



PAPER B

Purpose: For Decision

Committee report

Committee	LICENSING COMMITTEE
Date	14 DECEMBER 2015
Title	HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY
Report of	EXECUTIVE MEMBER FOR PLANNING, LICENSING, PUBLIC REALM AND LOCAL ENGAGEMENT

EXECUTIVE SUMMARY

1. This paper seeks to make a recommendation to the Executive on the revised Hackney Carriage and Private Hire Licensing Policy as at Appendix 1.
2. The revised policy includes a proposal where all drivers are required to undertake safeguarding training before a Hackney Carriage and Private Hire (HC/PH) Driver's Licence is issued. It will also require all existing licenced drivers to undertake it within six months of any amendments being approved.
3. The policy has also been updated to include the changes to taxi licensing introduced by The Deregulation Act 2015. These are as follows:
 - (a) All Driver Licences should be issued for a period of three years unless a suitable case is provided by the applicant why a shorter period would be more appropriate.
 - (b) All Private Hire Operator's Licences should be issued for a period of five years unless a suitable case is provided by the applicant why a shorter period would be more appropriate.

The relevant sections of the policy have been updated to ensure it is compliant with these changes.

BACKGROUND

4. The previous Taxi Policy was approved by the Executive on 24 March 2015; however, since then there have been a number of high profile safeguarding and exploitation cases nationally where taxi companies and drivers have been an integral part of the offences committed. Any cases locally will be dealt with through the most appropriate enforcement route including the courts or licensing regime.

5. Before a taxi HC/PH driver's licence can be issued, the council must be satisfied that the person is fit and proper to hold one. Currently, a number of checks are undertaken including an Enhanced Disclosure and Barring Service (DBS) check and an online assessment of the applicant's driving licence. Any issues identified are considered prior to granting a licence. In some circumstances, for example drug and driving related offences, it may lead to a licence being refused.
6. Due to the number of safeguarding cases nationally it is sensible as a part of the 'fit and proper test' to require all drivers to undertake safeguarding training. The policy has been updated and now all drivers will need to undertake safeguarding training prior to a driver's licence being issued and for all existing drivers to undertake it within six months of the date of the policy being amended.
7. The proposed training has been developed from existing training packages and is likely to be used by a number of other council departments. The Licensing Department will provide the details of where the training can be accessed. It will be the responsibility of the driver to provide the certificate of completion when first undertaken and thereafter every three years.
8. Paragraphs 3.3.10 and 3.3.23 have been added to the policy to state the safeguarding training must be completed prior to all new applications and retaken every three years. Monitoring will be undertaken by officers to ensure that all drivers comply with this requirement. Non-compliance could result in the driver's licence being suspended until the training has been completed.
9. In response to the changes to Local Government (Miscellaneous Provisions) Act 1976 by the Deregulation Act 2015, paragraph 3.3.22 has been altered and paragraph 3.4.2 has been added to ensure the policy reflects and is compliant with these amendments.

STRATEGIC CONTEXT

10. The Hackney Carriage and Private Hire Licensing Policy is in accordance with the council's priorities of 'Supporting growth in the economy, making the Island a better place and keeping it safe'.

CONSULTATION

11. In total, 315 drivers and proprietors were sent a letter dated 30 September 2015 informing them of the intention to include safeguarding training as a part of the licensing approval and ongoing criteria. Comments were requested by 30 October 2015. All replies have been attached at Appendix 2 and each has received a response.
12. There has been no consultation in relation to the changes made by the Deregulation Act 2015 as these are required by legislative requirements. However, all proprietors and drivers were informed by letter of these changes.

FINANCIAL / BUDGET IMPLICATIONS

13. 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.
14. Although there are some additional costs involved with the development of the training package, these costs will be minimal and therefore can be covered by the existing licensing fee. There will be no additional officer costs as the training will be accessed remotely and undertaken in the applicant/licence holder's own time.

LEGAL IMPLICATIONS

15. The legislation relevant to licensing vehicles for hire and reward is Part II of the Local Government (Miscellaneous Provisions) Act 1976 ("The Act") and The Town Police Clauses Act 1847.
16. The Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976 provide the legislative powers to licence HC/PH drivers.
17. The Deregulation Act 2015 has amended Part II of the Local Government (Miscellaneous Provisions) Act 1976, and the amended policy reflects these changes.
18. There is no legislative requirement to require new or existing drivers to undertake safeguarding training.

EQUALITY AND DIVERSITY

19. The council, as a public body, is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
20. The EIA completed for this Policy indicates that there is no adverse impact on any of the protected characteristics.

OPTIONS

21. Option 1: To consider and recommend to the Executive that the revised Hackney Carriage and Private Hire Licensing Policy attached as Appendix 1 be adopted with an effective date of 1 April 2016.

Option 2: To consider, amend and recommend to the Executive that the revised Hackney Carriage and Private Hire Licensing Policy, attached as Appendix 1 be adopted with an effective of 1 April 2016.

RISK MANAGEMENT

22. 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.
23. Ensuring that both drivers and the public are protected as far as practicably possible is fundamental following cases in other authorities. The inclusion of the training will not completely remove the risk but will certainly heighten the awareness which in turn will help reduce any potential risk.
24. Failure to adopt the policy with the safeguarding test included could place the public and drivers at greater risk. The council has a duty to ensure where possible all risks are assessed and reduced where possible.

EVALUATION

25. On the whole, all those who replied were in support of the inclusion of the safeguarding training as a requirement; however, two of the responses indicated that they would not like to see it included within the policy.
26. The main concern was that the training would increase the cost of the licence fee. There will be no increase in fees for the reasons outlined in paragraph 14 of this report.
27. Officers see no reason why the policy should not be updated with these proposals and approved with the changes becoming effective from 1 April 2016.

RECOMMENDATION

28. Option 1: To consider and recommend to the Executive that the revised Hackney Carriage and Private Hire Licensing Policy attached as Appendix 1 be adopted with an effective date of 1 April 2016.

APPENDICES ATTACHED

29. [Appendix 1](#): Revised Hackney Carriage and Private Hire Licensing Policy.
[Appendix 2](#): Consultation replies.

BACKGROUND PAPERS

30. [Report to the Executive on 24 March 2015.](#)
31. [Minutes of the Executive on 24 March 2015.](#)

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