



Committee report

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| Committee | LICENSING COMMITTEE |
| Date | 16 FEBRUARY 2015 |
| Title | HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY |
| Report of | HEAD OF PLANNING AND REGULATORY SERVICES |

EXECUTIVE SUMMARY

1. This paper seeks to advise the Licensing Committee of a new proposed Hackney Carriage and Private Hire Licensing Policy (Appendix 1) and to recommend its adoption by the Executive.
2. It also advises the Licensing Committee of revised fees for a 1, 2 or 3 year Hackney and Private Hire Drivers Licences and to recommend approval to the Executive.

BACKGROUND

3. There is currently no general policy to cover the licensing of drivers and vehicles. The current licensing provision is by way of conditions.
4. It is therefore necessary that a policy is produced to provide the minimum requirements the council would expect before a hackney or private hire licence can be applied for either a driver or vehicle.
5. The new policy provides clear guidance to the applicant and Licensing Officers on the application process and the determination of taxi related applications.
6. It is recommended that the policy is implemented from 1 August 2015 to enable the proprietors to put measures in place to comply with this policy.

STRATEGIC CONTEXT

7. The creation of a Hackney Carriage and Private Hire Licensing Policy fits in with the council's priorities of 'Growing the economy and tourism' and 'Delivering statutory duties and achieving value for money'.

CONSULTATION

8. A consultation was carried out on the draft policy with current licenced drivers and proprietors. Each licence holder was individually informed of the revised policy and how to submit any comments.

9. The consultation started on 27 November 2014 and finished on 2 January 2015.
10. In total 6 responses were received from 4 different people. Appendix 2 provides the replies in full.
11. The greatest area of concern related to the proposed requirement for vehicles which are older than 8 years or have completed more than 150,000 miles to have two compliance tests per year. A compliance test is similar to a MOT but includes some extra safety requirements.
12. It has also been suggested from consultation feedback that the 2 compliance tests should be consistent throughout all vehicles irrespective of age or mileage.
13. Proprietors were concerned about the additional cost of the second test (£55 per test) and wanted to know the justification for requiring the additional test.
14. In addition proprietors were concerned that the existing nominated garage would not be able to cope with the additional demand the second test will create. They stated that currently there is only one MOT test centre on the Island who can undertake these tests and there have been difficulties booking in vehicles for an annual test.
15. Comments were also received suggesting that a driver's licence should be issued for a maximum of three years as permitted by the legislation.
16. A suggestion has also been made that the council should undertake a taxi needs survey to identify the maximum number of taxis which should be provided on the Island. Once determined the maximum number should be included within the Policy.

FINANCIAL / BUDGET IMPLICATIONS

17. Council expenditure on taxi related matters is balanced from income generated from fees. The fees are set by the council and represent the full costs of administering and the enforcement of matters relating to taxis.
18. The fees being recommended within this report have been calculated using the actual time it takes to process each application charged at the current officer's full cost recovery hourly rates provided by financial services.

LEGAL IMPLICATIONS

19. The Town and Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 provide the legislative powers to licence hackney carriage and private hire driver's licences as well as licensing the vehicles.
20. The council has the power to issue a private hire drivers licence and hackney carriage driver's licence under the two respective pieces of legislation.
21. The council is obliged to grant a private hire drivers licence unless we consider the driver is not a fit and proper person or they have not been authorised, as defined by the act, to drive a vehicle for a period of at least 12 months prior to the application. The provisions relating to hackney carriage are similar but do not compel the authority to grant the licence. Any refusal to grant may be appealed to the magistrate's court.

22. There is power to limit the numbers of hackney carriages in the area but only if the council is satisfied that there is no significant unmet demand. Government guidance suggests that it is best practice not to limit the numbers.
23. Best practice states that the aim of local authority licensing of hackney carriages and private hire vehicles is to protect the public. Local licensing authorities should be aware that the public should have reasonable access to taxi and PHV services, because of the part they play in local transport provision. Guidance issued suggests that licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting up the cost of operation or otherwise restricting entry to the trade. Local licensing authorities should recognise that too restrictive an approach can work against the public interest – and can, indeed, have safety implications.
24. Local licensing authorities should therefore be sure that each of their various licensing requirements is in proportion to the risk it aims to address; or, to put it another way, whether the cost of a requirement in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public, for example through increased safety. This is not to propose that a detailed, quantitative, cost-benefit assessment should be made in each case; but it is to urge local licensing authorities to look carefully at the costs – financial or otherwise – imposed by each of their licensing policies. It is suggested they should ask themselves whether those costs are really commensurate with the benefits a policy is meant to achieve.

EQUALITY AND DIVERSITY

25. The council as a public body is subject to general and specific duties under equality and diversity legislation and as such has a duty to impact assess its service, policies/strategies and decisions with regards to diversity legislation and the nine protected characteristics (race, gender reassignment, disability, age, sex and sexual orientation, religion or belief, pregnancy and maternity, marriage and civil partnership). There are no direct implications for the council's duties under the terms of Equality Act 2010 arising from the recommendations in this paper.
26. The equality impact assessment for this policy demonstrates that there is no impact on any of the protected characteristics.

27. OPTIONS

- Option 1: To recommend to the Executive Committee the adoption of the revised Hackney Carriage and Private Hire Licensing Policy attached as Appendix 1 with an implementation date of 1 August 2015.
- Option 2: To recommend to the Executive Committee the adoption of the revised fees for a 1, 2 or 3 year Hackney and Private Hire Drivers Licences as detailed in paragraph 33 of this report.
- Option 3: To amend and recommend to the Executive Committee the adoption of the Hackney Carriage and Private Hire Licensing Policy, attached as Appendix 1 with an implementation date of 1 August 2015.

- Option 4: To amend and recommend to the Executive Committee the adoption of the revised fees for a 1, 2 or 3 year Hackney and Private Hire Drivers Licences as detailed in paragraph 33 of this report.

RISK MANAGEMENT

28. The Policy sets out how the Isle of Wight Council will regulate licenced hackney carriage or private hire vehicles and drivers, including application, determination, renewal, enforcement and appeals. The policy also offers guidance and information for both applicant and decision makers on the areas of consideration to promote a consistent approach.

Officers are satisfied that the policy is fit for purpose and therefore presents no risk if it is approved.

EVALUATION

29. The introduction of the second compliance test was a recommendation made by officers who were concerned that older or high mileage cars were more likely to fail MOT/compliance tests. Officers do not have any supporting evidence to demonstrate that this is in fact the case; therefore after considering the views of the proprietors and the lack of supporting evidence the need of a second compliance has been removed from the draft policy. Officers will monitor MOT/Compliance failures to identify any common factors which will be considered when the Policy is reviewed in 2018.
30. Officers still have the power to request an additional compliance test if they suspect the vehicle is not fit for purpose. The Licensing Department also undertake bi-annual joint inspections with the Police and Driver and Vehicle Standards Agency (previously VOSA).
31. The legislation relating to drivers of hackney carriage and private hire vehicles permits the issuing of a drivers licence for a maximum of three years. This would create a reduction in officer time therefore being beneficial to both the licence holder and the council. However the fee will need to include the cost of undertaking yearly driver licence checks with the DVLA and to monitor licence compliance.
32. The proposed Policy has been amended to allow applications for a 1, 2 or 3 year licence. A separate fee will be required for each period, which would reduce pro-rata the longer the licence. The proposed policy does require that the appropriate fee is paid in full on application for a licence for the duration being applied for.
33. Officers propose that the following driver licence fees are set as follows:
- A one year licence First Application £100 Renewal £65
 - A two year Licence First Application £140 Renewal £110
 - A three Licence First Application £180 Renewal £150
34. The first respondent, in their two replies have referred to the Transport for London Regulations and the potential for a 5 year driver's licence. This is only applicable to drivers regulated by Transport for London as the legislation under which London cabs are regulated is different to that which applies to the Island. As indicated above the legislation which this authority must comply with only permits up to a three year driver's licence.

35. The second suggested that the council undertakes a needs survey to ascertain the number of taxis which are required on the Island and then provide a cap within the Policy. This is something which has been suggested previously and the Council has to date decided that it is best to leave the numbers to be determined by demand.
36. There is no requirement to have a cap, although some authorities do set a maximum number. Officers therefore do not feel that the needs survey is required and as previously decided, public demand will and should be used to determine the number of licenced vehicles.

37. RECOMMENDATION

- Option 1: To recommend to the Executive the adoption of the revised Hackney Carriage and Private Hire Licensing Policy with an implementation date of 1 August 2015.
- And
- Option 2: To recommend to the Executive the adoption of the revised fees for a 1, 2 or 3 year Hackney and Private Hire Drivers Licences as detailed in paragraph 33 of this report.

APPENDICES ATTACHED

- [Appendix 1](#) Draft Hackney Carriage and Private Hire Licensing Policy
[Appendix 2](#) Consultation Replies

BACKGROUND PAPERS

[Equality Impact Assessment](#)

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