

CAMBRIDGE CITY COUNCIL

REPORT OF: Yvonne O'Donnell
Environmental Health Manager

TO: Licensing Committee

18 July 2016

WARDS: All

**CONSULTATION OF HACKNEY CARRIAGE AND PRIVATE HIRE
LICENSING POLICY**

1 INTRODUCTION

- 1.1 Cambridge City Council has responsibility for licensing Hackney carriage, Private Hire and Dual Drivers, proprietors and operators within the City. The current Hackney Carriage and Private Hire Licensing Policy applies to all drivers, vehicles and operators (Appendix A).
- 1.2 The policy is intended to ensure that both the trade and the public have a document that fully explains the licensing procedures to all parties in a clear and transparent manner.
- 1.3 The Council shall seek to promote the following objectives that impact on the Hackney Carriage and Private Hire trades:
- i) The protection of the public;
 - ii) The establishment of professional and respected hackney carriage and private hire trades;
 - iii) Access to an efficient and effective public transport service; and
 - iv) The protection of the environment
- 1.4 The policy provides the Council, and Council Officers who are required to administer the licensing function, with appropriate guidelines within which to act. In exercising its discretion in carrying out its regulatory functions, the Council shall have regard to the Hackney Carriage and Private Hire Licensing policy document.
- 1.5 The current policy (Appendix A) has been in effect since 24th October 2011 and, as stated within the policy, will remain effective for a

maximum period of five years. The policy is therefore now due for review.

- 1.6 Over the five years the policy has been updated when there have been changes in policy and procedure which has been approved by Licensing Committee.

2. RECOMMENDATIONS

It is recommended that:

- 2.1 Members approve the consultation of a revised draft policy (as per Appendix B) and process in order to adopt a final Hackney Carriage and Private Hire Licensing Policy at Full Licensing Committee in October 2016.
- 2.2 Members agree that the following areas of the policy are considered in depth, reviewed and specifically consulted upon:
 - i) Accessibility & Disability Awareness
 - ii) Code of Conduct
 - iii) Driver Safety
 - iv) DBS Update Service
 - v) Eligibility to live & work in the UK in accordance with the Immigration, Asylum & Nationality Act 2006
 - vi) Enforcement Management System
 - vii) Environmental Considerations
 - viii) General Administration (such as notification of change of details etc.)
 - ix) Grounds for Disbarment
 - x) Online Applications
 - xi) Safeguarding Training (including fees)
 - xii) The Taxi Guide
 - xiii) Vehicle Standards

3. BACKGROUND

- 3.1 The Department for Transport (DfT) first issued its Best Practice Guidance in October 2006, and updated it in March 2010. The guidance is not statutory; however the document is intended to assist licensing authorities. Paragraph 4 of the guidance states that 'it is for individual licensing authorities to reach their own decisions both on

overall policies and on individual licensing matters, in the light of their own views of the relevant considerations’.

- 3.3 From June to September 2011 consultation took place with the trade on a draft Hackney Carriage and Private Hire Licensing Policy, following the Council traditionally exercising their licensing responsibility through a number of different policies and procedures which had developed over time.
- 3.4 The final Hackney Carriage and Private Hire Licensing Policy was adopted by the Licensing Committee on 24th October 2011 and, as stated in the policy, remains effective for a maximum period of five years.
- 3.5 In addition to the Policy document the “Taxi Guide” exists as an operational guide which outlines the processes associated with the administration and enforcement of the Licences and is subject to amendment by the Environmental Health Manager. A draft Handbook is to replace the existing Taxi Guide and can be found at Appendix C.
- 3.6 Whilst the adopted policy of 24th October 2011 has been fit for purpose it was intended to apply for a five year period and is now due for review. In agreeing to a consultation on a revised draft policy document, it will ensure that it complies with government best practice guidance and will provide protection for the public using the service.

4. CONSULTATION

- 4.1 We are proposing to undertake a 5 week consultation on the proposals in July and August 2016.
- 4.2 The consultation will be undertaken through a variety of means including letters to the trade and key stakeholders, via the Taxi Newsletter, at the Trade Forum and will also be published on our website. The consultation document can be found at Appendix D.
- 4.3 All feedback is encouraged and all comments will be considered as part of the review and in preparation of the final policy document.
- 4.4 The results of the consultation exercise will be put to Members at the next Licensing Committee to take account of the feedback from the trade and other stakeholders in order to consider any amendments to the Hackney Carriage and Private Hire Licensing Policy.

5. CONCLUSIONS

- 5.1 The Licensing Committee and the Licensing & Enforcement Team have a responsibility to ensure that the policies and procedures which are in place are robust enough to ensure that only fit and proper persons hold a licence and that the Council supports the licensed hackney carriage and private hire trade in protecting the public.
- 5.2 The Hackney Carriage and Private Hire Licensing Policy is designed to put the Council's licensing requirements into practice and in order to deliver a transparent, accountable and efficient licensing service, the Council welcomes the opportunity to consult and review the existing policy.

6. IMPLICATIONS

(a) **Financial Implications**

Provision is made in the council's budget for the taxi licensing service, which is run on cost recovery basis. The cost of the consultation will form a part of the administration function.

(b) **Staffing Implications**

Existing staff resources will absorb the consultation and review of the policy, along with any changes arising from the review.

(c) **Equal Opportunities Implications**

An Equality Impact Assessment has not yet been undertaken but will be carried out on the reviewed policy after the consultation process has been completed and prior to the policy being formally adopted.

(d) **Environmental Implications**

Introducing an electric and hybrid vehicle fleet will have a positive impact on Air Quality in the City.

(e) **Procurement**

Nil.

(f) **Consultation and communication**

There will be a formal consultation on the Hackney Carriage and Private Hire Licensing Policy with the trade and other key stakeholders. This will be through a variety of means including the Trade Forum and on our website.

(g) **Community Safety**

Cambridge City Council has a duty to provide a safe and secure taxi service. The failure of the Council to review, consult and publish the Hackney Carriage and Private Hire Licensing Policy on a regular basis, or should it be believed that the Authority's policy is not sound, it may result in a Judicial review being brought against the Council.

APPENDICES

Appendix A: Current Hackney Carriage and Private Hire Licensing Policy

Appendix B: Draft Hackney Carriage and Private Hire Licensing Policy

Appendix C: Draft Hackney Carriage and Private Hire Handbook

Appendix D: Consultation Document

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

Cambridge City Council Taxi Guide

Department for Transport (DfT) Taxi and Private Hire Vehicle Licensing Best Practice Guidance 2010

To inspect these documents contact Victoria Jameson on extension 7881.

The author and contact officer for queries on the report is Victoria Jameson on extension 7881.

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