



Gambling, Licensing & Regulatory Committee

8 February 2016

Report from the Assistant Director – Housing and Community Safety

Draft Taxi Licensing Policy

Summary

1. This report seeks Members approval to formally consult on a proposed Taxi Licensing Policy, and an adequate timeframe for the duration of the consultation.

Recommendations

2. That Members approve Option 1 of this report.

Reason: This will allow the Council to formally consult on the draft Taxi Licensing Policy.

Background

3. Unlike other licensing regimes, there is no statutory requirement for local authorities to set hackney carriage and private hire policies. Local authorities are however entitled to adopt such policies as they are an integral part of the decision-making process. A policy guides, but does not bind, a local authority.
4. The Council has set a number of policies and conditions, at this time these are not contained in one formal document. Policies and conditions currently agreed are only available within committee reports and minutes, with relevant policies and all conditions being available in guidance notes to new applicants and the existing licensed trade.
5. Since the introduction of the Deregulation Act 2015 (the 2015 Act) and through the joint work undertaken with the West Yorkshire and York Combined Authority Group (Combined Authority), some new policies and procedures are required.

6. It is therefore proposed to consolidate all the existing policy documents along with the proposed new policies into a single Taxi Licensing Policy. A draft copy of the proposed Taxi Licensing Policy can be found at Annex 1.
7. A proportionate and realistic timeframe for the consultation needs to be agreed to allow stakeholders sufficient time to provide a response. The proposed timeframe for the consultation is 8 weeks, this will provide sufficient time to enable the consultation responses to be considered, and a new policy to be agreed and implemented by 1st May 2016 prior to the renewal of hackney carriage driver and vehicle licences.
8. If members determine that a consultation on the policy is undertaken it is suggested that the following timetable be adopted:
 - Consultation period 12 February – 8 April
 - Gambling, Licensing & Regulatory Committee – 25 April

Consultation

9. This report seeks authority to commence consultation on the attached draft policy.

Options

10. Option 1 – Authorise officers to consult on the draft taxi licensing policy and agree with the timeframe for the consultation period of 8 weeks.
11. Option 2 – Authorise officers to consult on the draft taxi licensing policy and agree an alternative timeframe for the consultation period.
12. Option 3 – Authorise officers to consult on an alternative draft taxi licensing policy and agree a timeframe for the consultation period.
13. Option 4 – Determine that a taxi licensing policy in this format is not required.

Analysis

14. The 2015 Act will change the issuing for driver licences for a period of three years (as opposed to one year). Accordingly, new procedures are

proposed in the policy to address assessments of medical requirements.

15. The 2015 Act also relates to the issuing of private hire operator licences for a period of 5 years (as opposed to 1 year), and allows for cross border sub contracting, therefore additional procedures and conditions have been proposed to safeguard the travelling public, examples of these additions are:
 - a fit and proper person test for applicant,
 - keeping records of all licensed drivers and vehicles working for their company,
 - keeping records relating to complaints and the nature of complaint,
 - holding relevant insurance cover,
 - keeping records relating to bookings given to or received from another licensed operator.
16. As part of our work with the Combined Authority Group and following the report of child sexual exploitation (CSE) issues identified in Rotherham, it has been identified that there is a requirement to introduce CSE training. It is therefore proposed that as part of the application process it will be a requirement that all new applicants must attend CSE training. This training will be delivered by representatives of the Councils Safeguarding Children's Board.

Council Priorities

17. The provision of hackney carriage and private hire licensing supports the council plan of a prosperous city for all, where local businesses can thrive.

Implications

18. The direct implications arising from this report are:
 - (a) **Financial** – The cost of consultation will be met from existing budgets.
 - (b) **Human Resources (HR)** - There are no HR implications.
 - (c) **Equalities** – An equalities impact assessment will be undertaken in relation to the new Taxi Licensing Policy.

- (d) **Legal** - There is no statutory requirement to adopt a Taxi Policy however, it is best practice to do so. When developing a policy it is important to provide for adequate consultation. The resultant Policy should be clear that each application will be considered on its own merits. Whilst an adopted policy will be a consideration in determining applications it must not be applied in a prescriptive way which could fetter the discretion of the Licensing Authority in respect of individual applications.
- (e) **Crime and Disorder** – The introduction of mandatory CSE training for all drivers is an important part of the city’s approach to keeping people safe.
- (f) **Information Technology (IT)** - There are no IT implications.
- (g) **Property** - There are no property implications.
- (h) **Other** - There are no other implications.

Risk Management

19. There are no known risks associated with this report.

Contact Details

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Report Approved	√	Date	14/01/15
Specialist Implications Officer(s) Alison Hartley Senior Solicitor Ext: 3487			
Wards Affected:		All	√
For further information please contact the author of the report			

Background papers

Deregulation Act 2015

<http://www.legislation.gov.uk/ukpga/2015/20/contents/enacted>

Annex 1 – Draft Taxi Licensing Policy