

Cherwell District Council

Executive

6 June 2016

<p>Private Hire Licensing and Hackney Carriage Policy 2016</p>

Report of Public Protection Manager

This report is public

Purpose of report

To seek approval of the joint draft Cherwell and South Northamptonshire Council Private Hire and Hackney Carriage Licensing Policy prior to public and stakeholder consultation.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the joint draft Cherwell and South Northamptonshire Council Private Hire and Hackney Carriage Licensing Policy.
- 1.2 To delegate authority to the Public Protection Manager to consider responses and, if necessary amend the policy in consultation with the Lead Member for Public Protection.

2.0 Introduction

- 2.1 It is intended that those using taxis in Cherwell and South Northamptonshire to have a safe, reliable and pleasant experience.
- 2.2 Taxis regularly transport passengers who may be vulnerable, for example when the passenger is under the influence of drink or drugs or is travelling alone. There is a need to promote the highest safeguarding standards to protect both passengers and drivers. It is also important that drivers are aware of the signs, and have the confidence to alert the authorities about the concerns that they may have about the safety of vulnerable passengers.
- 2.3 This report proposes a new joint Private Hire and Hackney Carriage Licensing Policy which improves and strengthens existing policies. With a new shared Public Protection Team in place, it provides an opportunity to publish a new joint policy which builds on the best practice identified from each Council.

- 2.4 The conclusions of both the Jay Report into child sexual exploitation in Rotherham and Oxfordshire Safeguarding Children's Board (OSCB) serious case review into child sexual exploitation have emphasised the necessity for a robust licensing policy to safeguard and protect public safety.
- 2.5 The Oxfordshire Joint Operating Framework (JOF) for Transporting Children/Adults with Care and Support Needs and Taxi Licensing was commissioned by the Child Sexual Exploitation Sub-Group of Oxfordshire Safeguarding Children Board and is the result of collaboration between the City and District Councils, the county council and the police. The minimum standards set out in the Framework are included in this policy.

3.0 Report Details

- 3.1 The new policy aligns the current Cherwell District and South Northamptonshire Council policies and includes a number of updates and improvements with a clear policy statement.
- 3.2 This policy document sets out the driver, vehicle and operator standards and the way the Council will discharge its responsibilities for hackney carriage and private hire licensing. The policy sets out a clear approach to these matters for officers, members of the trade and the public.
- 3.3 The significant changes in this policy focus on:
- improved driver standards,
 - strengthening the "fit and proper person" test
 - a more rigorous convictions policy
 - mandatory safeguarding training
 - spoken English testing
 - driving standards training
- 3.4 The focus of this policy is to increase standards and therefore increase public safety. The policy will apply to all current licence holders and to new applicants.

4.0 Conclusion and Reasons for Recommendations

- 4.1 By approving the joint draft Private Hire and Hackney Carriage Licensing Policy we will be able to consult and then implement a policy which will improve and strengthen our taxi licensing regime, ensuring public safety.

5.0 Consultation

- 5.1 In the interests of transparency, and in keeping with the principles of the Regulators Code, a consultation will be carried out to seek the views of those affected by the policy.

- 5.2 As well as publishing the consultation on each website, the Council will consult directly with its licensed drivers and operators.
- 5.3 Consultation will take place widely with partners and stakeholders including the public; neighbouring local authorities; Thames Valley and Northamptonshire Police Forces.
- 5.4 The Licensing Committee will be consulted to seek member opinion.

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Not to approve the joint draft Cherwell and South Northamptonshire Council Private Hire and Hackney Carriage Licensing Policy. This is not recommended as the proposed policy includes a number of updates and improvements with a clear policy statement.

7.0 Implications

Financial and Resource Implications

- 7.1 There will be a small additional cost for licensees who will have to pay for training as part of the application process. The policy will be applied to existing licensed drivers who will also have to pay for training. There are no other financial implications to the Councils.

Comments checked by Brian Wallace, Service Accountant, 01295 221737, brian.wallace@cherwellandsouthnorthants.gov.uk

Legal Implications

- 7.2 The licensing of Hackney Carriage / Private Hire Vehicle drivers, operators and vehicles within Cherwell District and South Northamptonshire is undertaken pursuant to the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The Hackney Carriage and Private Hire Vehicle Licensing Policy serves as a framework and guidance to licence applicants and licensing officers. The Policy specifies criteria, standards, procedures and processes to ensure so far as possible the Council's overarching aim of protecting the public, by granting licences only to those who have satisfied the Council that they are 'fit and proper' to hold such a licence. The application and enforcement regime specified in the policy is intended to be fair, transparent and consistent, whilst providing that each application and/ or sanction is determined on a case by case basis. The Policy is however guidance and not a straightjacket; the Council may exercise discretion and make reasonable departures from the Policy as and when the circumstances of a particular case dictate.

Comments checked by Matt Marsh, Solicitor, 01295 221691, matt.marsh@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Key Decision

Financial Threshold Met: No

Community Impact Threshold Met: No

Wards Affected

All

Links to Corporate Plan and Policy Framework

Cherwell: Safe, Clean and Green – Work with partners to ensure the District remains a low crime area, reducing the fear of crime, tackling anti-social behaviour and focussing on safeguarding our residents and businesses

Lead Councillor

Councillor Tony Ilott, Lead Member for Public Protection

Document Information

Appendix No	Title
1	Private Hire and Hackney Carriage Licensing Policy and Appendices A –E
Background Papers	
None	
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