



**AGENDA ITEM (9)**

**REVISED HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**

<b>Accountable Member(s)</b>	Planning and Licensing Policy
<b>Accountable Officer</b>	Michelle Bignell Senior Licensing - Business Support (Licensing) Environmental and Regulatory Services 01285 623000 <a href="mailto:michelle.bignell@2020partnership.uk">michelle.bignell@2020partnership.uk</a>

<b>Purpose of Report</b>	To consider a revised Hackney Carriage and Private Hire Licensing policy
<b>Recommendation(s)</b>	(a) That the revised Hackney Carriage and Private Hire licensing policy be approved for public consultation; (b) that following public consultation, a further report be submitted to the Committee in March 2018, for consideration of approval.
<b>Reason(s) for Recommendation(s)</b>	The Council exercises control over Taxi and Private Hire operations in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976 to ensure that operators and drivers meet the required standards in order to protect the public

<b>Ward(s) Affected</b>	All
<b>Key Decision</b>	No
<b>Recommendation to Council</b>	No

<b>Financial Implications</b>	No financial implications arise directly from this report
<b>Legal and Human Rights Implications</b>	None
<b>Environmental and Sustainability Implications</b>	None
<b>Human Resource Implications</b>	None
<b>Key Risks</b>	None

<b>Equalities Analysis</b>	No effect on protected groups identified
<b>Related Decisions</b>	None
<b>Background Documents</b>	Local Government (Miscellaneous Provisions) Act 1976 Town and Police Clauses Act 1847 Cotswold District Council - Hackney Carriage and Private Hire Licensing Policy (April 2011)
<b>Appendices</b>	<b>Appendix 'A'</b> - Cotswold District Council - Hackney Carriage and Private Hire Licensing Policy (April 2011) <b>Appendix 'B'</b> - Revised Hackney Carriage and Private Hire Licensing Policy (April 2018)
<b>Performance Management Follow Up</b>	Not relevant at this stage

## Background Information

### 1. Introduction

1.1 The Council exercises control over Taxi and Private Hire operations under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 (the Act).

1.2 There is no requirement for the Council to have a written policy in place in relation to Hackney Carriage and Private Hire licensing.

1.3 Licensing authorities can choose to implement a policy to ensure that there is a guidance document in place for Applicants, Members and Officers to work from. This helps to:-

- guide Applicants through the application process;
- provide clear guidelines on what is required for drive, vehicle and operator licences;
- give necessary guidance to Members to help them make informed decisions on applications, for example, in respect of convictions;
- ensure a fair and open way of carrying out the issuing of Hackney Carriage and Private Hire licences.

1.4 The Council first introduced a Hackney Carriage and Private Hire Licensing policy on 1<sup>st</sup> April 2011, and a copy of that policy is attached at **Appendix 'A'**. That policy has been revised in order to update it to accord with current legislation, and to make some procedural amendments. A copy of the revised policy is attached at **Appendix 'B'**.

### 2. The Revised Policy

2.1 The suggested amendments to the current policy include:-

- introduction of an upper age limit on Hackney Carriage/Private Hire vehicles;
- introduction of a maximum age limit for vehicles at first licensing;
- six-monthly MOT certificates to be provided in respect of vehicles over five years old;
- changes to medical requirements;
- removal of the penalty points system.

2.2 If the Committee approves this report, the revised policy will be subject to a twelve-week consultation. The consultation responses will be collated, and a further report will then be submitted to the Committee at its Meeting in March 2018 and, subject to the Committee's decision, it is intended that the new policy will take effect from 1<sup>st</sup> April 2018.

### 3. Further Details

#### 3.1 Introduction of an Upper Age Limit

3.1.1 Currently, there is no upper age limit for licensed Hackney Carriage/Private Hire vehicles in the Cotswold District. Due to the mileage these vehicles can clock up, an upper age limit of fifteen years is proposed. It is suggested that vehicles which are fifteen years old will no longer be licensed by the Council. This proposal will affect less than 3% of the licensed trade (five vehicles).

3.1.2 There will be an exception to this rule. Wheelchair-accessible, electric and purpose-built vehicles (for example, London-style cabs) will be exempt due to the cost of the vehicles or because they are purpose-built for Hackney Carriage/Private Hire work.

3.1.3 It is suggested that drivers be allowed a period of two years from the date of implementation to adhere to this policy (i.e. until 1<sup>st</sup> April 2020).

#### 3.2 Introduction of a Maximum Age Limit for Vehicles at First Licensing

It is suggested that vehicles aged five years or over at the time of application will not be licenced by the Council.

#### 3.3 Six-Monthly MOT Certificates

It is suggested that six-monthly MOT Certificates be provided for all licensed vehicles aged five years or over. Such certificates can be obtained from any MOT approved garage and will ensure that the mechanical safety of vehicles is tested on a twice-yearly basis.

#### 3.4 Changes to Medical Requirements

3.4.1 It is suggested that the Council follows the same medical requirements as the DVLA does for bus and lorry drivers. Medicals will be required as follows:-

- on application;
- every five years for drivers aged between 45 and 65;
- every year for drivers aged 65 and over.

3.4.2 The Council's current requirements in relation to medicals are:-

- on application;
- every three years for drivers aged between 45 and 65;
- every year for drivers aged 65 and over.

3.4.3 It is, and it will remain, a requirement for licence holders to inform the licensing authority of any medical conditions.

#### 3.5 Removal of the Penalty Points Scheme

3.5.1 The Council's penalty points scheme was introduced in April 2011 (page 35 of the current policy refers). It is suggested that the penalty points scheme be deleted and replaced by an Enforcement and Complaints Policy (Annex 2 of the revised policy refers).

3.5.2 It is considered that an Enforcement and Complaints Policy will give a more structured approach to enforcement and will be simpler to administer. It will also mean that any issues with the less-compliant licence holders can be addressed through the Licensing Sub-Committee (Hackney Carriage/Private Hire and Street Trading Consent Matters).

### 3.6 Other Changes

#### 3.6.1 On-Line Disclosure and Barring Service Update

It is suggested that all licence holders be required to sign up to the on-line update service with the Disclosure and Barring Service to ensure that the licensing authority can access their records at any time. It is further suggested that licence holders who fail to sign up to the update service should be suspended.

### 4. Updates

4.1 The following legislation has been incorporated into the revised policy:-

- Equality Act 2010;
- Immigration Act 2016.

4.2 The safeguarding training requirements have also been included.

(END)