minor amendments to the policy when required. For these reasons Officers recommend the following proposal.

Proposal 2

To include a suitably worded section which will permit Officers to step aside from the policy where there are clear and compelling reasons for doing so, and a separate section which will permit Officers to make minor amendments to the policy where necessary.

5.4.3 General policy layout and contents

Due to the fact that the existing “blue book” has organically evolved over many years, it does not flow, and it does not provide a full overview of taxi licensing. Officers believe that the policy should be an all-encompassing document that provides information to applicants, licence holders, members of the public, Officers and Committee Members alike.

For this reason, Officers propose to re-write the policy to contain all of the proposals put forward in this report that Members approve, as well as re-wording the existing provisions in the “blue book” to ensure that they are clear, concise, and transparent. To this extent Members are requested to permit the Senior Licensing Officer to make such amendments as he considers necessary, subject to approval from the Environmental Services Manager and Chair of Licensing prior to any public consultation commencing.

Proposal 3

That the existing blue book is re-drafted to remove any ambiguity, and to ensure it covers all aspects of taxi licensing in a clear and concise way.

6.0 FINANCIAL IMPLICATIONS

- 6.1 If the proposals in this report are adopted it will have a small financial impact on existing drivers. The requirement to have more frequent medicals will result in approximately eight additional medicals being required between the age of 21 and 45, and an additional 3 between 45 and 65. However, being able to use any GP means the cost of each medical will be considerably lower than the cost most drivers currently have to pay. Records show that 9 drivers are aged up to 30, 58 drivers are aged between 30 and 45, and 96 are aged 46 to 65. As the vast majority of existing drivers are nearer to or above the 45 age limit than the 21 age limit, the impact of this policy change will be further reduced.
- 6.2 The impact of increasing the age limit on six monthly testing will reduce the financial outlay for vehicle licence holders.
- 6.3 The impact of introducing a livery for hackney carriages would reduce the cost of purchasing stickers for licence holders.
- 6.4 A small cost will be incurred to run the safeguarding training for existing licence holders. This will be covered by the licence fees. New applicant's fees will be adjusted to cover the cost of running the in-house training.

- 6.5 Licence holders and stakeholders will be invited to make Members aware of their concerns via a public consultation. Due to this it is envisaged that any financial concerns from the trade will be raised during this process, and can be considered by Members at a subsequent Committee meeting.
- 6.6 Officer time will be required to deal with the consultation exercise, and Member time will be required to consider any comments received. These costs will come out of the Licensing Department budget.
- 6.7 An Equality Impact Assessment (EIA) has been completed showing there is no adverse impact on the community if Members follow the Officer recommendations. Supplied

7.0 APPENDICES

- 7.1 Appendix 1 Equality Impact Assessment (EIA)

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
The Local Government (Miscellaneous Provisions) Act 1976	Room SF208 The Grange, Ely	Stewart Broome Senior Licensing Officer (01353) 616477
Town Police Clauses Act 1847		