

EAST HERTS COUNCIL

LICENSING COMMITTEE 21 JULY 2011

REPORT BY DIRECTOR NEIGHBOURHOOD SERVICES

AMENDMENTS TO TAXI LICENSING POLICY.

FOR INFORMATION

WARD(S) AFFECTED: ALL

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**Purpose/Summary of Report**

- To report to Members proposed amendments to taxi licensing policy; and
- 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.

<b><u>RECOMMENDATION FOR DECISION:</u></b>	
<b>Subject to consultation with the taxi trade, and further approval by Licensing Committee:</b>	
<b>(A)</b>	<b>Approval of delegated authority for a newly created Licensing Panel;</b>
<b>(B)</b>	<b>Acceptance of the amendments to the Taxi Licensing Policy; and</b>
<b>(C)</b>	<b>Acceptance of the amendments to the code of conduct and penalty points scheme.</b>

1.0 Background

- 1.1 The statement of East Herts Council taxi licensing policy was agreed by Licensing Committee in July 2010 following consultation with the taxi trade.
- 1.2 The statement of Taxi Licensing Policy helps ensure that decisions consistent with the policy could be successfully defended on appeal.
- 1.3 Decisions on taxi licensing matters are currently taken by Licensing Sub-Committee. This is an expense that is borne partly by the taxi trade through taxi licensing fees and charges, and partly through Council expenditure which is effectively a subsidy to the licensed taxi trade.
- 1.4 Reducing the subsidy to the licensed trade is an aim in the Medium Term Financial Plan, and can be achieved by charging the taxi trade more but also by reducing our own costs in parallel.
- 1.5 Fees and charges have increased, but drivers cannot be expected to bear the whole cost which would have a detrimental effect upon the taxi trade, and hence impact unduly upon the public.

## 2.0 Report

- 2.1 This report suggests creating a Licensing Panel comprising of three people- the Chairman of the Licensing Committee, the Executive Member, and the Director of Neighbourhood Services. This panel would deal with any taxi licensing matters which are able to be dealt with by way of delegated powers.
- 2.2 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)).
- 2.3 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.
- 2.4 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.
- 2.5 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

2.6 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'**.

4.0 The following documents are attached:

Draft Taxi Licensing Policy and Appendices

### Background Papers:

None

Contact Member: Councillor M Alexander – Executive Member for Community Safety and Environment

Contact Officer: Brian Simmonds – Head of Community Safety and Licensing –Ext 1498

Report Author: Paul Newman – Interim Licensing Manager

ESSENTIAL REFERENCE PAPER 'A'

Contribution to the Council's Corporate Priorities/ Objectives:	<b>Promoting prosperity and well-being; providing access and opportunities</b> <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'

Change introduced by Policy document	Existing requirement
<u>Departure from policy</u>	
How decisions will be taken.	Amendment to reflect decision on report about delegated authority (see report on delegation of powers to Panel).
Delegated power to a panel consisting of Director Neighbourhood Services or their delegate, Portfolio Holder, and Chair or Deputy Chair of Licensing Committee to determine applications and disciplinary hearings.	Most matters currently dealt with by Licensing Sub Committee, with some applications with very minor questions about suitability decided by Licensing manager in consultation with Chair or Deputy Chair.
Circumstances in which Director has delegated authority to suspend licences. To be extended delegated authority to immediately suspend licenses on the basis of non-conviction information pending sub-committee or panel reference or release of licence holder from bail or arrest.	Current delegated authority to immediately suspend licenses pending reference to medical adjudicator.
<u>Vehicles</u>	
Clarification on restrictions on side facing seats in stretch limos	To clarify statutory requirement.
Making it a conduct issue to drive a vehicle that is not licensed while it is displaying a top light or rear licence plate.	To mirror statutory requirement
<u>Drivers</u>	
All drivers must inform us of changes of their home address. and produce the updated DVLA licence.	To close a loophole; at present this only applies to Hackney Carriage Vehicle Proprietors.
All drivers must produce their updated DVLA driving licence following change of name, address, photo card photograph, or addition of DVLA penalty points.	To close a loophole; at present only required on renewal.

Requirement to exchange licence or obtain backing sheet for recording penalty points within 12 months.	New.
<u>Code of Conduct and Dress Code.</u>	
Application fees; dishonoured cheques; to be added to the code of conduct.	Presently mentioned as a conduct issue in the policy, but not in the code of conduct.
New section; responsibilities to the Licensing Authority. Failure to comply with the Taxi Licensing Policy is a conduct issue. Responsibilities include to pay fees, to ensure Licensing Authority is in possession of up to date information required by the policy, and valid and up to date documentation.	Currently only specifies;  Responsibility to the trade; Responsibility to Clients; Responsibility to residents.
<u>Penalty points system.</u>	
New provisions to allow the proposed new requirements to be dealt with by way of the penalty points scheme where appropriate.	
Point 4; 10 day period to notify imposition of penalty points; change 'discovery of contravention' to 'decision to impose penalty points'.	
Creation of condition for imposition of penalty points for providing false or incomplete information for the purpose of obtaining a criminal record disclosure.	This is already a criminal offence, but enforced by the disclosure bodies.