

CHERWELL DISTRICT COUNCIL
LICENSING COMMITTEE MEETING

11 June 2009

REPORT OF THE HEAD OF URBAN & RURAL SERVICES

Licensing of Taxis and Private Hire Vehicles

1 Introduction and Purpose of Report

- 1.1 The purpose of this report is to present a review of the vehicle specification documents currently used by the Licensing Authority for the licensing of Taxi and Private Hire Vehicles.
- 1.2 The Licensing Committee is asked to consider the review document and, if as a result, determines that revisions are necessary, to authorise Officers to consult on proposed Policy changes.
- 1.3 The current specifications were agreed at a meeting of the Licensing Committee on 16 July 2008 and introduced on 1 September 2008. This followed a detailed review of the previous specifications and an extensive consultation process with the trade and other interested parties, such as Thames Valley Police.
- 1.4 Since the specifications were introduced, the Licensing Authority has continued to receive feedback from the trade highlighting their concerns. In view of this, and with the benefit of 9 months of the specifications being in operation, it was felt appropriate to undertake a further review, inviting the trade to submit their views for the Licensing Committee to consider.

It also provides an opportunity for the Licensing Authority to propose further changes that help to clarify the specification requirements and to ensure that the test of ensuring public safety and accessibility are met.

2 Wards Affected

- 2.1 All Wards

3 Effect on Policy

- 3.1 The review may highlight a need for alterations or adjustments to the Policy. It is necessary for any such revision to be formally consulted on and therefore any changes that are being proposed would become effective only following a further report to the Licensing Committee that will set out the results of the consultation.

4 Contact Officer(s)

- 4.1 Chris Rothwell (Ext 1712).
Natasha Barnes (Ext 3738).

5 The Present Position

- 5.1 At a meeting on 19 March 2008 Licensing Committee considered a revised Policy document for use in the Licensing of Taxi and Private Hire Vehicles, Operators and Drivers. At this meeting the Committee gave authority to Officers to carry out a consultation on the proposed Policy documents.
- 5.2 The results of the consultation exercise were reported to the Licensing Committee on 16 July 2008 and the Committee agreed the final Policy documents for introduction with effect from 1 September 2008.
- 5.3 A number of proposals and amendments to the draft Policy documents were submitted by the Trade and were considered by the Licensing Committee at the 16 July 2008 meeting. Whilst these proposals were a valuable part of the consultation not all were accepted as it was not felt that they were in the best interests of the public. During the first 9 months of operating the new Policy documents, members of the trade have continued to raise concerns over some aspects of the Policy that they proposed in the consultation but were not included in the final Policy.
- 5.4 Officers felt that it would be timely to bring forward a planned review of the Policy to enable Committee to review trade representations. This report sets out these representations together with Licensing Authority comments to assist the Committee in understanding the Policy context and where changes might be considered.

It is also appropriate to review the Policy position in light of the current economic climate.

- 5.5 In March 2009 Officers sent a "Taxi News" letter to every Hackney Carriage and Private Hire Driver Licence Holder, this included an invitation to send any comments they have regarding the Policy Documents so that they could be considered as part of this review.
- 5.6 Licensing Officers received letters from The Cherwell Valley Hackney Carriage Association (CVHA) and the North Oxfordshire Hackney Association (NOHA) with their comments. In addition a Mr Mark Peace of Cheney Travel asked that his previous comments be reconsidered as a part of the review.
- 5.6 The Licensing Authority is also currently undertaking a review of its knowledge testing provision, it is anticipated that a new question bank will be developed and that the number of questions and therefore the pass mark will differ from that which is currently in use.

6 Background

- 6.1 The Department for Transport (DfT) guide refers to best practice in both the taxi and private hire vehicle (PHV) trades. It emphasises that each individual licensing authority has the responsibility to reach their own decisions in the light of their own views of the relevant considerations, and taking into account local circumstances. The purpose of the guide, amongst other things, is to set out the main considerations and highlight those which experience has shown to be controversial. It should be noted that the DfT are currently consulting on a revised version of this document and its contents have been considered in writing this report.
- 6.2 Households in Great Britain spend around £3 Billion on taxi and PHV journeys each year. Further substantial sums are spent by businesses and visitors on this (mostly) local transport.

- 6.3 Taxis and PHVs provide a safe and reliable means of transport for a cross section of our community including:
- children with special needs travelling to school
 - men and women travelling home late at night from town centres
 - those in rural areas who have no alternative means of transport
- 6.4 The role of licensing policy is to ensure safe and accessible services for all customers. In doing so there is a need to ensure that any licensing conditions that are set are proportionate to the policy aims they seek to achieve and this requires that the different interests of operators and their customers have to be considered and reconciled. For example, drivers may wish to see an increase in fares while passengers will not. It follows that consultation on these issues is required across a range of people who have an interest in the operation of taxis and private hire cars, not simply the drivers or operators themselves.
- 6.5 One of the policy issues that have been subject to legislative change in recent years has been accessibility for disabled people. Disability legislation passed in 1995 that applies to taxis would restrict the ability of local licensing authorities to grant taxi licences, unless they conformed to access provisions, but these have not been implemented by the government. More recent disability legislation applies to both Taxis and PHVs and sets out a general right of access to goods, services and facilities for disabled people.
- 6.6 Other legislation goes directly to the duties of the drivers themselves and does not require to be replicated in Council Policy, save to ensure that enforcement policies give due emphasis to inspection and enforcement of them, for example the requirement to hold a DVLA Drivers Licence in order to operate a motor vehicle.

7 Proposed Changes to Policy

- 7.1 In order for the Licensing Committee to consider any proposed changes, Officers have collated all responses into a table format. This is attached as Annex 1.
- 7.2 The table sets out in column form: the Policy section number; the wording of that section of the current Policy; the respondent; their comments. The table also includes details of the pre September 2009 Specification so that Committee can see any amendments that were made as a result of the last Policy review, these changes are reflected in italics. The final column gives information regarding options that are open to Committee along with an Officer recommendation and explanation.
- 7.3 The Policy governing the application for a Hackney Carriage and Private Hire Vehicle Drivers Licence is currently very specific with regards to the make up of the knowledge test. It is likely that the work that is underway to review the test will result in the need to clarify the wording of this section of the Policy.

8 The Consultative Process

- 8.1 Changes to licensing policy will only normally take place following consultation with relevant interested parties. Such consultation must take place at a time when proposals are still at a formative stage; include sufficient reasons for particular proposals to allow those consulted to give a reasoned response; adequate time must be given for the consultation; and the product of the consultation must be conscientiously taken into account when the ultimate decision is taken.

- 8.2 The Department for Transport (DfT) 'Best Practice Guidance' dated October 2006 suggests that:
 "... consultation should include not only the taxi and PHV (private hire vehicle) trades but also groups likely to be the trades' customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. Transport 2000 and other transport providers) women's groups or local traders."
- 8.3 A list of those with whom it is proposed to consult on these matters should the Committee consider that Policy changes are appropriate is attached as Annex 2. In addition, all the papers relevant to this consultation will be posted on the Council's website and made available to members of the public at each of the districts One Stop Shops.

9 Risk Assessment, Financial Effects and Contributions to Efficiency Savings

9.1 Risk assessment –

Risk	Likelihood	Impact	Mitigating Actions
Little or no risk associated with carrying out a formal consultation process.	Low	Low	To carry out the consultation in the way described at paragraph 8.2 and 8.3

- 9.2 Financial effects – minimal cost associated with production and distribution of policy amendment documents, these costs can be met within existing budget provision
- 9.3 Efficiency savings – None arising from consultation

10 Recommendation

- 10.1 It is **recommended** that the Licensing Committee
1. review the Policy proposals at Annex 1 of this report and authorise officers to carry out consultation on those items of Policy the Committee agree for amendment.
 2. note the comments at paragraphs 5.6 and 7.3 regarding future changes to the knowledge testing provisions and agree that any such changes are included in the consultation exercise.

Background Papers:

- (a) Department for Transport Taxi and Private Hire vehicle Licensing 'Best Practice Guidance'
- (b) Current Private Hire Vehicle and Hackney Carriage specifications.