

CAMBRIDGE CITY COUNCIL

REPORT OF: Jas Lally
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TO: Licensing Committee

28/1/2013

WARDS: All

HACKNEY CARRIAGE AND PRIVATE HIRE ENFORCEMENT MANAGEMENT SYSTEM

1 INTRODUCTION

- 1.1 On 30th January 2012 the Licensing Committee received a report on a draft enforcement management system for hackney carriages and private hire vehicles which had been developed, in consultation with the Chair, Vice-Chair and Spokesperson, at the request of the committee, at its meeting on 24th October 2011 where it had considered the Hackney Carriage and Private Hire Licensing Policy and Taxi Guide and, in particular the section on Enforcement.
- 1.2 The Committee resolved to consult on the draft enforcement management system. The final version is attached as a Appendix A, including two alternatives for Section 2 of the draft policy as attached as Appendix B
- 1.3 Section 2 of the draft enforcement management system outlines a graduated approach when a licence holder breaches a licence condition or commits an offence or when complaints are received about the conduct of a licence holder or the condition of a vehicle. The purpose of this section is to ensure that Officers take a consistent approach with all licence holders and also to make the licence holders aware of what action can be taken as a result of their actions.
- 1.4 The draft enforcement management system was subject to 12 weeks of public consultation in accordance with the HM Government's Code of Practice. This took place between 13th February 2012 and the 8th

May 2012. All stakeholders were informed of the consultation in writing. A list of consultees is attached as Appendix C

- 1.5 The Consultation responses are contained (some of which are summarised) in the table attached as Appendix D to the report. All comments have been considered and incorporated appropriately.
- 1.6 The enforcement management system, once approved, will be attached to the 'Taxi Guide' as Appendix 5

2. **RECOMMENDATIONS**

2.1 Members are recommended:

- i) To adopt the Hackney Carriage and Private Hire enforcement management system, as set out in Appendix A to form part of the Taxi Guide approved at Licensing Committee 24th October 2011
- ii) To adopt option 2, which sets out a table of enforcement actions, as set out in Appendix B as part of the enforcement management system in 1.2) above

3. **BACKGROUND**

- 3.1 Cambridge City Council must ensure that taxi proprietors, drivers and operators it licenses undertake their trade in accordance with the law and the conditions attached to licences.
- 3.2 The Council has adopted an overall enforcement policy, which underpins the work of all services and sets out a graduated approach to enforcement. Specific policies set out how that applies to each service. Enforcement policies demonstrate that the Council seeks to apply the law in a consistent and transparent way that is both firm and fair.
- 3.3 Section 1 of the Hackney Carriage and Private Hire Enforcement Policy sets out the available options for enforcement, which range from informal action through to prosecution and the immediate suspension of a licence, in appropriate cases.
- 3.4 Section 2 of the policy, which describes the action to be taken by officers when there are concerns about the conduct of a licence, either on receipt of a complaint or as a result of officer activities, offers two options for schemes to deliver this consistently.

- 3.5 To achieve a stepped approach to enforcement, the Council will generally take the following action when
- a Licence holder breaches a Licence condition
 - a Licence holder commits an offence
 - a complaint is received about the conduct of a Licence holder or condition of a vehicle
 - there is a combination of the above

The options in Section 2 of the enforcement policy (see Appendix B) were as follows:

- i) a penalty points scheme
- ii) a table of enforcement actions

3.6 The Policy has undergone a formal consultation and although section 2 was the main area for consultation it was also noted that some other areas needed clarification.

3.7 Section 2.2 of the draft policy Grounds for Disbarment sub section 9 states:

Been convicted within 1 year of any combination of offences which resulted in 6 or more points being attached to their driver's licence

However this is quite onerous and a number of cases have been referred to sub committee for relatively minor offences and it is suggested that sub section 9 should state:

*Been convicted within 1 year of any combination of offences resulting in **more than 6 points** being attached to their driver's licence.*

4 CONSULTATIONS

4.1 In accordance with the Committee's resolution, a 12 week consultation was undertaken in respect of the two options set out in Section 2, in accordance with the Government code of practice on consultation and included letters to the trade, via the Taxi Forum and on the Council's website.

4.2 The questions asked in the consultation and a table of the 15 responses received are set out in Appendix D

4.3 Responses were generally supportive of the adoption of a clear and robust enforcement policy. Although there was support for option 1, the penalty points scheme, as a clear scheme, there was also concern that it might be too rigid, punitive and potentially expensive to implement. The stepped approach set out in option 2 was seen as

more practical to operate and, in particular, trade representatives have indicated their willingness to endorse and promote it.

5. **OPTIONS**

5.1 Members may resolve:

- i) not to adopt an enforcement policy for hackney carriage and private hire vehicles
- ii) to adopt the enforcement policy, including option 1, the penalty points scheme
- iii) to adopt the enforcement policy, including option 2, the table of enforcement actions

6. **CONCLUSIONS**

6.1 Cambridge City Council has a duty to ensure that taxi proprietors, drivers and operators are licensed undertake their trade in accordance with both the relevant law and the conditions attached to licences. By adopting and publishing its enforcement policy, the Council will demonstrate, to both the trade and the public in general, that it seeks to apply the law in a consistent and transparent way.

7. **IMPLICATIONS**

(a) **Financial Implications**

The Council's budget provides for the taxi licensing service to be funded on a cost recovery basis.

(b) **Staffing Implications**

The policy will be applied within existing staff resources

(c) **Equal Opportunities Implications**

The adoption of an enforcement policy will assist in ensuring that the Council's statutory powers are applied consistently, fairly and transparently. An EqiA has been carried out and is attached

(d) **Environmental Implications**

Nil

(e) **Community Safety**

Cambridge City Council has a duty to provide a safe and secure taxi service. The publication of an enforcement policy will encourage

licence holders to comply with the conditions attached to their licences, the Council's byelaws and their statutory obligations.

APPENDICES

Appendix A

Draft Hackney Carriage and Private Hire enforcement Management System (EMS)

Appendix B

Options for Section 2 of the EMS

Appendix C

List of Consultees

Appendix D

Consultation questions and table of responses

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

Licensing Committee Meeting Minutes from 30th January 2012
Cambridge City Council's General Enforcement Policy
Equalities Impact Assessment

To inspect these documents contact Robert Osbourn on extension 7894

The author and contact officer for queries on the report is Robert Osbourn on extension 7894.

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