

Report to:	Licensing Committee
Relevant Officer:	Sharon Davies, Head of Licensing Service
Date of Meeting	27 th October 2015

DRAFT HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

1.0 Purpose of the report:

- 1.1 To consider the draft Hackney Carriage and Private Hire Licensing Policy

2.0 Recommendation(s):

- 2.1 To agree the content of the draft policy and to approve a twelve week consultation period with the trade and other interested parties.

3.0 Reasons for recommendation(s):

- 3.1 The Hackney Carriage and Private Hire Licensing Policy was last revised in 2010 and requires updating.

- 3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

- 3.2b Is the recommendation in accordance with the Council's approved budget? Yes

- 3.3 Other alternative options to be considered:

Not to review the Hackney Carriage and Private Hire Licensing Policy.

4.0 Council Priority:

- 4.1 The relevant Council Priority is

"Safeguard and protect the most vulnerable"

5.0 Background Information

- 5.1 The Hackney Carriage and Private Hire Licensing Policy is not a statutory policy. This means that there is no requirement for the Council to adopt one, although it is good practice to do so as it sets out the Council's approach to issuing licences and enforcement. Decisions made in accordance with the policy are more likely to be upheld in the event of an appeal.
- 5.2 The current policy has been in existence since 2010 and the Licensing Committee at its meeting on the 3rd June 2015 requested that officers undertake a full review of the policy in the light of recent cases for example, Rotherham, which have received national publicity.
- 5.3 In February 2015, the Casey Report into Child Sexual Exploitation (CSE) was published. That report devoted two chapters to taxi licensing and the involvement of taxis in Child Sexual Exploitation. A recent Serious Case Review from Oxford also highlighted the involvement of taxi drivers in Child Sexual Exploitation – on this occasion they were not the perpetrators, however they were used to take young people to places where they were then abused. These reports highlight the importance of ensuring that only suitable people are licensed as drivers and that those who are licensed receive appropriate training on safeguarding issues.
- 5.4 In drafting the draft policy which can be found at Appendix 4a, Officers have considered policies from other Council areas, in particular Rotherham as this was re-written following criticism by the author of the report into Child Sexual Exploitation.
- 5.5 The main changes to the policy can be summarised as follows:

5.6 Drivers

- Greater emphasis has been given to the fit and proper test for drivers
- Expansion of the application process to require training in CSE, disability and dementia awareness and to require existing drivers to undergo CSE training
- Require the applicant to demonstrate a sufficient ability to speak and understand English
- To require evidence of the right to work in the UK
- Requiring drivers to register with the Disclosure and Barring Service update service.
- To adopt a revised policy on the relevance of convictions and cautions based on a recently revised template issued by the Local Government Association
- Expanding the knowledge of the Borough test to include road safety and basic vehicle maintenance
- To introduce a code of conduct when working with vulnerable passengers

5.7 Vehicles

- To propose that all new and replacement multi-seat vehicles carrying 6-8 passengers must be wheelchair accessible
- To invite comments about the maximum age of vehicles
- To invite comments on the frequency of testing of vehicles
- To require licence holders wishing to change their vehicle part-way through the licence period to apply for a new licence

5.8 Consultation would take place on the draft policy over a period of approximately twelve weeks. Any comments received during that period would be taken into account before the proposed policy is brought back to the Licensing Committee for consideration. Final approval of the Executive would be required before the policy could come into effect.

5.9 Does the information submitted include any exempt information? No

5.10 **List of Appendices:**

Appendix 4a – Draft Hackney Carriage and Private Hire Licensing Policy

6.0 Legal considerations:

6.1 There is a risk of Judicial Review if appropriate consultation does not take place.

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 There will be a possible impact from requiring applicants to demonstrate a basic level of English language. This can however be mitigated by the intention to signpost applicants who cannot meet the required standards to relevant training.

9.0 Financial considerations:

9.1 None at this stage. The costs of consulting with interested parties will be met from the licensing budget.

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 Full consultation will take place internally and externally when the draft policy is approved for consultation.

13.0 Background papers:

13.1 None