

<b>Decision maker:</b>	<b>Council</b>
<b>Decision date:</b>	<b>12 July 2019</b>
<b>Title of report:</b>	<b>Review of Taxi and private Hire Policy</b>
<b>Report by:</b>	<b>Chief Executive</b>

## **Classification**

Open

## **Decision type**

Non-key

## **Wards affected**

(All Wards);

## **Purpose and summary**

The purpose of this policy is to set out the expectations of Herefordshire Council as the licensing authority in relation to matters connected to taxis and to approve the reviewed and amended Taxi and Private Hire Policy.

The previous policy required updating due to a number of minor changes in work practices, changes in guidance and best practice.

The main addition to the policy is the inclusion of a mandatory training element for new and existing drivers in relation to safeguarding.

## **Recommendation(s)**

**That:**

- (a) The draft policy at appendix 1 be approved.**

## **Alternative options**

1. Not to approve the revised policy. This is not recommended as the changes proposed ensure that the policy is clear and compliant with current best practice and constitutional requirements and improve the robustness of the council's safeguarding measures.
2. To make further changes to the policy. This is not recommended as the draft policy has been subject to consultation and no further areas for improvement or change identified.

## **Key considerations**

3. Herefordshire Council has 1,050 licence holders including: Hackney Carriage Proprietors, Private Hire vehicle proprietors and Dual Driver and Operators. The licenses are renewed on either an annual or three yearly basis depending on the licence type. The policy and conditions are used by the trade and the licensing authority and ensures that the requirements of the licence are met. The review of this policy was made following changes to current best practice issued by Department for Transport and the Institute of Licensing. The revised policy is provided at appendix 1 and a summary of all amendments provided at appendix 2.
4. The proposed inclusions and amendments are necessary to fulfil the responsibility the council has for safeguarding vulnerable persons. The most significant change is the introduction of a mandatory safeguarding training element to ensure that licence holders are aware of potential indicators of concern and know what to do if they see them. The changes are made to improve safety standards, and are deemed necessary in order to achieve these improvements. The revised policy will ensure that decisions made in relation to taxi matters are clear and fair to all licence holders.
5. If approved, the policy will be uploaded to the web-site and notification will be sent to all licence holders regarding the amended policy. It is not expected to have any major impact on the trade; reasonable time will be allowed for existing drivers to undertake the training.

## **Community impact**

6. This policy further enhances the licensing authority's ability to carry out further suitability tests and ensures that all dual drivers are informed about their safeguarding responsibilities. In addition it offers the opportunity to share information regarding issues surrounding child sexual exploitation, modern slavery and illicit trade practices.
7. The mandatory training element within the amended policy will be provided in conjunction with Children's Services, who have indicated that this training can be provided by an existing trainer within the employ of Herefordshire Council.
8. Once a dual driver licence is granted they will be authorised to also carry out county transport work on behalf of Herefordshire Council which may include providing transport to and from schools, and transporting social care clients.

## **Equality duty**

9. The requirements of this policy are relevant to all applicants and dual drivers, and ensures a fair and level administration of all new and existing licence holders.

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
10. The council considers the inclusions and amendments made by them to the policy are necessary to fulfil the responsibility it has for the safeguarding of vulnerable persons. Many of these vulnerable individuals will share a protected characteristic. The inclusions are made to improve safety standards and demonstrate how the council is proactive in fulfilling its equality duty.

## **Resource implications**

11. There is a requirement that licensing is cost neutral to the council. Further costs may be incurred by taxi drivers or vehicle licence holder or operators if they submit late applications or are not complaint, which is based upon full cost recovery. Where taxi drivers or vehicle licence holders or operators are compliant there are no additional costs other than for the safeguarding training which will be in the region of £30-£50 and will be added to the licence fee. There is no financial implication for the Council.

## **Legal implications**

12. The council is required by law to license the operation of taxis (hackney carriages) and private hire vehicles. The principal consideration in licensing taxis and private hire vehicles should be the safety and convenience of those travelling in such licensed vehicles. The proposed amendments are based on legislation and updated guidance and therefore reflect this need. Sections 47, 48, 51 and 55 of the Local Government (Miscellaneous Provisions) Act 1976 permits local authorities to place conditions on licensed taxis, licensed private hire vehicles, licensed drivers and licensed operators.

## **Risk management**

13. The proposed policy will offer greater protection for the most vulnerable persons in our community whilst they are travelling with a Herefordshire Council dual driver.
14. The reputation of the Council will not suffer due to the adoption of this revised policy which mitigates the risk associated with poor control and regulation of the licensed trade.
15. Training will be arranged at service level and pose no risk at any other level within the Authority. If the training cannot be provided internally, an external provider will be sought.

## **Consultees**

16. All trade companies and individuals were consulted. One response was received. The response received was non specific and was recorded as indicating a general dissatisfaction with the licensing authority and it being over-zealous. The licensing authority has considered the response and has made no changes on this account.

## **Appendices**

Appendix 1 Proposed Taxi and Private Hire Policy

Appendix 2 Table summarising changes made to existing Policy

## **Background papers**

None identified