

## REVISED DRAFT TAXI AND PRIVATE HIRE LICENSING POLICY

### LICENSING COMMITTEE – 29 SEPTEMBER 2015

Report of Chief Officer, Environmental and Operational Services

Status: For Decision

Key Decision: No

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**Executive Summary:** This report introduces the draft taxi licensing policy which has been prepared for consultation. This authority is required to regularly review its Taxi Licensing Policy and the last policy was published January 2012.

The draft policy attached as Appendix A has been prepared in conjunction with members of the Taxi Liaison Group and their views have been sought on the Local Authority's strategy to improve the number of wheelchair accessible vehicles within the Hackney Carriage fleet. The draft policy requires approval for public consultation and it will take place between the week beginning 5 October 2015 and 11 December 2015, a period of 10 weeks. The consultees will include the taxi trade, the Access Group for Sevenoaks District and the policy will be available on the Council's website. The responses will be collated and brought back to the Licensing Committee on 5 January 2016. The final draft will be presented to full Council for approval on 16 February 2016.

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**This report supports the Key Aim of** Safe and Caring Communities and Dynamic and Sustainable Economy

**Portfolio Holder** Cllr Mrs. Firth (Legal and Democratic)

**Contact Officer(s)** Mrs. Claire Perry 7325/07970 731616

**Recommendation to Licensing Committee:** That Members approve the draft Taxi and Private Hire policy for public consultation.

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**Reason for recommendation:** To enable the Council to make decisions for taxi and private hire licensing with an up to date Taxi and Private Hire policy.

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### Background

- 1 Sevenoaks District Council has responsibility for licensing Hackney Carriage and Private Hire vehicles, drivers and operators within the District of Sevenoaks. The existing policy was published in January 2012 and it is due to be revised and updated in line with the introduction of the Council's online forms.

- 2 The policy will remain in existence for a period of five years, during which time it shall be kept under review and revised as appropriate or after any significant legislative change.
- 3 Consultation will take place over the next 10 weeks and consultees will include all current licensees, interested parties and Sevenoaks Access Group. The list of consultees is outlined in section 2.3, page 5 of the policy.
- 4 There have been a number of changes regarding the revised policy and these have been summarised in the table below.
- 5

<b>Policy section, page number or subject</b>	<b>Requirement in current policy</b>	<b>Recommendation in revised policy</b>
1, 4	DVLA mandate – not currently in place	DVLA mandate – all new and renewal drivers will be required to sign this mandate as there is no longer a paper part to the driver’s licence for Officers to check
2.4, 6	Original documents	Online forms have been included in the policy and the documents that will be required in scanned and hard copy outlined.
3, 7	DBS	A provision for applicants to submit a DBS within 1 month which has been provided by another registered body or to sign up to the DBS online service.
4.5, 15	WAVs – there is no provision regarding them.	WAVs – the Council will consult on a strategy to increase the number of WAVs within the Hackney Carriage fleet.
4.13, 18	Seating capacity	The minimum requirement of 4 seats has been removed. There is no longer a minimum number of seats stipulated.

5.3, 20	Drivers licence – 3 years Vehicle licence – 1 year Operators licence – 3 years	Drivers licence – 3 years Vehicle licence – 1 year Operators licence – 5 years (this has been changed due to a legislative change)
9, 23	Taxi Liaison meetings take place	There is a requirement within the policy for Taxi Liaison meetings to take place
Appendix 1, 26		There have been changes to the length of time that must elapse with some relevant conviction before an applicant will be considered to be licensed.
Appendix 2	Internal vehicle plates had to be in the rear window or quarter window of the vehicles	The internal plate must now be located in the front windscreen.
Appendix 4	No dress code	A voluntary dress code has been introduced.
Age of vehicle	Will not licence over 10 years old	Wheelchair accessible vehicles will not licence over 15 years old
CC of vehicles	1500 minimum	1400 minimum
Lost property	Hand in to the Police	Notify Licensing Authority and hand in to them
Category C insurance write offs	Not included	Will not be accepted
Disability training	Not included	To be introduced
Safeguarding training	Not included	To be introduced
Refunds for invalid/not completed applications	Not included	No refunds will be provided

Roof lights	Not included	Added - If the vehicle is available for hire the roof light must be illuminated.
Insurance	Not included	Requires all proprietors to provide evidence of continuous insurance cover throughout the period of the licence.
Seating dimensions	Not included	Minimum standards introduced
Good conduct letter for new applicants	Not included	Requirement for all applicants resident in the UK for less than 5 years
Diabetic drivers	Not included	Group 2 medical standards now include the licensing of drivers with insulin treated diabetes.
Departure from the policy	Not included	There may be instances whereby the Council may need to consider applications outside the policy. Where it is necessary to depart substantially from this policy, clear and compelling reasons for doing so will be given. Any such decision may be referred to the Licensing Committee.

- 6 Two meetings have been held with the taxi trade in August and September to discuss the introduction of a strategy to increase the number of wheelchair accessible vehicles within the Hackney Carriage fleet.
- 7 This strategy has been introduced as there are currently only 4 Hackney Carriage wheelchair accessible vehicles in a fleet of 204 vehicles. [ $< 2\%$ ] Sevenoaks District Council believes there should be equality for all users of the taxi transport system. With this lack of accessible vehicles there is clearly an issue that the District Council must address and rectify.
- 8 The District Council recognises that there is a greater financial burden to proprietors in providing wheelchair accessible vehicles and therefore consultation has been carried out with the trade and a number of options have been suggested some with a lead in period.

- 9 All 48 Maidstone Borough Council vehicles are wheelchair accessible vehicles. There is a limit on the number of Hackney Carriage vehicles determined by an Unmet Demand Survey paid for by the Hackney Carriage trade.
- 10 Currently 23% of the Tunbridge Wells Hackney Carriage vehicles (107) are wheelchair accessible. There is a limit on the number of Hackney Carriage vehicles determined by an Unmet Demand Survey paid for by the Hackney Carriage trade.
- 11 It is hoped that via consultation one or more options may be identified to be included in the strategy for increasing the number of wheelchair accessible vehicles within the Hackney Carriage fleet.

### **Other Options Considered and/or Rejected**

- 12 The council could choose to retain its current policy but to do so would be to keep an aging and incomplete policy that would quickly become open to challenge. Best practice suggests that having an up to date policy provides the most appropriate framework for ensuring a safe and effective service. Therefore keeping the existing system is not a course of action that is recommended.

### **Key Implications**

#### Financial

- 13 The failure of the Authority to review, consult and publish the Taxi Licensing Policy on a regular basis may result in a Judicial review being brought against the Council.

#### Legal Implications and Risk Assessment Statement

- 14 Decisions in relation to a licence are likely to amount to consideration of civil rights and obligations with the result that Article 6 (1) of the Human Rights Act 1998 is engaged.
- 15 Should parts of the industry believe the authority's Taxi Licensing Policy is not sound it would be open to them to undertake judicial review proceedings.
- 16 The Gambling Commission will change their draft guidance and more or other changes will need to be made at a later date.

#### Equalities Assessment

- 17 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper directly impact on end users. The impact has been analysed and varies between groups of people. The results of this analysis are provided as a background document.

**Appendices:** Draft Statement of Hackney Carriage and Private Hire Policy

**Background Papers:** Relevant legislation  
Equality Impact Assessment

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