



AGENDA ITEM:

SUMMARY

Report for:	Licensing, Health & Safety and Enforcement Committee
Date of meeting:	10 March 2020
PART:	I
If Part II, reason:	

Title of report:	Draft Taxi and Private Hire Licensing Policy
Contact:	Nathan March – Licensing Team Leader, Corporate and Contracted Services
Purpose of report:	To introduce a new draft policy for agreement to go to consultation.
Recommendations	1. That the Committee consider the draft Policy and agree for this to be consulted on for 12 weeks.
Corporate objectives:	<ul style="list-style-type: none"> • A clean, safe and enjoyable environment • Building strong and vibrant communities • Ensuring economic growth and prosperity • Ensuring efficient, effective and modern service delivery <p><u>Equalities Implications</u></p> <p>A full Equalities impact assessment has been completed and is available.</p>
Implications:	<p><u>Financial / Value for Money / Risk / Health And Safety Implications</u></p> <p>Financial</p> <p>The draft policy includes a variety of changes which will affect both the trade, and the work that officers are required to do,</p>

	<p>some of these will reduce the cost to the Council in providing the service, others will have increasing cost implications, and there is also an opportunity for additional cost recovery. Overall it is expected that the Policy changes will be close to cost neutral, and any changes will be considered when fees are set for the relevant licences.</p> <p>Value for Money</p> <p>The new policy brings a collection of the Council’s existing guidance documents together into one policy, this will reduce the Committee burden when considering any future reviews. The Policy also seeks to increase the efficiency of the Council’s work in this area of licensing so that an improved service can be provided at a lower cost.</p> <p>Risk</p> <p>The Policy seeks to reduce risk to the public and also to the reputation of the Council as it strengthens the requirements on applicants and existing licence holders, as well as improves the practices of the Council when carrying out its regulatory function for these licences.</p>
<p>Consultees:</p>	<p>The existing licensed trade will be consulted with once the draft has been agreed. This consultation will be carried out directly with the individual licence holders, as well as with the Trade Association. A wider consultation will also be undertaken so that members of the public have an opportunity to respond.</p> <p>The current compliance garage will also be consulted with, in regards to any proposed changes to the testing of vehicles</p> <p>Internally, the Council’s Safeguarding Officer will be consulted with, and the Environmental Health Officer responsible for the Council’s Air Quality plan has already been consulted with in constructing the relevant section.</p>
<p>Background papers:</p>	<p>The best practice guidance published by Department for Transport</p> <p>Existing guidelines for applicants and licence holders as available on the Council’s website.</p> <p>Comparison table for the current and proposed suitability standards (attached as Appendix 2)</p>
<p>Glossary of acronyms and any other abbreviations used in this report:</p>	

1. BACKGROUND

- 1.1. This report is to introduce the draft revised Taxi and Private Hire Licensing Policy attached as Appendix 1.
- 1.2. The Council currently has a number of documents which individually provide guidance to applicants and licence holders. The new draft policy brings these together in one place, which is common practice, and should make it easier for interested parties to find the information that they may be looking for in regards to the approach taken by the Council when regulating this licensing regime. At the same time as combining the existing documents, each area of the policy has been reviewed and updated, taking into account new services available, changes to the law and the opportunity to modernise the approach taken by the Council.

2. Key Changes

- 2.1. The following section pulls out the key changes that are proposed in the draft policy, but is not comprehensive, so should not be relied upon as such in lieu of reviewing the attached draft policy to recognise the amendments that the Council is considering.
- 2.2. The Council is requiring drivers to sign up to the DBS Update service as part of their application. This saves the driver money compared to starting a new DBS each application, prevents their DBS from needing to be applied for when they renew their licence (which is the most common reason for their licence being delayed) and allows the Council to carry out checks when it feels it is appropriate to do so, rather than waiting 3 years for renewal as it does currently. In addition to this, The Council will request information directly from the local Police in order to establish if there is any information available that should be considered as part of determining whether an applicant is fit and proper to hold a licence.
- 2.3. The Council will no longer be issuing temporary licences where applicants for renewal of driver licences have not applied in sufficient time to have their application dealt with to avoid a break in them holding a valid licence. The need for these is not justifiable when balanced against public safety, especially given the changes proposed in 2.1. Licence holders must accept personal responsibility for maintaining their licence, and renewing in good time is a significant aspect of this. If they are unable to manage the administration of their licence, the Council may consider that they are not fit and proper to hold one.
- 2.4. As well as the removal of the availability of temporary licences, it is also proposed that there will be no formal grace period (currently 28 days) for renewals where these are not submitted in time. This grace period has led licence holders to believe that they are still able to work during that time, despite their licence being expired.
- 2.5. The introduction of safeguarding and equality training as a requirement for existing and new applicants has also been included. This is common good practice across other authorities.
- 2.6. The suitability criteria for applicants and licence holders has been updated and has been adapted from the 'Guidance on determining the suitability of

applicants and licensees in the hackney and private hire trades' ('the Guidance'), and can be found at Appendix F in the draft policy. The document applies to all vehicle, driver and operator licence holders and applicants.

At the time that the Institute of Licensing published its suitability guidance, the Council already had partially higher standards, so it has brought standards up to those of the IoL where possible, but has maintained the existing higher standards.

- 2.7. The draft Policy proposes the use of the new NR3 National database for refused and revoked drivers. This will cost the Council around £1000 per annum to use, which can be recovered as part of the fees for driver's licences. once in use, this will enable the Council to check whether new and renewal applicants have been refused or revoked by other councils, which will identify any applicant fraudulently completing their application form on this matter, and also enable the Council to make further enquiries with the relevant council to consider any such action and whether the details of this would lead the Council to consider that the applicant is not fit and proper to hold a licence.
- 2.8. Increasing our digital services in order to improve the efficiency of the Council's licensing service is important, and as such the draft policy looks to move to replace paper based procedures as far as is reasonable with the systems the Council currently has available. More information is provided in section 9 of the draft Policy.
- 2.9. The final notable addition to the policy is a strong emissions policy (Section 18 of the draft Policy). This is to reflect the Council's declaration that there is a current and future climate change emergency that requires urgent planning and action. This action will include the following:
 - That we work towards ensuring that the full range of council activities are net carbon neutral by 2030.
 - That an action plan will be developed as soon as possible.
 - That ensure all services make the maximum possible impact in challenging the extent and causes of climate change. The developing new Local Plan will incorporate the maximum possible sustainability requirements that the system will allow, and encourage developers to go beyond this in order to future proof homes and buildings.

3. RECOMMENDATIONS

It is recommended that:

- the Committee consider the draft Policy and agree for this to be consulted on for 12 weeks, following any amendments being made that it considers necessary.
- the results of the Consultation to be fed back at a future meeting of the Committee for consideration as to the next steps.

