

AMENDMENTS TO THE HACKNEY CARRIAGE AND PRIVATE HIRE POLICY FOLLOWING CONSULTATION

Licensing Committee - 30 January 2019

Report of Chief Officer Environmental and Operational Services

Status For Decision

Also considered by: Council - 26 February 2019

Key Decision No

Executive Summary: This report is following the 6 week consultation on amendments to the Hackney Carriage and Private Hire Licensing Policy. This authority is required to regularly review its Taxi Licensing Policy.

Portfolio Holder Cllr. Anna Firth

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Recommendation to Licensing Committee:

That it be recommended to Council that the draft amended Hackney Carriage and Private Hire Policy that went out for a 6 week public consultation be approved.

Recommendation to Council:

That the draft amended Hackney Carriage and Private Hire policy be approved.

Reason for recommendation: To enable the Council to make decisions for Hackney Carriage and Private Hire licensing in accordance with the interpretation of the legislation.

Introduction and 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 July 2016 and may be revised from time to time in keeping with the legislation.
- 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 At their meeting on 1 November 2018, the Licensing committee considered the proposed changes to policy and authorised the consultation on those proposed changes to be carried out.
- 4 The changes to the policy proposed are set out in a table attached to this report as Appendix A.
- 5 The table of consultation feedback is set out in Appendix B.
- 6 The draft Policy with the amendments made is attached as Appendix C.

Proposed Amendments

DVLA Mandates

- 7 *Appendix A, row B.* The policy states, 'Drivers will be required to sign a mandate form to allow the Licensing Authority to carry out the check with the DVLA.' The DVLA are changing their procedures and processes so the amendment is to delete the sentence.
- 8 *Appendix A, row C.* Hackney Carriage and/or Private Hire Driver Licence - New and Renewal applications. The policy states, 'DVLA mandate completed and signed by the applicant.' The amendment is to replace that with, 'Authorisation from driver that DVLA check can be carried out by the Licensing Team.'
- 9 *Appendix A, row E.* As above, DVLA processes are changing so the amendment is just to change the word 'Mandate' to 'check'.
- 10 **Consultation response:** no feedback on this proposed change

Medical Fitness

- 11 *Appendix A, row D.* Our current policy states that applicants must use the Council's appointed medical centre. The amendment is to require applicants to obtain the same medical standard but by a GP. This will give the applicant more freedom to get a medical. There is less chance of the applicant facing a waiting list and if the medical is carried out by the applicants own GP then the GP will have knowledge of their full medical history.
- 12 **Consultation response:** 19 in support of change, 4 against

Operator's Address

- 13 *Appendix A, row F.* It is currently not specified in the policy that the address must be within the District of Sevenoaks. The amendment is to add in the wording suggested in the table with 'grandfather rights' included for any Operators already licensed that are outside of the district.

14 **Consultation response:**

19 in support of requiring operators to have an address in our district, 5 against;

18 in support on grandfather rights, 5 against.

Amendments to the Policy

15 *Appendix A, row G.* The policy currently states ‘All changes to the Policy are made by the Licensing Committee only.’ However, this does not reflect the current legal position. Therefore it is proposed to amend it to say that ‘All changes to the Policy are currently approved by the Licensing Committee and then considered by Full Council.’

16 **Consultation response:** no feedback on this proposal

Vehicle Test Standards

17 *Appendix A, row H.* The Policy currently states ‘SDC will not licence any vehicle that is classed as a Category C insurance write off.’ The amendment is to change Category C to Category S as the terminology has now changed.

18 **Consultation response:** 23 in support of the change, 1 against

Legislative Changes

19 *Appendix A, row I.* The Policy currently sets out the penalty points that would be issued for failing to comply with the Disability Discrimination Act 1995. The proposed amendment is to ensure that the Policy reflects current legislation, namely the Equality Act 2010, concerning discrimination offences against disabled people.

20 **Consultation response:** 23 in support of the change, 1 against

Fees

21 *Appendix A, row J.* The Policy currently states ‘A holder of a Hackney Carriage Driver’s licence is able to drive a Private Hire vehicle. However, a holder of a Private Hire Driver’s licence **may not** drive a Hackney Carriage vehicle.’ The proposed amendment is to delete this paragraph as it is untrue. A Hackney Carriage Driver must also have a Private Hire Driver badge and certificate if they wish to drive a Private Hire Vehicle.

22 **Consultation response:** 17 in support of the change, 7 against

DSA (Driving Standards Agency)

23 *Appendix A, row K.* The Policy mentions the DSA (Driving Standards Agency) in a number of places. They no longer carry out driving standards tests for Taxi drivers and therefore we have a different approved provider. There may be more providers

added to that so the proposed amendment is to change any part of the policy that states DSA to Driving Standards test or Council approved provider.

24 Consultation response: 22 in support of the change, 2 against

Wheelchair Accessible Vehicles

25 Appendix A, row L. The Policy currently states ‘From 1st September 2016 all additional Hackney Carriage vehicles requiring a new plate, must be wheelchair accessible. That is those that require the issue of a new HC plate number. (This does not apply to replacement vehicles, change of ownership of vehicles or vehicles that are replacing damaged vehicles). The amendment is to replace the statement in brackets with; ‘(This does not apply to replacement vehicles, change of ownership of vehicles, vehicles that are replacing damaged vehicles and ultra-low-emission vehicles [ULEV] that is vehicles that emit less than 75g/km of CO₂ under the WLTP)’ and include the following statement, ‘This exemption will be kept under regular review and may be time limited or removed in future reviews of the policy.’

26 Consultation response: 20 in support of the change, 4 against

Other Options Considered and/or Rejected

The council could choose to retain its current policy without changes but to do so could make the application process harder for applicants and current drivers regarding the medical centre. Compliance and enforcement as to Private Hire Operators addresses difficult and the wording within our policy, incorrect. Therefore keeping the existing policy without these amendments is not a course of action that is recommended.

Key Implications

Financial

Officers may incur additional costs and increased difficulties in enforcement should they need to visit Operators outside the district. Failure to ensure the Policy is compliant with current DVLA or insurance practices may mean that Officers spend more time defending a challengeable decision. Paying for yearly medicals for those aged 65 and over currently costs the council over £3000 per annum.

Legal Implications and Risk Assessment Statement.

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.

Equality Assessment

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 fall in line with the legislation and do not pose a risk to issues surrounding equality.

Conclusions

The current policy without changes could make the application process harder for applicants and current drivers regarding the medical centre. Compliance and enforcement as to Private Hire Operators addresses could be difficult due to distance and the wording within our policy could be incorrect. The changes recommended are to improve and correct our policy as well as change best practice to benefit the council.

The options available are to:-

1. agree all the amendments as detailed above;
2. agree to some of the amendments but leave others out; or
3. reject the suggested amendments to the policy and leave the Hackney Carriage and Private Hire Policy as it is.

Appendices

Appendix A - Table to show draft changes to the policy

Appendix B - Table of consultation feedback

Appendix C - Draft Policy Document

Background Papers

Sevenoaks District Council Hackney Carriage and Private Hire Policy

Richard Wilson

Chief Officer Environmental & Operational Services