

AGENDA ITEM: 7

SUMMARY



Report for:	Licensing Health & Safety Enforcement Committee
Date of meeting:	18 th September 2012
PART:	1
If Part II, reason:	

Title of report:	Review of Hackney Carriage and Private Hire licensing procedures and policies
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	To propose a number of amendments to the Council's procedures and policies, prior to consultation.
Recommendations	That the Committee instructs officers to commence consultation on the proposals contained herein.
Corporate objectives:	<p>Safe and Clean Environment</p> <ul style="list-style-type: none">Public safety is a key aim of taxi licensing, and it is envisaged that the proposals will strengthen the Council's powers to respond to concerns in this area. <p>Dacorum Delivers</p> <ul style="list-style-type: none">This report proposes the consolidation of a number of existing policies, making it simpler for officers to advise and members of the public to enquire as to general expectations of applicants and licence-holders.
Implications:	<u>Financial / Value for Money</u> None
Risk Implications	n/a
Equalities Implications	An Equality Impact Assessment will be carried out and the results reported to a future Committee meeting, prior to consideration of whether to adopt the proposals.
Health And Safety Implications	n/a

Consultees:	Consultation will be carried out and the results reported to a future Committee meeting, prior to consideration of whether to adopt the proposals.
Background papers:	
Glossary of acronyms and any other abbreviations used in this report:	

1. INTRODUCTION

- 1.1. The Council is responsible for the regulation of hackney carriage (taxi) and private hire services within the Borough of Dacorum, through the issue and enforcement of a series of licence for drivers, vehicle proprietors, and operators. The framework for this licensing system is contained within numerous pieces of legislation, but primarily the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 1.2. Since adopting the relevant parts of these pieces of legislation, a number of policies and procedures have been adopted by the Council governing its expectations of applicants and licence-holders, and the way in which it will process and consider applications for licences.
- 1.3. This report proposes a number of alterations to the current policies and procedures, with a view to simplifying and consolidating the existing policies, and ensuring that our policies and procedures correctly reflect current Government guidance and statutory requirements.
- 1.4. It is proposed to conduct consultation on these proposals with licence-holders over a three-month period, and to report the results of consultation to the January 2013 meeting of the Committee, for a final decision as to whether to adopt such policy amendments. In addition, there is an outstanding matter from the Committee's meeting on the 1st March 2012, relating to the joint ownership of 'golden plates', that requires consultation, and it is proposed to conduct this at the same time.
- 1.5. The report continues an ongoing review program of applicable taxi licensing procedures and policies, commenced by the Committee on the 4th October 2011 and continued on the 1st November 2011, 31st January 2012 and 1st March 2012.
- 1.6. The review also incorporates operational procedures, affecting the manner in which officers receive and administer applications. An update on these issues is provided below, for information only.
- 1.7. Further outstanding areas of the review, which will require the Committee's consideration at future meetings, include:
 - Accessibility to licensed vehicles by disability groups
 - Types of Hackney Carriages vehicles to be licensed by the Authority;
 - Hackney Carriage/Private Hire Vehicle Age Policy;
 - Stretched Limousines/"Special" Vehicles;

- Knowledge Testing (including English and numeracy testing);
- Conditions in respect of Hackney Carriage and Private Hire Drivers;
- Private Hire Operator licence procedures and conditions
- Information regarding the expected conduct of licensed drivers.

1.8. In addition, it is also proposed to undertake a complete review of all application fees charged for licensing applications service-wide, including for Hackney Carriage and Private Hire licensing, and a report to this end is likely to be presented to the November meeting of the Committee.

2. PROPOSED ALTERATIONS TO CURRENT POLICIES

2.1. Age limits for driver licence applicants

- 2.1.1. The Council currently has a minimum age policy of 21 years for new driver licence applicants, for both hackney carriage and private hire. It is expected that applications from any person aged under 21 years would be refused.
- 2.1.2. With the advent of the Equality Act 2010, it is questionable whether this policy would comply with the prohibition on age discrimination.
- 2.1.3. Given the nature of the work for which licences are sought, it is now considered more appropriate to require applicants for licences to have held a full driving licence (issued either in the UK or by another EEA member state) for a minimum period of three years. This will have the effect of ensuring that licence applicants have greater driving experience, rather than an arbitrary age limit during which time driving experience may or may not have been accrued.
- 2.1.4. There is currently no maximum age policy, although drivers aged 65 years or over are required to obtain medical clearance on an annual basis, as opposed to the 3-yearly interval prior to that age. This is in accordance with Government guidance, and it is not proposed to amend this aspect of the policy.

2.2. Dual driver licence applications

- 2.2.1. Hackney carriage and private hire driver licences are created by separate statutes, and as such applications for licences have traditionally been treated separately.
- 2.2.2. A substantial number of drivers now hold licences to drive both hackney carriages and private hire vehicles. Because of the way in which these are administered, both licences have separate expiry dates, and must be renewed individually, increasing the administrative burden both on drivers and the Council. The number of drivers enquiring and applying for second licences has increased dramatically in recent years.
- 2.2.3. A number of councils operate 'dual driver licence' application systems, allowing applications for both licence types to be considered simultaneously. Both licences would then be issued with the same expiry date, and a single application process would be followed to

renew both licences, significantly reducing the administrative burden. The reduced administrative work is also reflected in a reduced application fee. Where the second licence is obtained part way through the first licence's validity, this would be issued with the same expiry date, and a reduced or pro rata fee would be charged to reflect the shorter licence period.

2.2.4. It is proposed to introduce such a system in Dacorum, and to begin allowing simultaneous 'dual licence' applications. Where drivers currently hold both types of licence, they would be given the option of paying a pro rata application fee on next renewal to bring both licences to the same expiry date.

2.2.5. It is envisaged that the dual licence fee would be set initially at 150% of the regular, single-licence fee. Based on current fees, this would mean total application fees as follows:

Item	Single badge new appn	Single badge renewal	Dual badge new appn	Dual badge renewal
Application fee	£105.00	£105.00	£157.50	£157.50
CRB check fee	£44.00	£44.00	£44.00	£44.00
DVLA check fee	£5.00	£5.00	£5.00	£5.00
Badge deposit	£50.00	n/a	£100.00	n/a
Total	£204.00	£154.00	£306.50	£206.50

2.2.6. All fees would be reviewed after a reasonable period to ensure that they had been set at the correct level, commensurate with the work undertaken.

2.3. Signage on licensed vehicles

2.3.1. An issue has recently been identified whereby vehicles licensed in neighbouring authorities are being used, both legitimately and allegedly otherwise, for journeys within Dacorum. As councils may set differing safety standards for the vehicles they licence, it is seen as desirable to make clear which vehicles have been approved and licensed in Dacorum, to the standards adopted by this Council. This will also aid enforcement work, as it will become clearer which vehicles working in the borough are not licensed by this Council.

2.3.2. Dacorum-licensed vehicles are currently required to display a licence plate on the rear of the vehicle, and another smaller plate inside the front windscreen. Both bear the Dacorum name and logo, albeit at a relatively small size. Hackney carriages may, and private hire vehicles must, also display an operator's sign, approved by the Council, on the front side doors.

2.3.3. To make it clearer which vehicles have been licensed by Dacorum Borough Council, it is proposed to insert new standard conditions to both the Hackney Carriage Vehicle Licence and the Private Hire Vehicle Licence, requiring the display of signage on the rear side

doors. Such signage would be supplied by the Council in the form of vinyl stickers, bearing a larger version of the Council's logo, and another message, as follows:

Hackney Carriage Vehicle Licence conditions:
at the end of condition 6 insert:

“(d) A sign, of a design supplied by the Council and measuring not more than 20” x 20”, bearing the Council's logo and the words “Licensed Taxi”, shall be displayed on each of the rear side doors of the vehicle [In the case of a wheelchair accessible vehicle, two signs may instead be displayed on the rear door(s) or wings of the vehicle, bearing the Council's logo and the words “Licensed Wheelchair Accessible Taxi”].”

Private Hire Vehicle Licence conditions:
at the end of condition 6 insert:

“(c) A sign, of a design supplied by the Council and measuring not more than 20” x 20”, bearing the Council's logo and the words “Licensed Private Hire Vehicle” and “Pre-booked journeys only”, shall be displayed on each of the rear side doors of the vehicle.”

- 2.3.4. Such conditions would take effect upon the next renewal of the vehicle licence, or upon the transfer of the licence to an alternate vehicle. It would therefore take around a year from adoption for all licensed vehicles to carry the approved signage.
- 2.3.5. The precise wording and design of any such signage would remain to be determined and incorporated within the final wording of any condition adopted. Costings would also need to be established, and if the Committee are minded to commence consultation on the introduction of such a requirement, quotations will be obtained and presented with the results of the consultation exercise.

2.4. Revised guidelines on fitness of applicants for drivers licences

- 2.4.1. When considering applications for hackney carriage and private hire driver's licences, the Council must be satisfied that applicants are “fit and proper” to hold such licences. No statutory definition of this term exists, and it is open to the Council to apply such considerations as it deems relevant.
- 2.4.2. In 2008 the Council adopted a set of guidelines on the relevance of criminal convictions and motoring endorsements for driver's licence applications. It is believed that those guidelines have not been reviewed since that date.
- 2.4.3. It is now proposed to review and update those guidelines, and at the same time consolidate this and a number of other related issues into a single document which will set out a number of issues to be reviewed as part of the Council's obligation to ensure that applicants are fit and proper persons to hold licences. The revised document will cover (but makes clear that the Council's considerations will not be limited to) driving entitlement, character, licensing history, entitlement to work in

the UK, medical fitness, criminal convictions and cautions, and motoring endorsements.

- 2.4.4. The proposed guidelines are appended to this report as Appendix B.
- 2.4.5. It must be noted that any such document can form guidelines only, and an inflexible policy would not be lawful. The Council must consider every application on its merits, and may depart from any published policy or guidance if the circumstances warrant. Failure to give adequate consideration to individual circumstances may give rise to judicial review, as may departing from guidelines or policy without sufficient reason.
- 2.4.6. By publishing a wider ranging document, it is thought that it will be clearer to both applicants and the general public what will be expected of applicants for (and holders of) driver's licence, and to make the Council's decision-making process in this area more transparent and consistent, in accordance with the Better Regulation Principles.

3. REVIEW OF OPERATIONAL PROCEDURES

- 3.1. The review of policies and procedures is being run alongside a more general review of the back office procedures employed by the Council in its administration of applications and enquiries. As these do not affect the criteria for determination of applications, it is not necessary for these changes to be determined by the Committee, nor be subject to wider consultation.
- 3.2. A review of the format of application forms for all taxi licensing applications is now underway. It is intended to simplify these forms wherever possible, removing any outdated questions and ensuring that the forms are clear, easily understandable, and accessible.
- 3.3. Content on the licensing pages of www.dacorum.gov.uk is now being updated. When complete, information on every type of licence administered by the service, together with frequently asked questions and application forms for the full range of licensing functions, will be readily available online.
- 3.4. Officers are currently looking at options for the design of vehicle licence plates and drivers licence badges, with a view to issuing revised formats for these in the near future.
- 3.5. All changes to operational procedures are being considered in light of the impending redevelopment of the Civic Centre site. It is anticipated that significant changes to the current working practices will be brought about by this, including a move to a 'paperless office' environment and increased usage of remote working.
- 3.6. We have been advised that the Electronic Licence Management System (ELMS), the online application system used for alcohol/entertainment licensing and several other legislative areas, will be withdrawn by the Government later this year, and that a replacement system will be brought in to operate via the new single Government website, Gov.uk. Although limited information is currently available, it has been suggested that this new system will also facilitate application types that are not within scope of the EU

Services Directive, including taxi licensing, thus raising the possibility of online applications for these licence types for the first time. Officers will continue to monitor developments in this area.

4. RECOMMENDATIONS

- 4.1. To instruct officers to commence consultation on the following policy amendments:
 - 4.1.1. To revoke the current policy requiring applicants for hackney carriage and private hire driver licences to be at least 21 years of age;
 - 4.1.2. To adopt a new policy requiring applicants for hackney carriage and private hire driver licences to have held a full motor car driving licence for a minimum of three years prior to the date of application;
 - 4.1.3. To introduce a new 'dual licence' application system, permitting applications for both hackney carriage and private hire driver licences to be made simultaneously; for all such licences to have a common expiry date; and for a transitional phase to allow existing dual licence holders to bring both badges to a common expiry date for a pro rata fee;
 - 4.1.4. To adopt amendments to the standard licence conditions for both hackney carriage and private hire vehicle licences requiring the display of Council-supplied signage on the rear doors of the vehicle, bearing the Council's logo and an approved message.
 - 4.1.5. To revoke the current "Guidelines to be used by the Licensing and Health & Safety Enforcement Sub-Committee when considering the relevance of convictions";
 - 4.1.6. To adopt the new "Guidelines on Fitness of Applicants for Hackney Carriage / Private Hire Driver's Licences".
- 4.2. To report the results of consultation on these issues to a future meeting of the Committee, to allow a decision to be taken on whether or not to adopt these policy amendments.