



AGENDA ITEM: 8

**LICENSING & APPEALS
COMMITTEE: 2 FEBRUARY 2016**

Report of: Interim Director Community Services

**Contact for further information: Mr Paul Charlson (ext 5246)
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**SUBJECT: APPROVAL OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY
STATEMENT 2016**

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

- 1.1 To approve the Hackney Carriage and Private Hire Licensing Policy Statement 2016 following public consultation.

2.0 RECOMMENDATIONS

- 2.1 That having regard to the consultation responses attached as Appendix 3 to this report, the Hackney Carriage and Private Hire Licensing Policy Statement 2016 attached at Appendix 2 to this report be approved for use from 1 April 2016.

3.0 BACKGROUND

- 3.1 The Council's Hackney Carriage and Private Hire Policy Statement (the Policy) was first approved by this Committee in 2010 and has been routinely reviewed and revised since that time. The current version of the Policy was approved by this Committee on 9 April 2013 and came into force on 10 April 2013. At that time, it was agreed that the Policy would remain in effect for three years, therefore requiring review before 9 April 2016.
- 3.2 A draft version of the Policy was approved by this Committee on 13 October 2015 and was subject to public consultation from 19 October 2015 to 10 January 2016. During this time, all licensed drivers, vehicle owners and operators were contacted directly to make them aware of the amendments and of the need to submit any comments during the consultation period. In addition, information was posted on the Council's website, in the Licensing Service reception at Robert Hodge Centre and also in the local press.

4.0 ISSUES

4.1 Four responses were received during the consultation period. Two of the four responses did not necessitate any amendment to the Policy as one related to an operational matter and the other was a positive comment about the Council's licensing regime and Policy. The remaining two responses relate to the level of permitted tint on the windows of licensed vehicles. The responses were received from the proprietors of the same company and are attached as Appendix 3 to this report.

4.2 For Members information, the Council's requirements for the level of permitted tint on the windows of licensed vehicles are long established. The principle reason for setting a level of window tint is to ensure vehicle windows are not so dark as to compromise passenger safety and/or their feeling of security. It also allows enforcement and other agencies to reasonably assess the activity within a licensed vehicle as needed. The current requirements for window tint are extracted from the Policy below and have been in place since 2010:

Vehicle windows shall have visual transmission to ensure that the interior of the vehicle is clearly visible from the outside of the vehicle at all times. All vehicles shall be fitted with windscreen glass that has a light transmittance of 75%, and all other window glass shall have a light transmittance of not less than 70% EXCEPT those parts of the rear window or any side windows adjacent to the luggage space in any estate-type vehicle which can be of any tint fitted at manufacture providing it is not opaque.

No vehicle shall be fitted with any form of additional means to darken or tint the glass on any part of the vehicle.

4.3 Prior to 2010, the requirement for window tint was that the interior could be clearly seen within the vehicle. This decision was made by Licensing Officers, based on an assessment of a given vehicle on a case by case basis. This was a subjective and inconsistent standard, which could be affected by the position of the vehicle, the weather and time of day. By setting an explicit requirement for vehicle window tint in 2010, this ensured a consistent standard that cannot be affected external factors and is measureable by Licensing Officers using a calibrated tint meter.

4.4 Accordingly, it is not proposed to amend the Policy in the light of these responses. However, those who have submitted the responses have been invited to the Committee to explain their views to Members so that a decision can be reached.

5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

5.1 The Policy has the potential to impact upon many areas within the Community. The Licensing Objectives, therefore, has some associations with the Community Strategy, and the proposals have the following links with the Community Strategy: Community Safety (issues A, C and E); Economy and Employment (issue D).

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

6.1 No additional financial or other resources are required.

7.0 RISK ASSESSMENT

7.1 The Council has a legal duty to administer the Hackney Carriage and Private Hire licensing regime, but not to prepare and operate a Policy document. However, given the complexity of the licensing regime, it is good practice for the Council to formulate and publish relevant policies and standards. Given that Members have already approved the existing Policy, a failure to improve and maintain the requirements of the Policy could result in criticism from the community including statutory bodies, the taxi trade, the travelling public and other interested parties.

Background Documents

There are no background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

Equality Impact Assessment

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

Appendices

1. Equality Impact Assessment
2. Hackney Carriage and Private Hire Policy Statement 2016
3. Two responses to public consultation

Appendix 1

Equality Impact Assessment Form



Directorate: People and Places		Service: Community Services	
Completed by: Paul Charlson		Date: 20/01/16	
Subject Title: APPROVAL OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY STATEMENT 2016			
1. DESCRIPTION			
Is a policy or strategy being produced or revised:	Yes	<i>*delete as appropriate</i>	
Is a service being designed, redesigned or cutback:	No		
Is a commissioning plan or contract specification being developed:	No		
Is a budget being set or funding allocated:	No		
Is a programme or project being planned:	No		
Are recommendations being presented to senior managers and/or Councillors:	Yes		
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations):	No		
Details of the matter under consideration:			
<p><i>If you answered Yes to any of the above go straight to Section 3</i></p> <p><i>If you answered No to all the above please complete Section 2</i></p>			
2. RELEVANCE			
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	No	<i>*delete as appropriate</i>	
If Yes , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered Yes go to Section 3</i>			
If you answered No to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>			
3. EVIDENCE COLLECTION			
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	All licensed HC & PH drivers and operators.		
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	All sections of the public use licensed HC & PH vehicles, this report relates to the Council's implementation of relevant licensing legislation.		

Which of the protected characteristics are most relevant to the work being carried out?	<i>*delete as appropriate</i>
Age	No
Gender	No
Disability	No
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No
4. DATA ANALYSIS	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	All licensed HC & PH drivers and operators.
What will the impact of the work being carried out be on usage/the stakeholders?	Revised licence requirements and procedures.
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	The proposed Policy has been subject to public consultation. The responses are contained in this report.
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	The proposed Policy has been subject to public consultation. The responses are contained in this report.
If any further data/consultation is needed and is to be gathered, please specify:	N/A
5. IMPACT OF DECISIONS	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	None.
6. CONSIDERING THE IMPACT	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	N/A
What actions do you plan to take to address any other issues above?	No actions <i>If no actions are planned state no actions</i>
7. MONITORING AND REVIEWING	
When will this assessment be reviewed and who will review it?	The proposed Policy has been subject to public consultation. The responses are contained in this report. The final policy will last for 5 years. It can be reviewed at any time, but will be reviewed after this 5 year period.