

Report to: General Licensing Committee

Date: 4th April 2019

Title: Taxi Licensing Guidance Review

Report of: Director of Service Delivery

Ward(s): All

Purpose of report: To review the Draft Hackney Carriage and Private Hire Licensing Guidance document and agree an 8 week consultation with the trade and stakeholders.

Officer recommendation(s):

(1) The Committee review the proposed Eastbourne Borough Council Hackney Carriage and Private Hire Licensing Guidance.

(2) The Committee authorise the Senior Specialist Advisor to start an 8 week consultation with the trade and the public.

(3) Agree that the results of the consultation be reported to a subsequent meeting of the General 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.

Reasons for recommendations: Eastbourne Borough Council does not currently have comprehensive Hackney Carriage and Private Hire Licensing Guidance and it is good practice to have such guidance.

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1 Introduction

1.1 Currently Eastbourne Borough Council does not have all-encompassing Guidance relating to Hackney Carriage and Private Hire Vehicles although it does have licence conditions, Hackney Carriage Byelaws, Guidelines Relating to the Relevance of Convictions etc, Guidance for new applicants and the Quality Control Policy which are attached as Appendix 1.

1.2 It is important that the taxi trade and relevant stakeholders are consulted on any

changes to existing conditions etc. before the Guidance is implemented.

2 Background

2.1 It is good practice for Licensing Authorities to have Hackney Carriage and Private Hire guidance to protect the safety and welfare of the public.

2.2 In addition 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. It is therefore appropriate that Eastbourne Borough Council adopt Guidance in light of this.

3 Notable points in draft Guidance

3.1 The draft Guidance introduces four broad objectives.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 That going forward 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 draft places a particular emphasis on equalities and accessibility in response to requests from members of the public. Importantly it is proposed that all new hackney carriages will only be licensed if they are wheelchair accessible. You should note that the current Quality Control Policy effectively exempted from this requirement those who had a licence pre 22 April 2009.

3.4 The introduction of Intended Use (Hackney Carriages only). 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 Borough.

3.5 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 there currently isn't any disqualification period.

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

3.7 Vehicle engines shall meet the following Euro standards. Diesel powered vehicles shall meet the Euro 6 standard for emissions and petrol vehicles the Euro 4 standard.

3.8 Legislative changes in relation to the Right to Work are added in the proposed Guidance.

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 is no significant cost 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 carriage 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 26 March 2019 (IKEN-8059-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 - Existing licence conditions, Hackney Carriage Byelaws, Guidelines Relating to the Relevance of Convictions, the Quality Control Policy, guidance for new applicants etc
- Appendix 2 – Draft Hackney Carriage and Private Hire Guidance

9 Background papers

None

