



**AGENDA ITEM:**

**LICENSING & APPEALS  
COMMITTEE: 6 JUNE 2017**

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**Report of: Director of Leisure and Wellbeing Services**

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**SUBJECT: AMENDMENTS TO HACKNEY CARRIAGE AND PRIVATE HIRE POLICY**

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Wards affected: Borough wide

**1.0 PURPOSE OF REPORT**

- 1.1 To approve the draft Hackney Carriage and Private Hire Licensing Policy Statement prior to public consultation.
- 1.2 To approve the list of vehicles designated for the purposes of Section 165 of the Equality Act 2010.

**2.0 RECOMMENDATIONS**

- 2.1 That the draft Hackney Carriage and Private Hire Licensing Policy Statement attached at Appendix 2 to this report be approved.
- 2.2 That the Director of Leisure and Wellbeing be given delegated authority to subject the draft Hackney Carriage and Private Hire Licensing Policy Statement to a period of public consultation before returning the document to the Licensing and Appeals Committee for final approval.
- 2.3 That the list of vehicles designated for the purposes of Section 165 of the Equality Act 2010 attached at Appendix 3 to this report be approved with effect from 3 July 2017.
- 2.4 That the Director of Leisure and Wellbeing be given delegated authority to publish and maintain the list of vehicles designated for the purposes of Section 165 of the Equality Act 2010 attached at Appendix 3 to this report.

**3.0 BACKGROUND**

- 3.1 The Council's Hackney Carriage and Private Hire Policy Statement (the Policy) has been reviewed regularly since it came into force in 2010; most recently in February 2016. However, changes in legislation relating to the accessibility of vehicles and immigration, as well as the need to review existing safeguarding controls, necessitate amendment to the Policy.

## 4.0 ISSUES

4.1 The draft Policy is attached at Appendix 2 to this report. For ease of reference all proposed amendments are highlighted; however, Members' attention is drawn to the following:

- *Controls for Operator licences*  
To provide a similar approach to licensed drivers, the proposed amendments set out the framework for determination of Operator licence applications. The proposals also implement additional controls for those persons who are employed or otherwise used by Operators. Operators would be required to provide details of such persons and declare that they are safe and suitable to be so employed/used.
- *Amendment of the definition of vehicles licensed as a Hackney Carriage*  
The Policy currently states that a Hackney Carriage will generally be licensed if it is a 'London Cab style' vehicle. This definition does not accurately reflect the vehicles currently licensed. This is because exemptions previously granted by this Committee have permitted very similar vehicles, but these were not true London cab style. The definition has been amended accordingly, but is unchanged in that Hackney Carriages must be purpose built, have wheelchair access and therefore be easily recognisable as being distinct from a Private Hire vehicle.
- *Accessibility of licensed vehicles*  
Proposed amendments have been made to reflect the commencement of the remaining parts of Sections 165 and 167 of the Equality Act 2010. Much of these requirements are detailed in the current Policy, but the proposed amendments ensure full compliance with these provisions, which includes a detailed list of vehicles designated for the purposes of Section 165 of the Equality Act 2010. It is proposed that the list be referenced in the Policy, but maintained separately. This is because the list will change more frequently than the Policy and will allow it to be easily communicated to the public, drivers and vehicle owners. The implication of being on the list is that those drivers are obligated to take wheelchair passengers, unless exempted. However, given that the Council has long required Hackney Carriages to be wheelchair accessible, this is not expected to cause any significant problems in the availability of accessible vehicles. Accordingly, the recommendation contained in this report allows for the list attached at Appendix 3 to be published and maintained. If Members are minded to approve the recommendation, the list would take effect from 1 July 2017 so as to give vehicle owners and drivers sufficient notice.
- *Requirements for vehicle advertising*  
The restrictions on the nature and type of advertising on licensed vehicles have been updated.
- *Immigration controls*  
Proposed amendments have been made to reflect the requirements of the Immigration Act 2016 as a means to prevent illegal working in the private hire and/or hackney carriage sector.

- *Vehicle damage during period of licence*  
Under current procedures, drivers are not required to inform the Council if their vehicle is damaged during the period of licence. Proposed amendments require such notification within 7 days as a means to monitor damage to vehicles and allow action to be taken where necessary.
- *Other amendments*
  - Clarification of the medical requirements for drivers
  - Clarification of the procedure for DBS disclosures with reference to the Council's use of a third party contractor for this process
  - Update of environmental considerations for vehicles
  - Other inconsequential amendments

4.2 If Members approved the draft Policy, it is proposed that the document be subject to public consultation that will last from 3 July 2017 to 25 September 2017. During this time, all licensed drivers, vehicle owners and operators will be contacted to make them aware of the amendments and of the need to submit any comments during the consultation period. In addition, information will be posted on the Council's website, in the Licensing reception at Robert Hodge Centre and also in the local press.

4.3 Any comments received during the consultation period will be assessed and brought back to this Committee on 10 October 2017. If Members approve the final version of the Policy at that time, it will be implemented thereafter.

## **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.

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### **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. Draft Hackney Carriage and Private Hire Statement of Licensing Policy 2017
3. List of vehicles designated for the purposes of Section 165 of the Equality Act 2010

## Appendix 1

# Equality Impact Assessment Form



<b>Directorate: Leisure and Wellbeing</b>		<b>Service: Licensing</b>	
<b>Completed by: Paul Charlson</b>		<b>Date: 15/05/17</b>	
<b>Subject Title: REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY</b>			
<b>1. DESCRIPTION</b>			
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 ( <b>Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations</b> ):	No		
Details of the matter under consideration:			
<p><i>If you answered <b>Yes</b> to any of the above <b>go straight to Section 3</b></i>  <i>If you answered <b>No</b> to all the above <b>please complete Section 2</b></i></p>			
<b>2. RELEVANCE</b>			
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	No	<i>*delete as appropriate</i>	
If <b>Yes</b> , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered <b>Yes</b> go to <b>Section 3</b></i>			
If you answered <b>No</b> 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>			
<b>3. EVIDENCE COLLECTION</b>			
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 used 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
<b>4. DATA ANALYSIS</b>	
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 will be subject to public consultation. Any objections will be brought back to this Committee.
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 will be subject to public consultation. Any objections will be brought back to this Committee.
If any further data/consultation is needed and is to be gathered, please specify:	N/A
<b>5. IMPACT OF DECISIONS</b>	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	None.
<b>6. CONSIDERING THE IMPACT</b>	
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>
<b>7. MONITORING AND REVIEWING</b>	
When will this assessment be reviewed and who will review it?	The proposed Policy will be subject to public consultation. Any objections will be brought back to this Committee.