

EAST HERTS COUNCIL

LICENSING COMMITTEE – 8 MARCH 2012

REPORT BY DIRECTOR NEIGHBOURHOOD SERVICES

6. REVIEW OF TAXI LICENSING CONDITIONS AND PROPOSED AMENDMENTS TO TAXI LICENSING POLICY

WARD(S) AFFECTED: ALL

Purpose/Summary of Report:

- To report to Members proposed amendments to taxi licensing policy, subject to consultation with the taxi trade and subsequent further consideration by this Committee.
- Delegation of non-statutory taxi licensing decisions to a Licensing Panel.
- To recommend changes to taxi licensing conditions, and to the Taxi Licensing Policy to incorporate these changes; and
- To recommend changes to the licence holder code of conduct and penalty points scheme.

<u>RECOMMENDATIONS FOR DECISION:</u> that	
(A)	Amendments to the Taxi Licensing Policy be approved; and
(B)	Amendments to the code of conduct and penalty points scheme be approved.

1.0 Background

1.1 The written statement of East Herts Council taxi licensing policy was agreed by Licensing Committee in July 2010 following consultation with the taxi trade. New handbooks were printed based on the policy, and the changes were brought into effect in 2011. Further amendments were agreed by Licensing Committee in November 2011

1.2 The statement of Taxi Licensing Policy helps ensure that decisions consistent with the policy could be successfully defended on appeal.

1.3 Major decisions on taxi licensing matters are currently taken by Licensing Sub-Committee, with some minor matters delegated to officers.

2.0 Report

2.1 The aim of local authority licensing is to protect the public; Department for Transport document 'Taxi and Private Hire Licensing: Best Practice Guidance' Section 3: (The Role of Licensing: Policy Justification) (paragraphs 7, 8 and 9).

2.2 The Guide highlights that Licensing requirements should not be unduly stringent or too restrictive while giving the public reasonable access to taxi and PHV services.

2.3 The Guide says, the public that use taxis should be confident that the driver does not have a criminal record for assault, and that the vehicle is safe.

2.4 In addition to public safety, the licensing authority may adopt such other principles as it sees fit for the basis of its licensing policy. Licensing Committee agreed in November 2010 to base the policy on the following principles;

- Protection of Public Safety
- Protection and/or promotion of the Health, Safety, Comfort and Convenience of taxi passengers
- Access to transport
- Protection of the Environment
- Promotion of a professional taxi trade

2.5 A table of proposed policy, noting proposed changes to existing conditions and practice is set out in **Essential Reference Paper 'B'**.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers:

Draft Taxi Licensing Policy.

Selected Appendices (only where changes are introduced).

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ESSENTIAL REFERENCE PAPER 'A'

Contribution to the Council's Corporate Priorities/ Objectives:	Promoting prosperity and well-being; providing access and opportunities <i>Enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</i>
Consultation:	Any changes to licensing conditions and to the taxi licensing policy will be subject to consultation with the taxi trade. The results of consultation will be reported to this committee for amendment or approval.
Legal:	No issues that require approval identified by Contact Officer or Report Author.
Financial:	No issues that require approval identified by Contact Officer or Report Author. Powers delegated to a Licensing panel will negate the need for Licensing Sub Committees.
Human Resource:	No issues that require approval identified by Contact Officer or Report Author. It is expected that changes can be managed from within existing resources.
Risk Management:	No issues that require approval identified by Contact Officer or Report Author.

ESSENTIAL REFERENCE PAPER 'B'

<u>Change introduced by proposed Policy amendment</u>	<u>Existing requirement</u>
<u>Departure From Policy</u>	
Dual plating of vehicles to be available as a grandfather right only.	No dual plating of vehicles.
Where a driver holds a two part DVLA driving licence, the photo card part must be valid and in date before a taxi drivers licence will be granted or renewed.	Not stated.
Be less than 5 years of age and under 100,000 miles when first licensed, except for purpose built taxis, which will be licensed for the first time until they are 7 years old, provided they are under 140,000 miles. Except: If the vehicle is over the age limit but has been inspected by a council taxi licensing officer and issued with a certificate that it complies with the Vehicle visual standard before it is presented to a garage for a VCC inspection.	Be less than 5 years of age when first licensed, except for purpose built taxis, which will be licensed for the first time until they are 7 years old. Except: If the vehicle has been inspected by a council taxi licensing officer and issued with a certificate that it complies with the Vehicle visual standard before it is presented to a garage for a VCC inspection.
Vehicles will not be relicensed once they have exceeded 350,000 miles.	No current limitation.