

**CHILTERN DISTRICT COUNCIL
LICENSING AND REGULATION COMMITTEE – 13 June 2013**

Background Papers, if any, are specified at the end of the Report

HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

Contact Officer: Donna Harrison 01494 732063 Ben Coakley 01494 732060

RECOMMENDATIONS:

That:

The Licensing and Regulation Committee approve the Hackney Carriage and Private Hire Policy (appendix 10) as endorsed by the Task and Finish Group following extensive consultation with the trade.

Background:

- 1 The 12 week formal consultation period for the revised policy concluded on the 30th September 2012.
- 2 Consultation included direct SMS messaging of all drivers and operators, a dedicated web page with a large banner directing people from the Chiltern website homepage, newspaper coverage of the consultation, direct email to all Councillors, police, highways, neighbouring authorities and interested stakeholders e.g. residents groups. Several reminder communications also went out to drivers prior to the official closing date.
- 3 Informal meetings with the trade were arranged and held prior to the start of the consultation and also during the consultation to allow any clarifications or items to be considered.
- 4 A workshop (led by the Chairman of the Licensing and Regulation Committee) was held with the trade on the 20th September 2012 to consider in detail subsequent issues or concerns. The minutes are attached as **Appendix 1**.
- 5 The overall summary of the comments made in relation to the policy proposals and more general comments have been collated and provided as **Appendix 2**.
- 6 All of the original responses (as submitted to the Council) from the trade and other stakeholders are attached as **Appendix 3** and **4**.

- 7 The Task and Finish Group then met on three occasions to discuss the proposed amendments in great detail, the minutes of the meeting are attached as **Appendices 5-7**
- 8 The Task and Finish Group met with the Trade as a final feedback session on 11 April 2013 and the proposed amendments were discussed in detail with the Trade representatives. The minutes of this meeting are attached as **Appendix 8** and the feedback response following the meeting is attached as **Appendix 9**
- 9 The response from the Trade has been discussed in detail and several amendments have been made to the original proposals as a direct result of the consultation feedback and task and finish group meetings. Greater clarity on the relevance of convictions has been added and any ambiguous policy requirements have been removed. Accordingly a redraft of the policy has been necessary.
- 10 The revised policy is attached at **Appendix 10**, which take account of the following major policy elements:
- 11 **Proposed Policy 1 – introduction of Passenger Assistant Training Scheme for all new applicants and existing licensees**

(PATs) modules A, B1, B2, C1, C2 which cover;

- *The role of the Driver/Passenger Assistant – ‘Duty of Care’*
- *Health & Safety Legislation - The need for safe procedures and processes*
- *Assisting Passengers with all Disabilities*
- *Supervising & safeguarding children with complex learning difficulties*
- *Supervising & safeguarding children with social, emotional & challenging behaviour*
- *Working with adults who require care & supervision (e.g. Dementia)*
- *Guidance on manual handling & various assistance techniques*
- *Manual handling & the correct use of wheelchair/buggy specialist equipment including passenger lifts/ramps*

The trade agreed that all new drivers should have to undertake PATs training but felt that it was expensive and unnecessary for existing drivers.

The Task and Finish Group felt that it is very important that all drivers are able to recognise and assist passengers with disabilities.

The proposed training will be undertaken by Bucks County Council (BCC) Transport Team and costs £45. The training is 4 hours per day over two consecutive days and is held in either Aylesbury or High Wycombe (we are currently in negotiation to see if it would be possible to hold the training in Amersham at a reduced cost and the potential to complete it in one day).

Drivers will be required to complete the training every 4 years in line with BCC’s recommendations. If a licensee or applicant has already completed

the training they will not be required to complete it again until 4 years has passed (from when they last completed the training).

It is proposed that this policy, if approved, will become effective immediately for all new applicants and will be phased in for existing licensees (due before the renewal of their drivers badge in 2014).

PATS is already a requirement for all Home To School contracts, therefore any driver who works on a school contract will already be required to complete the training.

- 12 **Proposed Policy 2 – removal of the requirement that a Hackney Carriage Driver who applies to obtain a Private Hire Driver license requires an additional medical examination certificate and vice versa.**

This was welcomed by the Trade and supported by the Task and Finish Group

- 13 **Proposed Policy 3 – reduction of 25% on the vehicle licence fee for any vehicle that falls within Band A, B or C for road tax purposes (low emissions)**

This was supported by the Trade and the Task and Finish Group

- 14 **Proposed Policy 4a – amendment of wording on the application/renewal form**

The wording on the application form has been slightly amended to read;

‘Have you ever had a Private Hire or Hackney Carriage drivers license refused, *suspended* or revoked’, and;

The Data Protection/privacy notice has been updated.

No comments were received from the Trade/consultees and this was supported by the Task and Finish Group

- 15 **Proposed policy 4b – review of the criminal convictions and behaviour policy for new and existing drivers**

This policy has been extensively reviewed and updated. Additional guidelines and offences have been included to make the policy more detailed and transparent as well as ensuring that the Sub-Committee have clearer guidelines to ensure that decisions are fair and consistent.

There were only general comments received from the consultation, there were no objections.

- 16 **Proposed policy 5 – introduction of monitoring of contraventions system**

This has fundamentally changed from the original proposal of introducing a penalty points system due to the feedback received during the consultation process. The Task and Finish Group felt that the proposed penalty point system should be replaced with a proposal to introduce a monitoring of contraventions scheme.

The scheme will, where appropriate, replace the existing practice of issuing written warnings and caution notices. It is proposed to issue a card type monitoring system where licensees can receive a certain number of amber/red cards for specific offences. The amber and red cards are classed as live for 12 months. If a licensee reaches 4 amber cards or 1 red card within a 12 month period they will be referred to Head of Health & Housing or the Licensing Sub-Committee for consideration. After 12 months the card will no longer be live.

Licensees will be required to sign the contraventions form, which will then be attached to their record. If the licensee feels that the notice has been issued in error, or that there are mitigating circumstances, they will have the right to appeal, in writing, to the Head of Health and Housing who will consider the appeal and give a decision within 30 days.

It is felt that the monitoring of contraventions scheme will be an effective enforcement tool for Officers and Members as it will highlight patterns of breaching the law or conditions of the license. The Task and Finish group discussed that this system will only materially affect those drivers who frequently breach the conditions/law.

The Trade remain not in favour of the introduction of a monitoring of contraventions scheme. It was felt that there may be double jeopardy as the Police/Courts would punish drivers for certain offences and then the licensing team would also take action.

Members of the Task and Finish Group took the views of the Trade on board and it has been documented that if the Police deal with an issue or offence, the Licensing Team will not then also issue cards; these would only be used when the Licensing team have witnessed or investigated incidents or complaints.

17 **Proposed policy 6 – Requirement for a Certificate of Good Conduct from the Embassy of the country of residence for all applicants who have lived in the UK for less than 5 years or current licensees who are out of the country for 9 months or more**

The Data and Barring Service (DBS) carry out criminal record checks for all applicants/licensees. If the driver has not resided within the UK for the last 5 years, or if a current licensee has been abroad for 9 months or more, the DBS may not provide us with all necessary information. It is therefore proposed to introduce a requirement for a certificate of good conduct to be obtained from the relevant Embassy.

The applicant would need to acquire the certificate from the relevant Embassy and produce it to the licensing team. If the certificate is not in English the applicant will be required to pay for a translation.

There was limited feedback to this proposal during the consultation period. The last feedback from the Trade was an enquiry as to whether a system would be put in place by the Council with the Embassies. The certificate of good conduct is something the Embassies are used to providing so a system does not need to be implemented by the Council.

18 Proposed policy 7 & 8 – introduction of a vehicle age policy

The initial proposal was to introduce a vehicle age policy that all new vehicles (first license and change of vehicles) be 4 years of age or less and all existing vehicles could be licensed until they reached 10 years of age (taken from the date of manufacture on the V5 document).

The Trade and consultees strongly objected to the introduction of a vehicle age policy, primarily for financial reasons. The Task and Finish Group discussed the consultation feedback in great detail and felt that the introduction of a vehicle age policy would ensure that the vehicles were of a good standard. It is proposed to introduce a vehicle age policy but with considerable amendments to the initial proposed age of vehicle. The revised proposal is that;

All new vehicles to be licensed (first license and all change of vehicles if not a current licensed vehicle) to be 7 years of age or lower

All vehicles to be licensed until they reach 12 years of age

It is also proposed to introduce an exceptions policy as follows;

Licensees of current licensed vehicles may apply for a one year extension annually. An application must be made in writing/via email no less than 30 days before the date of expiry of the license. The interior and exterior of the vehicle must meet the Council's specifications. The vehicle must have had a Certificate of Compliance within the last 3 months and will require an inspection by one of the Council's approved garages, for which there will be a £25 charge.

It was noted that all bar one of the eight closest local authorities had vehicle age policies, including South Bucks, and that Chiltern District Council's proposed vehicle age policy was the most flexible.

19 Proposed policy 9 – amendments to requirements for the issue of a small plate

Chiltern District Council issue small plates (also known as executive plates). Generally, licensees apply for a small plate as they primarily convey business customers who do not want to travel in vehicles that have door stickers and a large plate on the back. Following discussion with the Task and Finish Group

it is recommended to introduce the requirement that all drivers who have a small plate are smartly dressed and have no advertising on or in their vehicle.

No feedback was received to the introduction of these requirements other than to confirm that the smart dress applies to small plate holders only. The general consensus of the Task and Finish Group and the Trade was that the drivers are of smart appearance.

20 **Proposed policy 10 – removal of the requirement for licensees to notify the licensing team when they have booked their Certificate of Compliance/MOT**

The Trade and Task and Finish Group supported this amendment

21 **Proposed policy 11 – introduction of a minimum size for taxi roof signs and the removal of any alternative to the word ‘TAXI’**

The initial proposal was to introduce a minimum width of the roof sign to be 18”. There were some concerns from the Trade regarding larger signs being stolen at night or making the vehicle more noticeable (which it is felt leads to more break-ins).

The Task and Finish Group considered the consultation feedback and the Licensing officer measured a number of current roof signs and it is felt that the following should be approved;

Minimum sign dimensions to be 10” wide, 5” deep and 4” high, no maximum dimensions to be introduced. The word TAXI only in capital letters to be clearly legible on the front and rear side of the roof sign. The front of the sign must be white and the back either red or white.

It is proposed that the policy is introduced over a 3 year period (for existing licensees) and immediately for all new vehicle licensed issued.

The Task and Finish Group noted that all of the roof signs that had been checked met the above requirements so it is not felt that this policy will be problematic for the drivers.

22 **Proposed Policy 12 – introduction of non standard Private Hire Vehicle policy for stretched limousines and novelty vehicles**

There were no comments from the Trade and the introduction of this policy was supported by the Task and Finish Group

23 **During the consultation meetings the policy requirements regarding the wearing of seat belts and the requirement to carry and produce the Byelaws was discussed. The Task and Finish Group discussed these and it is further recommended that the Licensing Committee approve the following amendments to the policy;**

'When driving the vehicle the licensee shall wear a seat belt at all times', be amended to 'It is recommended that all licensees wear their seat belt whilst driving'

The requirement to carry/produce the Byelaws is in the Byelaws and it is not felt necessary to change them, as it is a long and expensive process. It was agreed by the Task and Finish Group that it should be minuted that 'Licensing Officers will not actively enforce this requirement without reasonable notice being given to the Trade.