

1 Purpose

- 1.1 For Members to consider and agree to a full and complete review of the current Taxi and Private Hire Policy.

2 Recommendations

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| <p>2.1 For Members to consider and agree to a full and complete review of the current Taxi and Private Hire Policy.</p> <p>2.2 For members to decide - in light of the unitary decision - whether the licensing service should either;</p> <ul style="list-style-type: none">a) explore the possibility of collaborative working on the policy review with the other district council's in Buckinghamshire, orb) produce a unilateral policy. |
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3 Supporting information

- 3.1 The Council's current licensing policy on taxi and private vehicles hire was last subject to a comprehensive and extensive review in 2016. Arising from this review, a number of important areas were identified, specifically:
- 10 year age policy for vehicles and enhanced vehicle checks.
 - Safeguard training for all drivers.
 - English Language and Knowledge testing for drivers.
 - Extended delegated decision making to Licensing Officers.
 - Endorsement of the points system for licensed drivers.
 - Home authority checks.
- 3.2 Following the formal review, several key policy decisions have since been made:
- Requirement for vehicle licence applicants to hold either a driver or operator licence.
 - New operator licence condition prohibiting PSVs being used for PHV bookings without passenger consent.
 - Continuation of Aylesbury Town taxi unmet demand limitation policy.
- 3.3 Furthermore, since the review in 2016, there have been a number of significant matters that have bearing on taxi and PHV licensing:
- 3.4 The impact of the Deregulation Act 2015, which allows operators to lawfully sub-contract bookings to operators outside their District, has been significant. There has been a steep increase in the number of drivers, vehicles and operators licensed by AVDC operating outside Aylesbury Vale. This in turn has created enforcement challenges for the Licensing Service, which has no jurisdiction to take criminal proceedings for offences committed outside the District. As a consequence the Licensing Service is reliant on other regulatory sanctions and good working relations with other Local Authorities.

- 3.5 In April 2017, Sections 165-167 of the Equalities Act 2010 took effect, imposing a statutory duty on drivers of wheelchair accessible taxi and PHV vehicles to provide assistance to wheelchair users. The Act also contains provisions relating to the requirement to carry assistance and guide dogs and not to discriminate in terms of charging for services. As a consequence of the Deregulation Act outlined in paragraph 3.4, there are also difficulties for AVDC officers enforcing this legislation when offences occur outside the District.
- 3.6 The Licensing Service receives regular requests from drivers wishing to introduce CCTV into their vehicles. The introduction of the GDPR has brought new challenges to the general advice available. A number of Local Authorities have introduced the provision of CCTV as a mandatory requirement. The introduction of a compulsory CCTV requirement would raise significant issues for AVDC, however it is advisable that the opportunity to weigh the pros and cons of this approach be taken when considering a review of current policy arrangements.
- 3.7 In April 2018, the Institute of Licensing has published "Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades." This guidance sets out clear guidelines for local authorities to apply when determining whether a driver, private hire operator or vehicle proprietor is fit and proper (or "safe and suitable") to be granted, or permitted to continue to hold, a licence. The guidance uses a "bright line approach" to avoid ambiguity and the standards have been set deliberately high. Licensing Authorities are being asked to incorporate this guidance into their policies with a view to achieving consistency and the highest standards in the decision making process. The guidance is endorsed by the Local Government Association, Lawyers in Local Government and National Association of Licensing Enforcement Officers. This document is shown in Appendix 1.
- 3.8 In September 2018, the Task and Finishing Group on Taxi and Private Hire Vehicle Licensing, appointed by the Minister of State at the Department for Transport, published its report and has made 34 recommendations to the Government. Most of these recommendations relate to Central Government controlled functions such changing legislation and producing national guidance. Local Authorities have been assured by the Department for Transport that a Government response to the recommendations is expected very soon, however 13 of the recommendations refer to matters within Licensing Authorities existing powers. The recommendations are shown in Appendix 2, with those within immediate Local Authority control are highlighted.
- 3.9 The Licensing Service regularly meets with the Aylesbury Vale taxi and PHV trade in formal settings such as the quarterly 'Trade' meetings and 'Taxi Working Group' meetings, as well as informal and ad hoc meetings. The trade and Licensing Officers have identified a substantial number of policy areas that merit further exploration and consideration. Many of these mirror issues identified in the paragraphs above. A summary of these areas for consideration are shown in Appendix 3.
- 3.10 Given the substantive number of policy areas identified for review, the Licensing Service has considered whether it is necessary or desirable to conduct a complete review of the current policy arrangements in respect of taxi and PHV licensing. The benefits of reviewing the policy obviously need to be balanced by the associated costs. The perceived benefit is the creation

of a new policy that sets the latest highest standards to safeguard the travelling public. In order to secure this aim it is proposed that the services of one of the leading legal experts on taxi and PHV licensing be employed to assist with the formulation of a new policy to ensure it is resilient to legal challenge. The Licensing Service are currently awaiting a cost estimation for this work which is anticipated to be available at this meeting. There are risks associated with the unitary decision as well as potential changes to the legislation and guidance arising from the Government's response to the task and finishing group recommendations. It is anticipated that by aiming to adopt the highest standards and recognised best practice, the policy will be resilient to changes to local licensing arrangements and national guidance. Any changes to fundamental legislation governing taxi and PHV licensing is unlikely to occur for some time.

4 Options considered

- 4.1 It has been considered whether it is more appropriate to take no action in respect of the policy and wait for the unitary decision to take effect and/or the publication of future Government guidance.
- 4.2 Alternatively it has been considered whether it would be possible to introduce minor amendments to the policy focusing on the main issues.

5 Reasons for Recommendation

- 5.1 As highlighted in the report there are a significant number of areas that have been identified within the current policy that require examination. It is not known if and when national guidance will be revised; however experience indicates that this does not happen quickly. Similarly it is likely to be a considerable period of time before new local licensing arrangements are implemented as a consequence of the unitary decision and appropriate mechanisms are in place to adopt a future licensing policy for the new area. It is arguably more beneficial to do the work now to build a robust and resilient policy so that it can be implemented at the earliest opportunity. To assist with the transition to the new unitary authority it is proposed that the Licensing Service consider collaborative working with the other districts party to the unitary decision. Given that many of the significant areas for consideration influencing many different aspects of the policy it is recommended that a partial policy review is not practical.

6 Resource implications

- 6.1 There are financial implications related to the cost of employing a licensing expert to assist with the formulation of a new policy. It is anticipated that these costs will be met from existing reserves.

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| Contact Officer | Simon Gallacher Ext 5083 |
| Background Documents | (1) Taxi and Private Hire Vehicle Licensing Steps towards a safer and more robust system (2) Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades. |