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| <b>MEETING:</b>         | <b>CABINET</b>   |
| <b>DATE:</b>            | <b>12 JULY 2012</b>  |
| <b>TITLE OF REPORT:</b> | <b>REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE (TAXI) POLICY</b> |
| <b>PORTFOLIO AREA:</b>  | <b>HEALTH AND WELLBEING</b>                                      |

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide

### **Key Decision**

This is not a Key Decision.

### **Purpose**

For Cabinet to approve the revised policy for private hire and hackney carriage licensing.

### **Recommendation(s)**

**THAT: the proposed policy and its supporting documents be approved.**

### **Key Points Summary**

- The policy acts as a single overarching document incorporating all conditions and other procedures and protocols relating to taxis.
- The policy has been updated, extensively reviewed and consulted upon.
- A spoken language and numeracy test has been included in a revised knowledge test.
- A new code of good conduct and a new dress code guide have also been included in the policy
- The policy updates the vehicle conditions to require that CCTV will be installed in new hackney carriages and phased in over three years for existing.
- Safeguarding requirements have been strengthened.

### **Alternative Options**

- a) **The policy not to be adopted as presented in this report**

Advantages: It allows any further 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 could be accepted, as they were not considered to be legally acceptable and/or may not follow best practice.

The current draft already follows a consultation process and this option will delay the release of the new policy further.

This option would delay the decision process and in doing so will incur further costs.

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

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 in doing so will incur further costs as mentioned in (a) above.

**c) To reach some other decision**

Advantages: This leaves other options that may arise.

Disadvantages: There are no clear directions in respect to alternatives.

## **Reasons for Recommendations**

Policies are an integral part of the decision making process and provide a valuable aid to consistent decision making. Each case will continue to be judged on its own merits and, as this policy acts as a guide, it does not bind the local authority to an inflexible decision insofar as a person's 'fit and proper' status.

## **Introduction and Background**

This policy document sets out the policies that the Council will apply when making decisions upon applications received for:

- a. Dual Driver Licences (hackney carriage and private hire)
- b. Operator Licences (private hire)
- c. Vehicle Licences (hackney carriage and private hire)

## **Key Considerations**

1. The policy assists officers and members in arriving at decisions on applications, complaints or incidents. The policy document also provides clarity for applicants and other persons interested in or users of the Taxi/Private Hire service within Herefordshire

2. The policy was reviewed following full consultation with the trade and its Association in late 2011 / early 2012. Amendments have been made where necessary and communicated back to those parties who made the responses.
3. A spoken language and numeracy test has been added to an existing 'knowledge test'. Similarly, the policy incorporates dress code and driver conduct guides.
4. A further change relates to drivers being considered by an officer panel in the case where a suspension notice is withdrawn after a police investigation and the investigation is subsequently dropped for whatever reason.
5. To ensure that the policy fully embraces both the children's and adult's safeguarding obligations of the council, this revised version of the policy now confirms the safeguarding duties of the council and how taxi licensing will complement this important function (see section 16 of policy).
6. The policy includes the requirement to make CCTV in all hackney carriages mandatory. The trade are generally supportive of this as they believed it to be the inevitable way forward. Some taxi operators have already installed CCTV in all their fleet vehicles. Condition 23 of the vehicle conditions (in Appendix 8 to the Policy) therefore requires all new hackney carriages to have approved CCTV cameras and recording equipment installed and for the existing fleet to have them phased in over three years after 12<sup>th</sup> July 2012.
7. Following a successful trial in December 2011, the Council's Licensing Team are currently investigating how to implement taxi marshalling in the vicinity of Commercial Road in Hereford at weekends. Although the Taxi Association and the trade were generally very supportive of the trial, there was clear opposition to the cost of providing such an initiative being put on the trade by way of increased fees. Therefore alternative sources of funding are being researched.
8. The revised protocol in Appendix 12 to the policy now reduces a burden on the taxi trade by removing the necessity for licensed taxi drivers to also hold the Council's 'County Transport Badge' for school contracts and for vulnerable children and adult transport/escorts. This has streamlined the process and removed duplication and costs for the trade.

## **Community Impact**

9. The revised and updated policy will enable the council to regulate and licence its taxis and their operators / drivers more effectively and in doing so, better protect the community it serves.
10. This policy will have only a minor impact on the community as a whole, as it relates specifically to the taxi trade. As mentioned above, the taxi trade and its Association have been fully involved in the drafting of this revised policy and are generally supportive of improved standards, particularly for new drivers.

## **Equality and Human Rights**

11. This report has paid due regard to our public sector equality duty in coming to its recommendation to adopt this revised policy. An equalities impact assessment has also been undertaken and has shown that no further work was required, the driver community not being a 'key target group'.

## Financial Implications

12. This policy will not incur any additional fees and charges (a separate matter). Instead, it is designed to improve the standards required of vehicles, operators and drivers.
13. However, it is incumbent upon the Council to make sure that it is helping to keep the cost to the taxi trade as low as possible. For this reason the Health & Wellbeing Service are investigating how driver medical costs can be reduced and how the team's 'support service costs' can be kept to a minimum. A marked reduction in support service costs were noted when the revised taxi fees and charges were set at Regulatory Committee in May 2012.
14. As tighter requirements concerning drivers may arguably reduce the number of successful applications, this could in turn reduce the income to the council, although this is not expected to be particularly significant. The revised policy should therefore have little or no impact on the finances of the service.

## Legal Implications

15. The Council is empowered to amend its taxi conditions and policies under the powers vested upon it by the Local Government (Miscellaneous Provisions) Act 1976 and the Police and Town Clauses Act 1847.
16. In amending the policy this council has had regard to:
  - i. 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,
  - ii. Best practice draft guidance on Taxis and Private Hire Vehicles and the Hackney Carriage and Private Hire Steering Group.
  - iii. 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.
  - iv. The policy is consistent with the Human Rights Act 1998, the Environmental Protection Act 1990, the Race Relations Act 1976, the Race Relations (Amendment) Act 2000, Herefordshire Council's enforcement policy, and the Anti-social Behaviour Act 2003.

## Risk Management

17. The Council currently has a taxi driver policy dating back to 2007 which was considered to meet the standards of best practice when originally drafted. The policy is getting out of date and the taxi trade and its association have requested that it is updated to bring it in line with current expectations.
18. Although there is no statutory requirement to have a policy nor any statutory requirement to update it at any given interval, there is an expectation that there should be one and the local authority therefore has a power to make a policy by which it will regulate and license its taxi trade. If the Council were not to update this policy, the Council could be subjected to increasing reputational risk should an incident occur involving a vehicle, operator or driver 2012 expectations as opposed to the lower standards and expectations of 2007 when the policy was first drafted.

## **Consultees**

19. The public / stakeholders who were consulted include:

- The taxi trade
- The Herefordshire Hackney Carriage and Private Hire Association.
- Public via website
- The police
- Other council departments (including Diversity and Safeguarding)
- Local disability interest groups
- Taxi user groups
- Other users / rank owners

These consultations took the form of a letter / email being sent to each respective organisation and the responses being formally considered and logged.

20. Consultation was made directly to the trade via written correspondence. The ex chairman of the Association (Mr John Jones) was appointed by the Association to help review this document and as a result both he and Licensing Team have meticulously gone through the document and all reasonable comments possible were incorporated.

21. The draft policy was made publicly available by placing it on the Council's consultation web page.

22. Provided the report and the policy is approved, the policy will be placed on the council's website with other taxi policy documents and forms. All drivers and operators will then be formally advised of the new policy, with the offer that it can be emailed or posted to them, should they not wish to download it off the council's website.

23. All taxi licensing and enforcement will have regard to the new policy once approved.

## **Appendices**

Appendix 1 – Policy including Appendices

## **Background Papers**

Responses following consultation