

Policy Development and Review Committee		Agenda Item: 5
Meeting Date	25 th October 2017	
Report Title	Hackney Carriage Taxi Policy	
Cabinet Member	Cllr Alan Horton, Cabinet Member for Safer Families and Communities	
SMT Lead	Mark Radford	
Head of Service	Mark Radford	
Lead Officer	Della Fackrell, Resilience & Licensing Manager	
Key Decision	Yes/No	
Classification	Open	
Forward Plan	Reference number:	
Recommendations	1. Provide comment on the draft statement of Hackney Carriage and Private Hire policy as attached as Appendix 1, prior to formal consultation.	

1 Purpose of Report and Executive Summary

- 1.1 This report provides Members with information and guidance on a new draft 'Statement of Hackney Carriage and Private Hire policy', which requires Members comment prior to public consultation.
- 1.2 Since the last version to the 'Statement of Hackney Carriage and Private Hire policy' there have been a number of changes as a result of the restructure of the hackney carriage function. This new draft policy forms a secure foundation on which to determine applications and carry out enforcement to ensure the safety of public when using licensed hackney carriage and private hire vehicles.
- 1.3 The opportunity has also been taken to revise the document to align it more closely with the Department for Transport Best Practice – Hackney Carriage and Private Hire Vehicle Licensing: Best Practice Guidance March 2010
- 1.4 The policy has been substantially revised. Section 3 of this report details specific areas for consideration by members.
- 1.5 Before the policy can be finally approved for adoption by Council, consultation must take place in order for Members to give appropriate weight to the views of those persons/bodies it is required to consult with.

2 Background

Hackney Carriage and Private hire function

- 2.1 Swale Borough Council has a statutory duty under the Local Government (Miscellaneous Provisions) Act 1976, as amended, to provide a licensing function in respect of Hackney Carriage and Private Hire vehicles.
- 2.2 The aim of the Licensing function is to provide a safe environment for those using the vehicles and also for ensuring that the drivers are knowledgeable and understand their responsibilities to the travelling public e.g. particularly around safeguarding for vulnerable children and adults.
- 2.3 The current policy was issued in 2016 but the body of the policy states it was revised in July 2014 and will be reviewed in three years. In addition, the current policy does not cover many of the elements that the officers and drivers need to ensure there is no ambiguity.

3 Proposals

- 3.1 A draft statement of the Hackney Carriage and Private Hire Policy is attached as **Appendix I**

The main points for the proposed changes to the draft Taxi Policy are as follows:

- 3.2 **Vehicles** – page 8 of the draft policy

- 3.2.1 6 monthly Test

In the current policy, all vehicles over 5 years old are required to pass two tests per year, 6 months apart.

The proprietor is required to obtain a Vehicle Compliance Test from an approved garage and Licensing Officers also carry out a similar inspection

This is considered to be duplication and not the most effective use of officer time and as such Members are asked to consider the removal of the 6 monthly test.

However a 6 monthly garage test will still be required to be done for all vehicles over 5 years old.

- 3.2.2 Electric / Hybrid Type

Taking into account environmental considerations and advancing technological developments of vehicles the Council will consider applications to licence vehicles that are of an electric or hybrid type.

- 3.2.3 Grant and Renewal of Licences – page 16 of the draft policy

In line with the DfT Best Practice Guidance three year badges will now be issued. A one year badge will only be issued if (1) the medical practitioner is of the opinion that the driver should only be issued with a one year badge or (2) the driver is 70 years or over.

3.3 Drivers – page 17 of the draft policy

3.3.1 Probationary Badges

The Council sometimes received requests from Taxi Operators to allow easier entry into the taxi trade to ensure that they can fully service the travelling public. As a result probationary badges were initially proposed. This would mean that a driver would have been allowed to enter the taxi trade as a private hire driver for a period of 6 months before then being required to sit a Street Knowledge Test. After careful consideration it was decided that this posed a safety risk to both the travelling public and to the drivers themselves.

However in order to assist taxi operators and proposed drivers it is now intended that whilst all applicants will need to sit and pass a Street Knowledge Test there will be two pass marks. A lower pass mark will allow entry into the trade as a Private Hire driver only whilst a higher pass mark will permit a driver to be licensed with a dual Hackney Carriage/Private Hire badge.

3.3.2 Age and Experience – Driving Proficiency & qualifications

As part of our proper vetting processes the licensing authority has to be able to determine that the driver has a driving ability to a professional standard such that they are deemed safe to transport the travelling public of the borough. In the past driving test specifically tailored for the taxi trade were undertaken by the DVSA. This has now ceased but it is proposed to require applicants to undertake a driving test that is available through various private providers. The cost of this test would be borne by the applicant

3.3.3 Driving Experience

Under the old policy, there was the requirement that “any person applying to licence a Hackney Carriage/Private Hire vehicle, must have at least twelve months experience of the Hackney Carriage business, before being permitted to licence their own vehicle”

We are asking to members to consider the removal of this condition. This would encourage the drivers to set up their own business and become independent.

3.3.4 DVLA

Drivers shall be asked to complete a form which will authorise the Council to apply to the DVLA for a driver licence history.

3.3.5 Safeguarding

Everyone has become aware of the well-publicised issues relating to Child Exploitation and Human Trafficking that have occurred throughout the country. These are abhorrent crimes, and the Licensing Authority has a duty to assist the Taxi and Private Hire trade and the public in tackling this issue, and to protect those who are vulnerable and/or being exploited. We need the help of taxi and private hire drivers and operators to identify those who commit these crimes, and to protect those who most need our help.

It is for this reason that all new applicants for a driver licence will be required to undertake CSE training before their licence is granted.

3.3.3 DBS (to include)

A badge will not be issued to the driver until the Council has sight of the driver's returned DBS check and we are satisfied that the driver is still fit and proper to carry the travelling public of Swale.

3.3.4 Code of Conduct – page 23 of the draft policy

This used to be a separate document but has now been incorporated into the main taxi policy as Appendix J

3.3.5 Badge Lapse

If a driver's badge has lapsed in the last 2 years and the driver wishes to re-licence, Swale council will be happy to relicence the driver without the need to re-do the Street Knowledge Test.

3.4 Disciplinary & Enforcement measures – page 28 of the draft policy

In reviewing the existing penalty points it is considered that some are disproportionate and require review to make the penalty point system more extensive to assist drivers understanding and enforcement of any breaches.

The proposal would be to allow the Authorised officer to decide the appropriate level of penalty or enforcement action that would be applied in each individual case.

Any offence or breach of policy may mean the driver/proprietor will receive between a minimum of 3 penalty points and up to a maximum of 12 penalty points.

Members are asked to consider the proposed new penalty point system
The proposed new penalty point system is at **Appendix II**

3.6 Relevance of Cautions and Cautions – page 52 of the draft policy (Appendix E)
A more extensive list of offences has been added to the Policy. This list would cover a wider range of offences as compared to the existing one on the current Policy. This has been enhanced for the safety of the public.

3.7 Private Hire Operators Licence conditions – page 77 of the draft policy (Appendix K)

A more extensive list of conditions has been introduced in the draft Policy to enable more appropriate checks to be carried out with the Private Hire Operators. This has been enhanced for the safety of the public.

3.8 Future Amendments to the Policy (To include)

Individual appendices of the policy could from time to time be amended without the need for the full consultation process or approval from Licensing Committee. This would be done by the Licensing Team in conjunction with the Cabinet Member.

3.9 Street Knowledge Test – Page 63 of the draft report (Appendix G)

The Street Knowledge tests will be held on a four weekly basis. Candidates can only be accepted on the test if they have submitted a completed application and full payment up to 6 working days in advance of the test. Any candidates after this date will be allocated to the next month's test.

The Council's decision of the outcome of the test is final (and that any appeal can only be made in exceptional circumstances where the result will be considered by the Licensing Manager).

4.0 Fire Extinguisher / First Aid Equipment – Page 38 of the draft report

Licensed Vehicles are being proposed to carry the above.
We have included a word of warning for the First Aid Equipment
"Beware! – a driver should not render aid to any other person unless he holds a current First Aid Certificate – Health and Safety Rules)."

4 Alternative Options

4.1 If the modified proposals are not considered suitable then members could revert to the original Taxi policy.

5 Consultation Undertaken or Proposed

- 5.1 This report is the first stage of a planned consultation process. The draft policy will be presented to the drivers and operators ahead of the joint meeting on 31 October 2017.
- 5.2 Following comments from drivers and operators the Licensing team will make any relevant amendments or alternative solutions to the policy.
- 5.3 The policy will then be advertised under a public consultation where written comments will be submitted to the team.
- 5.4 A summary of these comments will be presented to the Licensing Committee. The Policy will then be implemented from an agreed date which will be determined at the start of the consultation process.

6 Implications

Issue	Implications
Corporate Plan	The service is an important regulatory function undertaken to ensure safety of the private hire and hackney carriage vehicles used in the Borough and supports the achievement of corporate priorities, including "A council to be proud of".
Financial, Resource and Property	A Council to Be Proud of Setting the right governance structures to ensure the best quality service possible.
Legal and Statutory	All proposals for charges reflect the relevant legislation..
Crime and Disorder	None identified at this stage
Environmental Sustainability	None identified at this stage
Health and Wellbeing	Arrangements to recognise and consider less able members of the community.
Risk Management and Health and Safety	The main purpose of our policy is to deliver a safe taxi service to the public
Equality and Diversity	Where there are underlying policy issues to any proposed changes in charges, these will be supported by a service equality impact assessment, and any necessary mitigation undertaken
Privacy and Data Protection	None identified

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I : Draft Hackney Carriage and Private Hire Policy
- Appendix II : New proposed penalty points system (still under review)

8 Background Papers

8.1 None