

**Report to:** Licensing Committee

**Date:** 19 September 2019

**Title:** Taxi Licensing Guidance review

**Report of:** Director of Service Delivery

**Ward(s):** All

**Purpose of report:** To review the proposed implementation of Dual Private Hire and Hackney Carriage Drivers licences as detailed within the Lewes District Council Hackney Carriage and Private Hire Licensing Guidance.

To agree the method of introducing Disability, CSE, Safeguarding and equalities training.

**Officer recommendation(s):**

- (1) The Committee review the proposed implementation of Dual Private Hire and Hackney Carriage Drivers licences as detailed within the Lewes District Council Hackney Carriage and Private Hire Licensing Guidance.
- (2) The Committee authorise the Senior Specialist Advisor to start a 6 week consultation with the taxi trade and the public in relation to the proposed introduction of Dual Drivers Licences.
- (3) Agree that the results of the consultation be reported to a subsequent meeting of the Licensing Committee, unless only minor changes are proposed as a result of the consultation responses, in which case any changes may be made by the Functional Lead- Quality Environment in consultation with the Chair of the Licensing Committee.
- (4) The Committee agree the method of delivery for training for Disabilities, CSE, Safeguarding and Equalities.

**Reasons for recommendations:** Following the implementation of the recent Lewes District Council Hackney Carriage and Private Hire Licensing Guidance , the council has cause to consult upon a proposal to introduce Dual Private Hire and Hackney Carriage Drivers Licences to replace the existing separate licences.

In relation to officer recommendation 4 officers have considered the options including drafting hard copy documents and on-line training packages. It is considered that it is not cost effective to use hard copies particularly in light of potential revisions from ongoing legislative or guidance changes.

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## 1 Background

1.1 The current Lewes District Council Hackney Carriage and Private Hire Licensing Guidance has been recently introduced. Following the previous consultation a proposal to implement the conversion of existing PHV and Hackney Carriage licences was detailed within the guidance but not consulted upon with the taxi trade. This was agreed by the Licensing Committee on 14 February 2019 on the basis that this was considered by Officers to be a minor administrative matter which would not unduly impact upon the trade.

However some complaints have been received from the trade as they consider that such a change would disadvantage Hackney Carriage Drivers because the Hackney trade feel that by giving all drivers the ability to become Hackney carriage drivers without taking the same testing as under previous regime and the potential to flood the already busy Ranks.

However, it should be noted that the holder or an applicant for a dual drivers licence would also have to hold a Hackney Carriage Vehicle Licence and meet the criteria for those vehicles, for example the vehicle being white, for them to be able to use the ranks, as per the attached Guidance at Appendix 1

Nonetheless on this basis it is considered that a fair step would be to put this proposal out for consultation prior to implementation or not.

1.2 In addition, on 14 February 2019 the Committee agreed to the introduction of additional equalities, disability awareness, child safety exploitation and safeguarding materials within the knowledge test for all new applicants and mandatory awareness sessions for existing drivers. There was some discussion at the Licensing Committee on 14 February 2019 about how this process should

be implemented. The Officers have considered the options including drafting hard copy documents and on-line training packages. It is considered that it is not cost effective to use hard copies particularly in light of potential revisions from ongoing legislative or guidance changes.

- 1.3 It is therefore proposed to source an external online training package and certification. The cost of undertaking this training will be a separate fee to the application and for the applicant to pay direct to the course provider.

Following this certification which shall be produced as part of the application process a second 'set of questions' shall be applied within the knowledge test to ensure that the applicant has a clear appreciation of legislation and ways of working. All existing drivers will be required to undertake such training on line every three years on renewal of their licence, but not take another knowledge test.

## **2 Existing Guidance**

- 2.1 The Current Guidance aims 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 Proposed Way Forward**

- 3.1 The Committee agrees for the Senior Specialist Advisor to start a 6 week consultation with the Trade and the public in relation to the question of Dual licensing. We shall be contacting the trade directly by letter, issuing a press release and posting a consultation document on the website
- 3.2 The findings of the consultation shall be reported to a subsequent Committee, unless only minor changes are proposed as a result of the consultation responses, in which case any changes may be made by the Functional Lead-Quality Environment in consultation with the Chair of the Licensing Committee
- 3.3 The committee review and discuss the recommendation within Para 1.2 and agrees for the Senior Specialist Advisor (licensing and pollution) to implement an online training package and certification

## **4 Financial appraisal**

- 4.1 There is no significant cost identified within this report. There will be minor costs associated with administering the consultation.

## **5 Legal implications**

- 5.1 There is no statutory requirement for the licensing 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 assists with consistent decision making. However, the Guidance is not a fetter on decision making as each case must continue to be judged on its own merits.
- 5.2 The Legal section considered this report on 2 August 2019 (Iken 8457-LDC-MW).

## **6 Risk management implications**

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

## **7 Appendices**

- Appendix 1 – Current Lewes District Council Hackney Carriage and Private Hire Licensing Guidance

## **8 Background papers**

None.