

**Report to:** Licensing Committee

**Date:** 14 February 2019

**Title:** Taxi Licensing Guidance Review

**Report of:** Director of Service Delivery

**Ward(s):** All

**Purpose of report:** To consider and approve reviewed Taxi Licensing guidance

**Officer recommendation(s):** (1) That the Licensing Committee consider the reviewed Taxi Licensing Guidance and agree new Guidance

**Reasons for recommendations:**

- 1) The current Lewes District Council Hackney Carriage and Private Hire Licensing Guidance has become outdated.
- 2) To enable the Licensing Committee to review the proposed changes and to consider and approve changes as identified by public consultation.

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## **1 Introduction**

- 1.1 The current Lewes District Council Hackney Carriage and Private Hire Licensing Guidance has been in place for a number of years and it is appropriate that it is reviewed from time to time.
- 1.2 The consultation was opened to the public as well as the Taxi trade and we have received detailed responses from the trade and other interested parties.
- 1.3 The responses from the consultation and detailed responses from the GMB, City Cabs, and the UBER are available within Appendix B

## **2 Background**

- 2.1 The existing Lewes District Council Hackney Carriage and Private Hire Licensing Guidance has been suitable and appropriate for a predominantly rural authority for a number of years. However the current landscape for hackney carriage and private hire licensing has changed significantly over recent years

with smart phone apps changing the way vehicles can be booked, the change in the law allowing cross border sub- contracting of jobs and sexual exploitation incidents involving the taxi trade in other parts of the country.

2.2 It is appropriate that the current guidance is reviewed in light of these issues and and brought up to date to ensure we protect the safety and welfare of the public.

### **3 Notable changes to existing guidance**

3.1 The draft Guidance proposes to achieve four broad objectives. These are:-

- i. Ensure the safety and welfare of the public which is the overriding objective,
- ii. Encourage environmental sustainability,
- iii. Ensure an efficient and effective hackney carriage and private hire provision,
- iv. Monitor and improve standards of service in the trade

3.2 Minor amendments to this Guidance may be made by the Functional Lead - Quality Environment in consultation with the Chair of the Licensing Committee. Significant changes shall still be brought before the Licensing Committee.

3.3 The introduction of Intended Use (Hackney Carriages only). It is believed that some drivers who have applied for a licence recently may not be predominantly working within the district. In order that the Council may retain local control over the hackney carriages it licenses, applicants will be asked as part of the application and renewal process which area they intend to entirely or predominantly operate from for the purposes of fulfilling pre-booked hiring's. It will be incumbent upon the applicant to demonstrate to the Council's satisfaction that they intend to ply for hire predominantly within the District.

3.4 The current guidance allow vehicles to be up to 7 years old on first application, this Guidance changes to 5 years in recognition of environmental concerns.

3.5 Mandatory CCTV is a change to the current Guidance. The Council as a whole has become increasingly aware of the issues surrounding child sexual exploitation and has duties for safe guarding of children and vulnerable adults. The installation of CCTV will promote public safety but also importantly protect the livelihoods of drivers against false accusations. The installation of CCTV can reduce insurance premiums and this should pay for itself through reduced insurance premiums.

3.6 Any person found cheating on knowledge tests will be disqualified from the test and will not be granted a licence for at least three years. This is a change as current Guidance is one year which is considered to be too lenient.

3.7 Drivers will, under the new Guidance be required to attend training sessions on Disability Awareness and Child Sexual Exploitation and Safeguarding. Applicants will be required to pass the training before a licence can be issued.

3.8 Licensed drivers will be required to have a medical assessment at least every

five years from the ages of 45 to 65 and after the age of 65 to provide an annual medical assessment. The Council may also require a driver to provide more frequent checks if in the opinion of a medical practitioner that is necessary. The medical examination must be from a medical practitioner who has accessed the applicant's medical records for at least the last two years.

- 3.9 Legislative changes in relation to the Right to Work are added as Appendix 4 of the proposed Guidance
- 3.10 Guidance on the relevance of Convictions is stronger to reflect the Institute of Licensing Guidance 2018 on determining the suitability of applicants and licensees.

#### **4 Key findings**

- 4.1 We received 142 responses to our online survey forming part of the consultation, this included substantial responses from the GMB, City Cabs and UBER which are contained in their entirety in Appendix B.
- 4.2 85% of respondents stated that they live or work in Lewes district.
- 4.3 There was a high level of support for the four objectives set out in the guidance, with over 90% of respondents agreeing or strongly agreeing with all four objectives.
- 4.4 82.83% of respondents strongly agreed that drivers with a Lewes district licence should mainly work in the district, not elsewhere.
- 4.5 3.52% Respondents felt there should be more availability of wheelchair accessible vehicles. This was observed as general comments not directly relating to any direct question posed.
- 4.6 82% of respondents agreed or strongly agreed that a Hackney Carriage vehicle licensed by one local authority could be used to fulfil bookings on behalf of Private Hire operators licensed by another local authority.
- 4.7 66% of respondents agreed that the maximum age for a newly licensed vehicle should be 5 years, while 28% disagreed or strongly disagreed with this. 18 respondents stated that age should not be a factor.
- 4.8 74% of respondents agreed that CCTV should be mandatory in vehicles, while 21% disagreed. 6 Respondents stated they feel Lewes District Council should pay the cost of fitting this CCTV.
- 4.9 There was mixed support for the proposal to lower the requirement for vehicles to 1000cc to improve air quality with 43% agreeing, 37% disagreeing and 21% unsure.
- 4.10 73% of respondents felt that a specification list for vehicles would be useful.
- 4.11 64% of respondents agreed with that Lewes District Council should adopt a

livery standard for Hackney Carriage vehicles while 27% did not.

- 4.12 90% of respondents thought that Hackney Carriage vehicles should be of a standard colour.

The most popular suggestions for colour were:

- White (16 suggestions)
- Green (15 suggestions)
- Yellow(12 suggestions)
- Blue (11 suggestions)

- 4.13 90% of respondents thought the council should adopt the use of door signs for all Hackney Carriage and Private Hire vehicles.

- 4.14 A detailed analysis of the findings is available in Appendix B attached to this report.

## **5 Revisions for consideration by the Licensing Committee following consultation**

- 5.1. Condition change – if executive vehicle undertake regular private hire work they are required to display an external plate.

- 5.2 Equalities, disability awareness, CSE and safeguarding to be introduced as a section on the Knowledge test or by separate certification.

- 5.3 Council should adopt emissions limits rather than cubic capacity of the vehicle such as Euro 4 Petrol and Euro 6 Diesel, as opposed to a minimum CC.

- 5.4 Vehicles to be permitted up to 5 or 8 years old from first registration upon first application.

- 5.5 Guidance must stipulate Level 2 medical for drivers.

- 5.6 A vehicle specification list be adopted into the guidance.

- 5.7 Introduce a single livery colour for Hackney carriages (white is the highest voted colour as identified by the consultation). All PHV to be non-white in colour (on renewal/replacement of vehicle).

- 5.8 Introduction of door signage in corporate colour.

- 5.9 The use of contracted garages to undertake vehicle inspections.

- 5.10 Whilst the majority of those consulted agreed with mandatory CCTV within vehicles there are implications for the Council who would be the data controller. The report writer notes that the DfT and Surveillance Commissioner are not generally in favour of mandatory CCTV. In addition there should be a clear evidence base for their implementation. If the Members wish in principle to adopt Mandatory CCTV's within vehicles then the

Senior Specialist Adviser in conjunction with the Data Protection Officer should be delegated to undertake a Data Protection Impact Assessment which involves an investigation of all the data protection issues that may arise by having mandatory CCTV. Following the Impact Assessment this part of the Guidance may need to be revised as a result of those findings and reference made to a more comprehensive document.

- 5.11 Following discussion within the Licensing team during the consultation period, it became apparent that there was a need to reduce the administrative burden placed upon the case work team to administer the Taxi licensing regime. As a result of these communities of practice meetings the following two proposals for adoption were made, which officers would like introduced within the new Guidance as had not previously formed part of the consultation
- 5.12 Introduction of mandatory dual licenses to align to EBC, (delay for 12-18 months as introduction would cause additional pressure.
- 5.13 Following the end of the consultation period a practical issue has arisen concerning the duration of drivers licences. The draft Guidance suggested "The Council will licence drivers for a maximum of 3 years from the date of the licence but also offers applicants the choice of an annual licence under exceptional circumstances. It is advised that the Council shall issue 3 year drivers licences as standard with the provision to issue 1 year licences in exceptional circumstances

## **6 Proposed Way Forward**

- 6.1 The Committee review the recommendations from the public consultation - Lewes District Council Hackney Carriage and Private Hire Licensing Guidance Appendix A as proposed in Appendix B

## **7 Financial appraisal**

- 7.1 There are no significant costs identified within this report.

## **8 Legal implication**

- 8.1 There is no statutory requirement for the licencing authority to adopt any Guidance in relation to hackney carriages or private hire licences but it is considered best practice to do so as it informs and guides decision makers and assist with consistent decision making. However any Guidance is not a fetter on decision making as each case must be judged on its own merits.
- 8.2 This Report was considered by the Legal Section on 5 February 2019 (IKEN-8000-MW).

## **9 Risk management implications**

- 9.1 It is important that these changes are considered to ensure the safety of the public.

**10 Appendices**

- Appendix A – Proposed Lewes District Council Hackney Carriage and Private Hire Licensing Guidance
- Appendix B – Analysis of Public consultation (including responses from the trade)

**11 Background papers**

None