

Item

REVIEW AND UPDATE OF THE HACKNEY CARRIAGE & PRIVATE HIRE LICENSING POLICY

To:

Licensing Committee

Report by:

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Wards affected:

All

1. Executive Summary

- 1.1 Under the powers conferred to Cambridge City Council under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, (as amended), Cambridge City Council has responsibility for licensing Hackney Carriage, Private Hire and Dual Licence Drivers as well as vehicle proprietors and Private Hire Operators within the City.
- 1.2 The Hackney Carriage and Private Hire Licensing policy (the 'policy') was produced in order to provide the Council, its officers, the trade and the public with appropriate guidelines that put the Council's licensing requirements into practice in a clear and transparent manner. 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.
- 1.3 The policy was last updated in July 2018, following review and consultation with the trade and members of the public (Appendix A).
- 1.4 Since the policy has come into effect, the Licensing Authority has committed to amending its formal data sharing arrangements in relation

to revoked and refused drivers, via the new NR3 National Anti-Fraud Network. The database is only available to Licensing Authorities, and enables both officer checks during the application process, in addition to providing basic details regarding all drivers refused or revoked from Cambridge City.

- 1.5 There has additionally been a request from the trade to require all Hackney Carriage and Private Hire vehicles to carry a card payment method and accept debit/credit card payments (Appendix B).
- 1.6 Finally, it is proposed to renumber the Section entitled 'Part 5: Enforcement' in the Index, to reflect previous changes to sections within the main document.
- 1.7 Permission is therefore being sought by members to go out to consult on the proposed changes to the policy.

2. Recommendations

- 2.1 Members are recommended to approve that officers go out to consult on of the proposed changes to the Hackney Carriage and Private Hire Licensing Policy, using the form within Appendix C. The results of the consultation will then be presented at the next full meeting of the Licensing Committee in July 2019.

3. Background

- 3.1 Cambridge City Council has responsibility for licensing Hackney Carriage, Private Hire and Dual Licence Drivers as well as vehicle proprietors and Private Hire Operators within the City.
- 3.2 In doing so, Cambridge City Council seeks 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
- 3.3 Under the powers conferred to Cambridge City Council under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, (as amended), the Hackney Carriage and Private

Hire Licensing policy document (the 'policy') was produced in order to provide the Council, and Council Officers, who are required to administer the licensing function, with appropriate guidelines within which to act.

- 3.4 The policy is designed to put the Council's licensing requirements into practice and assist in the delivery of a transparent, accountable and efficient licensing service. It additionally, assists in ensuring 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.
- 3.5 The Hackney Carriage & Private Hire Licensing Policy was last updated in July 2018 (Appendix A).
- 3.6 Since this time the Licensing Authority has committed to amending its formal data sharing arrangements in relation to revoked and refused drivers, via the new NR3 National Anti-Fraud Network. In addition, there has been a request from the trade to require all Hackney Carriage and Private Hire vehicles to carry a card payment method and accept debit/credit card payments, and a minor correction is needed to the index numbering.
- 3.7 The draft amended Hackney Carriage and Private Hire Licensing policy is in Appendix D.

National Register of Refusals and Revocations

- 3.7 The Local Government Association (LGA) recently launched a national register of hackney carriage and private hire licence refusals and revocations called NR3, which is being introduced within the National Anti-Fraud Network. It is a shared service that allows Licensing Authorities to share information about revocations and refusals.
- 3.8 Cambridge City Council has committed to participating in this register and will be searching the database for all relevant new and renewal applications, as part of our routine checks to ensure the fitness and propriety of applicants.
- 3.9 Additionally, all past relevant revocations and refusals are due to be uploaded to the database so that other Licensing Authorities can have access to this information.

- 3.10 The specific details contained on the register are limited to information that will help to identify an individual, but it does not give a reason why actions were taken.
- 3.11 In order to ensure that all drivers are aware of this database, and the details it holds regarding refusals and revocations, amendments have been made to various processes and documents updated. This includes amendments to application forms, our website, Sub-Committee Hearing documentation and the Hackney Carriage and Private Hire Taxi Handbook.
- 3.12 It is also proposed to amend the existing policy section entitled 'Information and Data Sharing' to include relevant details regarding the database, and details of the type of data held (section 62, Appendix A).
- 3.13 All actions taken and information shared is in accordance with our data handling policies.

Compulsory Card Payment Methods

- 3.14 In addition, there has been a request from the trade to require all Hackney Carriage and Private Hire vehicles to carry a card payment method and accept debit/credit card payments.
- 3.15 It is proposed that such methods may include traditional card payment machines, but additionally other methods such as mobile payment applications within mobile phones.

Other Changes

- 3.16 Finally it is proposed to make minor amendment to the section numbering on the index, to align with previous changes to the main body of the policy

4. 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) Equality and Poverty Implications

Nil.

(d) Environmental Implications

Nil.

(e) Procurement Implications

Nil.

(f) Community Safety Implications

Cambridge City Council has a duty to provide a safe and secure taxi service. The Council has a responsibility to review, consult and publish the Hackney Carriage and Private Hire Licensing Policy on a regular basis, or it could be believed that the Authority's policy is not sound.

5. Consultation and communication considerations

- 5.1 It is proposed to undertake a 5 week consultation on the proposals from Monday 4 February 2019 to Sunday 10 March 2019.
- 5.2 The consultation will be advertised through a variety of means including:
 - Letters to licence holders;
 - Contact with the trade and key stakeholders;
 - Taxi Newsletter – due to be published mid-August;
 - Taxi Trade Forum – 15 February 2019; and
 - Published on the council website.
- 5.3 The proposed consultation document can be found as Appendix C.
- 5.4 All feedback is encouraged and all comments will be considered as part of the review and in preparation of the final policy document.
- 5.5 The results of the consultation exercise will be put to Members at the next meeting of Licensing Committee in July 2019 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.

6. Background papers

Background papers used in the preparation of this report:

- (a) Cambridge City Council's Hackney Carriage & Private Hire Taxi Policy
<https://www.cambridge.gov.uk/media/5431/hackney-carriage-and-private-hire-licensing-policy.pdf>
- (b) Cambridge City Council's Hackney Carriage & Private Hire Handbook
<https://www.cambridge.gov.uk/media/6738/hackney-carriage-and-private-hire-handbook.pdf>
- (c) Cambridge City Council's Register of taxi licence refusals and revocations
<https://www.cambridge.gov.uk/register-of-taxi-licence-refusals-and-revocations>

7. Appendices

Appendix A – Current Hackney Carriage & Private Hire Licensing Policy

Appendix B – Request From the Trade

Appendix C – Consultation Document

Appendix D – Draft Amended Hackney Carriage & Private Hire Licensing Policy

9. Inspection of papers

To inspect the background papers or if you have a query on the report please contact:

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