

HEADING

Taxi Policy Update and Consultation

Submitted by:

Head of Environmental Health Services & Licensing Administration Team Manager.

Portfolio:

Finance & Resources

Ward(s) affected:

All

Purpose of the Report

To discuss and agree upon the consultation process for the Council's proposed Taxi Licensing Policy.

Recommendations

1. To receive the report
2. To approve the draft Taxi Licensing Policy for Newcastle-under-Lyme BC
3. To approve the commencement of the 12 week consultation.
4. That any responses received to the consultation be considered by the Committee at the meeting to be held on 22nd January 2019 and that recommendations of this Committee to be included in the final report to Full Council.
5. That the updated Policy be presented for approval to Full Council at its meeting on 20th February 2019.

Reasons

The current Council Taxi Licensing Policy was introduced on 1st May 2015 and is due for review.

1. Background

- 1.1. On 20th April 2015 the Committee determined to implement the current taxi licensing policy on 1st May 2015 following a number of meetings and amendments, as proposed and agreed between Consultees and Council Officers.
- 1.2. The current policy sets out the requirements and specifications for new and renewal applications for drivers, vehicles and operators. It also details with how the Council treat driver applicants with convictions, vehicles that have been in accidents and similar issues.
- 1.3. Following a review of the current policy officers have determined that there are a number of areas that require updating, amending, removing or including to ensure that the policy remains fit for purpose in respect of the legislative framework and administration of the service.
- 1.4. An updated policy document has been developed and is attached as Appendix A.
- 1.5. The proposed policy has been through internal consultation with:
 - Licensing Admin Team
 - Environmental Services Team
 - Legal Services
 - Garage and Mechanics
 - Equality Officer
 - Partnerships Team

2. Issues

2.1. It is suggested that the updated draft policy be sent out for consultation with the trade and relevant external bodies in line the timetable detailed in section 3.2.

2.2. The updated policy document proposes wide scale reform of the current policy. The main proposals can broadly be broken down within the subject areas below and the tables give an indication of the reasons for them. There are elements that overlap a number of sections:

2.3. Drivers

<u>Code of Conduct for drivers to adhere to:</u>	
<u>Added/Amended:</u> <ul style="list-style-type: none"> - Created a Code of Conduct (CoC) rather than conditions; - Addition of requirements on licensees to notify us of changes in circumstances, keep maintenance logs, maintain an acceptable appearance, general etiquette etc; 	<u>Removed:</u> <ul style="list-style-type: none"> - Conditions for driver licences replaced with CoC;
<u>Reasons:</u> <ul style="list-style-type: none"> - ; - To require drivers to notify of us of all relevant information and to keep records, which they are not currently obliged to do. 	
<u>Application Criteria for Drivers:</u>	
<u>Added/Amended:</u> <ul style="list-style-type: none"> - In-house knowledge requirement for all new and first time renewal applicants; - CSE training every 3 years; - Disability Awareness Training; - Sign up to DBS update service (on-line); - Statutory Declaration of conviction history, to include pending charges, cautions, reprimands etc; - Medical examination every 3 years; - English speaking requirement; 	<u>Removed:</u> <ul style="list-style-type: none"> - Topographical test; - Two references; - Multiple passports photos; - Medical exam every other application (6yrs);
<u>Reasons:</u> <ul style="list-style-type: none"> - The knowledge test is to ensure the drivers have a good understanding of their responsibilities under Road Traffic legislation, taxi legislation, disability legislation etc - The CSE training is to ensure that the drivers receive up to date training at regular intervals rather than completing as a one off; - The Disability Awareness training is to ensure drivers have an understanding of different disabilities they may come across, what their responsibilities are under the Equality Act 2010 etc; - The update service is to enable the Council to check an individual's conviction history instantly rather than having to request a new DBS certificate; - The Statutory Declaration is to capture other information we may wish to consider when determining whether to issue a licence; 	

- The Medical exam being every 3yrs is to ensure that we capture a drivers medical fitness to drive at each application;
- The English speaking requirement is to ensure that drivers can communicate with customers effectively, pass the requisite qualifications and understand the training being provided to them.

2.4. Hackney Carriage Vehicles

<u>Hackney Carriage Vehicle Conditions:</u>	
<u>Added/Amended:</u> <ul style="list-style-type: none"> - Included requirement to keep maintenance records; - Clarify signage requirements; - Addition of requirements on licensees to notify us of changes in circumstances; - Inclusion of conditions re: using trailers. 	<u>Removed:</u> <ul style="list-style-type: none"> - N/A
<u>Reasons:</u> <ul style="list-style-type: none"> - To ensure our records can be kept up to date, places an onus on the proprietors to inform us of any changes, and to keep a log of the maintenance of the vehicle. - To place conditions on the use of trailers as currently there are none 	
<u>Hackney Carriage Vehicle Specifications:</u>	
<u>Added/Amended:</u> <ul style="list-style-type: none"> - Inclusion of incentive for licensing Fully Electric Vehicles; - Reduction of maximum age limits for vehicles licensed for first time; - Reduction of maximum age limit for when vehicles cease to be licensed; - Vehicles that have been written off will not be considered suitable to be licensed; - Requirement to produce certification for converted or amended vehicles. 	<u>Removed:</u> <ul style="list-style-type: none"> - Removal of age limit exemption for certain vehicles over maximum age; - Remove grandfather rights for saloon cars to be replaced with another saloon car;
<u>Reasons:</u> <ul style="list-style-type: none"> - To promote Electric Vehicles as an alternative to the current licensed vehicles; - The reduction of vehicle age limits would assist with reducing the number of vehicles failing their mechanical safety tests on first application and upon renewal; - To remove the ability to licence written off vehicles for safety reasons; - The requirement for production of certain certificates is to ensure that the Council can make informed decisions as to whether a vehicle is suitable to be licensed; - The removal of the grandfather rights is to promote any replacement vehicles being wheelchair accessible or fully electric. 	

2.5. Private Hire Vehicles

<u>Private Hire Vehicle Conditions:</u>	
<u>Added/Amended:</u> <ul style="list-style-type: none"> - Included requirement to keep maintenance records; - Clarify signage requirements; - Addition of requirements on licensees to notify us of changes in circumstances; 	<u>Removed:</u> <ul style="list-style-type: none"> - N/A

<ul style="list-style-type: none"> - Inclusion of conditions re: using trailers; - Inclusion of conditions for 'Executive' vehicles and limousines. 	
<p><u>Reasons:</u></p> <ul style="list-style-type: none"> - To ensure our records can be kept up to date, places an onus on the proprietors to inform us of any changes, and to keep a log of the maintenance of the vehicle; - To place conditions on the use of trailers as currently there are none; - To put the Council's position on the licensing of 'executive vehicles' in the Policy rather than refer to Committee on each application. 	
<p><u>Private Hire Vehicle Specifications:</u></p>	
<p><u>Added/Amended:</u></p> <ul style="list-style-type: none"> - Inclusion of incentive for licensing Fully Electric Vehicles; - Reduction of maximum age limits for vehicles licensed for first time; - Reduction of maximum age limit for when vehicles cease to be licensed; - Vehicles that have been written off will not be considered suitable to be licensed; - Requirement to produce certification for converted or amended vehicles. 	<p><u>Removed:</u></p> <ul style="list-style-type: none"> - Removal of age limit exemption for certain vehicles over maximum age;
<p><u>Reasons:</u></p> <ul style="list-style-type: none"> - To promote Electric Vehicles as an alternative to the current licensed vehicles; - The reduction of vehicle age limits would assist with reducing the number of vehicles failing their mechanical safety tests on first application and upon renewal; - To remove the ability to licence written off vehicles for safety reasons; - The requirement for production of certain certificates is to ensure that they Council can make informed decisions as to whether a vehicle is suitable to be licensed; 	

2.6. Private Hire Operators

<p><u>Private Hire Operator Conditions</u></p>	
<p><u>Added/Amended:</u></p> <ul style="list-style-type: none"> - Included requirement to keep maintenance records; - Inclusion of requirement to keep records of sub-contracted bookings; - Inclusion of requirement to have a complaints procedure; - Base must be inside NuL BC boundary 	<p><u>Removed:</u></p> <ul style="list-style-type: none"> - Location of base to be allowed outside of NuL BC boundary;
<p><u>Reasons:</u></p> <ul style="list-style-type: none"> - To improve the booking records that Operators must keep and produce to the Council/Police; - To make it a requirement to have a formal complaints procedure and provide details to the Council; - The make it so that all Operators licensed by the Council have a base in the Council's administrative area, rather than working from a base located outside of the Borough whether it be in the vicinity or further afield. 	

2.7. General/Refers to Multiple Areas

<u>Relevance of Convictions Guidelines</u>	
<u>Added/Amended:</u> <ul style="list-style-type: none"> - Inclusion of guidelines created by Institute of Licensing and other professional bodies; - Convictions history of vehicle owners and operators to be checked as well as drivers 	<u>Removed:</u> <ul style="list-style-type: none"> - Previous guidelines completely replaced.
<u>Reasons:</u> <ul style="list-style-type: none"> - To strengthen the guidelines we currently work from and move towards a set of model standards. - To allow us to use the guidelines against proprietors and operators rather than just drivers. 	

<u>CSE/Safeguarding:</u>	
<u>Added/Amended:</u> <ul style="list-style-type: none"> - For drivers to complete every 3 years; - For Operators and Vehicle proprietors to complete; - Inclusion of guidance to licensees on how to spot, where to report concerns etc; 	<u>Removed:</u> <ul style="list-style-type: none"> - Drivers only need to complete once prior to first application.
<u>Reasons:</u> <ul style="list-style-type: none"> - To raise further awareness amongst the trade as to how/what to report and who to; - To ensure that drivers receive up to date training at regular intervals rather than completing as a one off. 	

<u>Working with vulnerable passengers:</u>	
<u>Added/Amended:</u> <ul style="list-style-type: none"> - New section added 	<u>Removed:</u> <ul style="list-style-type: none"> - N/A
<u>Reasons:</u> <ul style="list-style-type: none"> - To raise further awareness amongst the trade as to how/what to report and who to; 	

<u>Penalty Points Scheme:</u>	
<u>Added/Amended:</u> <ul style="list-style-type: none"> - New section added 	<u>Removed:</u> <ul style="list-style-type: none"> - N/A
<u>Reasons:</u> <ul style="list-style-type: none"> - To have an additional enforcement tool to enable the Council to better manage complaints and lower level offences; 	

<u>Vehicle Signage:</u>	
<u>Added/Amended:</u> <ul style="list-style-type: none"> - Examples of Council issued signage included 	<u>Removed:</u> <ul style="list-style-type: none"> - N/A
<u>Reasons:</u> <ul style="list-style-type: none"> - To build on the requirement in the current policy that was never implemented for all licensed vehicles to display a signage informing customers whether they are HCVs or PHVs on the rear passenger doors. 	

<u>Plying for Hire:</u>	
<u>Added/Amended:</u> - New section added	<u>Removed:</u> - N/A
<u>Reasons:</u> - To explain the Council's interpretation of the legal concept of Plying for Hire.	

2.8. The amendments are considered appropriate to ensure the protection of the public by improving the standard of vehicles, operators and drivers and to assist and/or simplify the administrative process.

2.9. The vehicle signage detailed at Appendix M (page 91) of the draft policy are only examples drafted by the Council's current vehicle plate provider. The wording is subject to change following Member approval as part of the policy consultation process.

3. Options Considered

3.1 The current Council Taxi Licensing Policy was introduced on 1st May 2015 and is due for review. It is requested that Members agree that the Policy detailed in Appendix A may be sent for consultation and brought back for consideration in line with the table below:

3.2 Timetable

18 th September 2018	Initial discussions at Public Protection Committee. Approval is given to send the draft policy for consultation
21 st September 2018	Taxi Licensing Policy sent out for 12 week consultation (ends 14 th December 2018)
22 nd January 2019	Meeting of Public Protection Committee to discuss responses to the consultation and amend Policy as required. Approval is given to send to Full Council for agreement
1 st April 2019	Implement the new Policy

4. Recommendation

4.1 To receive the report

4.2 To approve the draft Taxi Licensing Policy for Newcastle-under-Lyme BC and consultation in line with the timetable at 3.2 above.

5. Outcomes Linked to Sustainable Community Strategy and Corporate Priorities

5.1 In line with the Council's objectives –

Promoting a cleaner, safer and sustainable Borough

Promoting a Borough of Opportunity

6. Legal and Statutory Implications

6.1. There are no statutory requirements on the Council to have a Taxi Licensing Policy, however once in place it can be used as the basis of administrative decisions that we are required to take under the relevant legislation.

7. Financial and Resource Implications

- 7.1 The function is set on a cost recovery basis, with the cost of the licenses set to recover the Councils costs.
- 7.2 Individual elements of the applications and renewals are new functions, such as the introduction on in-house knowledge, which will incur additional staff resource to support, however the cost of which will be covered by the fee charged.

8. Earlier Cabinet/Committee Resolutions

- 8.1. Public Protection Committee – 20th April 2015.