

CAMBRIDGE CITY COUNCIL

REPORT OF: Yvonne O'Donnell
Environmental Health Manager

TO: Licensing Committee

17 October 2016

WARDS: All

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.
- 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 has been in effect since 24th October 2011 and, as stated within the policy, will remain effective for a maximum period of five years.

- 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.
- 1.7 On 18 July 2016, the Licensing Committee considered the draft policy (Appendix A) and resolved to approve the consultation of the draft policy and process in order to adopt a final Hackney Carriage and Private Hire Licensing Policy.
- 1.8 In particular the following areas of the policy have been highlighted, considered in depth, reviewed and specifically consulted upon:
- i) Accessibility & Disability Awareness
 - ii) Code of Conduct
 - iii) Driver Safety
 - iv) DBS Update Service
 - v) Medicals
 - vi) Eligibility to live & work in the UK in accordance with the Immigration, Asylum & Nationality Act 2006
 - vii) Enforcement Management System
 - viii) Environmental Considerations
 - ix) General Administration (such as notification of change of details etc.)
 - x) Grounds for Disbarment
 - xi) Online Applications
 - xii) Safeguarding Training (including fees)
 - xiii) The Taxi Guide
 - xiv) Vehicle Standards
- 1.9 Throughout the redrafted policy reference is made to the “Hackney Carriage and Private Hire Handbook” (formerly referred to as the “Taxi Guide”). This is 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.
- 1.10 In line with the redraft of the policy, the “Hackney Carriage and Private Hire Handbook” has been revised and can be found at Appendix B.
- 1.11 The draft policy was subject to a public consultation from 18th July 2016 until 22 August 2016. The consultation paper which accompanied the Draft Policy and Handbook can be found at Appendix C.
- 1.12 The consultation responses are contained in the table attached as Appendix D to the report. All comments have been carefully considered, by the Licensing & Enforcement Team and the

Environmental Health Manager, and incorporated where appropriate. The table of consultation responses indicates which comments have been incorporated in to the redrafted policy and which have not.

- 1.13 In addition to the Consultation document which was published, Vaping in Vehicles has been considered within the proposed policy and it is detailed in section 30 that in addition to the driver of a licensed vehicle not being permitted to smoke in the vehicle, or granting permission to any other person or fare paying passenger to do so, “this also includes a ban in electronic inhaler type cigarettes and vaping”.
- 1.14 Furthermore, the Grounds for Disbarment and Enforcement Management System have been considered and reviewed as part of the consultation and the two sections have been amalgamated for ease of reference in Appendix D of the proposed Hackney Carriage and Private Hire Handbook.
- 1.15 Finally, since the close of the Consultation, the Driver & Vehicle Standards Agency (DVSA) have announced that they will be withdrawing the Hackney Carriage & Private Hire Vehicle Assessment from 31st December 2016. Cambridge City Council requires this additional assessment as part of the application process for new drivers. Therefore, the proposed policy has been amended at section 40 to state that an additional driving assessment will be required, but this does not dictate by which body.

2. RECOMMENDATIONS

It is recommended that:

- 2.1 Members adopt the draft policy attached as Appendix E to the report as Cambridge City Council’s Hackney Carriage and Private Hire Licensing Policy with immediate effect.
- 2.2 Members note the contents of the “Hackney Carriage and Private Hire Handbook” (Appendix F) and agree that this is adopted as an operational guide to the policy with immediate effect.
- 2.3 Exceptions to the changes with immediate effect are detailed in the implementation plan below:

Area	Implementation Date
Mandatory attendance at Accessibility & Equality Training as part of the application for new drivers.	<p>The training will be encompassed with the Safeguarding Training for all new and existing licence holders.</p> <p>Existing licence holders will take place from November 2016.</p> <p>New licence applicants will take place from April 2017.</p>
Environmental Considerations for consideration which detail potential measures to facilitate the uptake of low emission taxis in Cambridge:	The points detailed are for agreement in principle with a view to implementation once funding has been agreed by OLEV (Office for Low Emission Vehicles).
1. Renewal / Registration fee discount or exemption.	
2. Waive or extend age limit for ULEVs or Hybrids.	
3. Waive requirement for 6 month inspection	
4. Create an Electric Taxi only rank	
5. Vehicle Purchase Subsidies for Electric vehicles	
6. Provision of 'Rapid - Taxi Only' charging infrastructure	
7. Set date for all newly registered vehicles to be low or ultra-low emission	
8. Set date for all licensed taxi vehicles to be low or ultra-low emission	
9. Restrict City Centre Access to ULEV and Hybrid Taxis only	
DVSA Driving Test	In light of the changes from the Driver & Vehicle Standards Agency, an implementation date of January 2017 will be from when an alternative driving assessment method will be implemented by the City Council.

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'.

- 3.2 The current 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.
- 3.3 The redrafted policy sets out the policy that Cambridge City Council will apply when making decisions about new applications and licences currently in force. It is intended to ensure that both the trade and the public have a document which fully explains the licensing procedures to all parties in a clear and transparent manner. On coming into effect, the policy will override and supersede current policy and guidance in relation to Hackney Carriage and Private Hire Licensing.
- 3.4 The policy will be effective for a maximum of 5 years but will be kept under constant review.

4. CONSULTATION

- 4.1 Consultation on the draft policy and handbook took place from 18th July 2016 until 22nd August 2016.
- 4.2 The consultation was undertaken through a variety of means including letters to the trade and key stakeholders, via the Taxi Newsletter, at the Trade Forum and as also be published on our website and social media.
- 4.3 Feedback was encouraged and all comments have been considered as part of the review and in preparation of the final policy document.
- 4.4 10 responses were received during the consultation period and these are shown at Appendix D.

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.

- 5.3 The adoption of the revised policy for Hackney Carriage and Private Hire Licensing will clearly show how Cambridge City Council will carry out its statutory obligations in the administration and enforcement of these authorisations.

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 been undertaken on the draft policy and handbook. This can be found at Appendix G.

(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 has been a formal consultation on the Hackney Carriage and Private Hire Licensing Policy with the trade and other key stakeholders.

(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: Draft (Consultation) Hackney Carriage and Private Hire Licensing Policy

- Appendix B: Draft (Consultation) Hackney Carriage and Private Hire Licensing Handbook
- Appendix C: Consultation Paper
- Appendix D: Consultation Responses Received including Actions
- Appendix E: Proposed Hackney Carriage and Private Hire Policy
- Appendix F: Proposed Hackney Carriage and Private Hire Handbook
- Appendix G: Equality Impact Assessment

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

The Highway Code

To inspect these documents contact Victoria Jameson on extension 8516.

The author and contact officer for queries on the report is Victoria Jameson on extension 8516.

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