

STATEMENT OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY - 2020-2023

Licensing Committee - 19 September 2019

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| Report of | Chief Officer Planning & Regulatory Services |
| Status | For approval |
| Key Decision | No |

Executive Summary: This report presents and seeks approval from the Committee to consult on the Council's existing 'Statement of Hackney Carriage and Private Hire Policy' which will be enforced to cover a three-year period 1 April 2020 to 31 March 2023 (Exhibited as Appendix A)

The public consultation period will run for 8 consecutive weeks December 2019. Representations received during the consultation period will be reported to the Committee in January 2020.

This report supports the Key Aim of Sustainable economy.

Portfolio Holder Cllr. Margot McAthur

Contact Officer Michael Moss, Ext. 7364

Recommendation to Licensing Committee: That the Committee approves the draft Policy set out in Appendix A for an 8 week public consultation, between 7 October - 1 December 2019.

Reason for recommendation: To obtain the views of interested parties on the proposed Policy and use these views to formulate any changes to the existing Policy which will be brought before the Committee in January 2020.

Introduction

- 1 The Policy enables local authorities to regulate applications submitted under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 2 Under Policy the Council can set standard conditions relating to Private Hire drivers, vehicles and operators.

Background

- 3 The existing version of the 'Statement Hackney Carriage and Private

Hire Policy' was approved in 2019, following amendments made to the December 2018.

- 4 There is no statutory requirement for a Council to have a Taxi Policy, but it does provide a clear and transparent way in which the Council will determine applications and make decisions.

Proposed changes

- 5 The proposed changes do not lower the standard or the direction of the existing policy, nor does it dramatically change the way in which the Council seeks to regulate Hackney Carriage and Private Hire licences under its control and provides a framework for consistent decision making in this Policy.
- 6 The draft policy contains the following changes to the previous version. The policy has been updated to address:
 - Introduction of a Dual Drivers Licence
 - Further clarity on Executive Vehicles
 - Remove any reference to engine sizes
 - Regulations relating to tinted windows to be changed
 - Remove the restriction of Penalty Points being issued within 10 working days of the offence taking place
 - Include the declaration of cautions as part of the criminal disclosure
 - Include a section on Safeguarding
 - Further clarity on transporting passengers with assistance dogs
 - Replaced the VOSA write-off Categories to the new model
 - Minor procedural changes

Consultation

- 7 Consultation is critical to ensure any changes to the Policy are clear and transparent for businesses, responsible authorities and the public.
- 8 If the committee approves the proposed policy, the Licensing Department shall commence with an **8 week consultation**.
- 9 Consultation standards shall be delivered by:
 - Writing to the chief office of police
 - Writing to existing licence holders and trade representatives
 - Publicising the consultation on the Council's website
 - Using any social media available to inform the public of the

consultation and direct them to the website.

- 10 Following consultation the Licensing Department shall analyse the comments, prepare any changes considered appropriate to the Policy for final approval and present a further report to the Licensing Committee in January 2020.

Key Implications

Financial

Under the adopted licensing regime, the Council has the power to recover its costs and set fees and charges at such a level that the licensing process is cost neutral to the Council.

The final implications associated with the revision of the SEV Policy can be financed from the Licensing budget.

Legal Implications and Risk Assessment Statement.

The Council's Statement of Licensing Policy is an important factor when determining certain applications under the Licensing Act 2003. If the Policy is silent on a matter then the Council will have less opportunity to guide and control applications.

Ensuring that the Policy is up to date and covers relevant areas assist the Council is ensuring a consistency of approach.

Equality Assessment

Section 149(1) of the Equality Act 2010 requires that, in exercising its functions public sector bodies to have 'due regard' to the need to -

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act;
- Foster good relations between people who share a relevant 'protected characteristic' and those who do not;
- Advance equality of opportunity between people who share a relevant 'protected characteristic' and those who do not.

Assessing the potential impact on equality of proposed decision, changes to policies, procedures and practices is one of the key ways in which the Council can demonstrate that they have had 'due regard'. Assessing impact on equality should be tailored to, and be proportionate to, the decision(s) being made.

Officers have considered the impact of the proposals contained in

this report and consider that there would be no, or very limited adverse or disproportionate impact on those who share a protected characteristic. This will be kept under review as part of the Council's ongoing duty.

Conclusion

It is considered good practice to review a Taxi Policy a minimum of every 3 years. A review of the Policy has been completed and is presented to Licensing Committee to approve public consultation.

The amendments to the current policy are outlined in this report.

Following consultation, a further report will be presented to the Licensing Committee requesting adoption of the Policy.

Appendix

Appendix A -Statement of Hackney Carriage and Private Hire Policy - Draft (for consultation) with the changes from the 2018 Policy highlighted.

Background Papers:

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

Mr. Richard Morris
Chief Officer Planning & Regulatory Services