

MEETING:	REGULATORY COMMITTEE
DATE:	15 NOVEMBER 2011
TITLE OF REPORT:	REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 AND TOWN POLICE CLAUSES ACT 1847.
PORTFOLIO AREA:	HEALTH & WELLBEING SERVICE

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To consider implementing the revised Policy for private hire and hackney carriage licensing.

Key Decision

This is not a key decision

Introduction and Background

1. The policy has been reviewed following consultation. Amendments have been made where necessary and communicated back to parties who made responses. These responses can be found at (Appendix 1). The policy and appendices can be found at (Appendix 2)
2. A spoken language and numeracy test has been added to the knowledge test (Appendix 3). This was added following consultation with the Diversity Team.

Key Considerations

3. Whether to accept the amended policy and the inclusion of a language and numeracy test.

Key Points Summary

- Policy reviewed and consulted upon.
- Spoken language and numeracy test included in the existing knowledge test.

Recommendation

THAT Committee:

Adopt the proposed policy as it is presented in this report, in accordance with the Council's powers under the legislative provisions mentioned in this report.

Reasons for Recommendations

4. The licensing authority believes it has considered amendments to the policy carefully, and in accordance with the relevant legislation and previous committee hearings and that this fulfils the Council's main aim of protecting public safety and providing clarity for the Trade.

Alternative Options

a) The policy not adopted by the Regulatory Committee as presented in this report.

Advantages: It allows any views of the trade to be taken into an even fuller account, if considered appropriate and legal.

Disadvantages: Not all the proposals put forward by the Association and some independent trade members can be legally accepted or are fair to all. The current draft follows a substantive consultation exercise. This alternative will delay the release of the new policy even further.

b) To defer the decision in order to get more information

The Committee could make a decision to defer the decision. This will allow further information to be considered and enable additional advice to be received, whether legal or technical.

Advantages: Gives the opportunity for further information to be sought.

Disadvantages: This would delay the decision process and will incur further costs. This alternative will also delay the conditions even further.

c) To reach some other decision

Advantages: This leaves other options open to the Committee to resolve the matter.

Disadvantages: There are no clear directions from the Head of Environmental Health & Trading Standards in respect to alternatives.

Community Impact

5. It is felt that any decision will have only a minor impact on the community as a whole, as it relates specifically to the taxi trade.

Legal Implications

6. In amending this policy this Authority has had regard to Government guidance taken from the Action Plan for Hackney Carriage and Private Hire, Office of fair trading regulation of licensing taxi and PHV services in the UK, the Best practice draft guidance on Taxis and Private Hire Vehicles and the Hackney Carriage and Private Hire Steering Group. The Policy is consistent with Section 17 of the Crime and Disorder Act 1998 which requires the Local Authority to do all that it reasonably can to prevent crime and disorder within its locality. The policy is consistent with the Human Rights Act 1998, the Environmental Protection Act 1992, the Race Relations Act 1976, the Race Relations (Amendment) Act 2000, Herefordshire Council's enforcement policy, and the Anti-social Behaviour Act 2003.

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Financial Implications

Not applicable

Appendices

Appendix 1 – Responses following consultation

Appendix 2 - Policy including Appendices

Appendix 3 - Spoken language and numeracy test

Background Papers

None.