

<b>Report to:</b>	<b>Licensing Committee</b>
<b>Date:</b>	<b>3<sup>rd</sup> July 2018</b>
<b>Title:</b>	<b>Taxi Licensing Guidance Review</b>
<b>Report of:</b>	<b>Director of Service Delivery</b>
<b>Ward(s):</b>	<b>All</b>
<b>Purpose of report:</b>	To review the proposed taxi guidance document and agree a 3 month consultation with the trade and stakeholders.
<b>Officer recommendation(s):</b>	<p><b>(1) The Committee review the proposed Lewes District Council Hackney Carriage and Private Hire Licensing Guidance.</b></p> <p><b>(2) The Committee authorise the Senior Specialist Advisor to start an 8 week consultation with the taxi trade and the public.</b></p> <p><b>(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.</b></p>
<b>Reasons for recommendations:</b>	The current Lewes District Council Hackney Carriage and Private Hire Licensing Guidance has become outdated.
<b>Contact Officer(s):</b>	Name: Ed Hele Post title: Functional Lead – Quality Environment E-mail: ed.hele@lewes-eastbourne.gov.uk Telephone number: 01273 085014

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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 It is important that the taxi trade and relevant stakeholders are consulted on any changes to existing guidance before it is implemented.

## **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 brought up to date to ensure we protect the safety and welfare of the public.
- 2.3 Lewes District Council Hackney Carriage and Private Hire Licensing current Guidance is included as appendix 1.

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

- 3.1 The draft Guidance proposes to set 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 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 Proposed Way Forward**

- 4.1 The Committee review the proposed Lewes District Council Hackney Carriage and Private Hire Licensing Guidance as proposed in Appendix 2. The Committee agrees for the Senior Specialist Advisor to start a 8 week consultation with the Trade and the public. We shall be contacting the trade directly by letter, issuing a press release and posting a consultation document on the website
- 4.2 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.

#### **5 Financial appraisal**

- 5.1 There are no significant costs identified within this report. There will be minor costs associated with administering the consultation.

#### **6 Legal implications**

- 6.1 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.
- 6.2 The proposed Guidance has been drafted in close consultation with the Legal section. This Report was considered on 21 June 2018. IKEN 7467-MW.

## **7 Risk management implications**

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

## **8 Appendices**

- Appendix 1 – Current Lewes District Council Hackney Carriage and Private Hire Licensing Guidance
- Appendix 2 – Proposed Lewes District Council Hackney Carriage and Private Hire Licensing Guidance

## **9 Background papers**

None