

## **VARIATIONS TO HACKNEY CARRIAGE AND PRIVATE HIRE POLICY**

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**Wards Affected:** All

### ***PROPOSED DECISION***

The Committee is asked to approve the proposed amendments to the Hackney Carriage and Private Hire Policy and conditions as described in the report below and detailed within the table at Appendix (A) for a 12 week consultation exercise with relevant parties.

### **Executive Summary**

The Hackney Carriage and Private Hire Policy became effective in 2008 with minor amendments having been made since its implementation. As a result of recent changes within the licensing regime and and review of licensing procedures the Committee is now requested to consider various amendments to both the Policy and the licence conditions.

### **Corporate Implications**

The Council is required by law to license the operation of taxis and private hire vehicles. The paramount consideration in this respect is the safety and convenience of those travelling in licensed vehicles. Section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976 permits local authorities to place conditions on licensed private hire drivers and vehicles. Conditions should be aimed at improving service and protecting the users of licensed vehicles.

### **Policy/Community Plan Implications**

The amendments suggested would contribute to the three objectives set out in the Corporate Plan.

### **Detailed Report**

1. The Hackney Carriage and Private Hire Licensing Policy was last formally reviewed in 2012. Further review has been postponed until now due to anticipated comprehensive changes in licensing law as a result of a Law Commission report in this area. This report did not, however, result in any significant changes and it is now considered appropriate to review and update the policy.
2. The majority of the proposed changes are intended to clarify or expand upon specific policy requirements. Some conditions have been removed because they are no longer considered necessary and others have been amended for the avoidance of doubt. Further amendments have been made to ensure consistency between the Policy and conditions attached to licences. Other parts of the policy which are no longer considered to be relevant have been removed.

#### Data Protection

3. A section relating to data protection has been included within the policy to clarify the means by which personal data is handled by the Licensing Unit and to confirm that such data may be shared in appropriate circumstances and in line with the provisions of the Data Protection Act 1998.

### Criminal Record Checks

4. Some significant changes are also proposed as a result of issues which have arisen since the policy was last reviewed. These include the requirement for all drivers to subscribe to the Disclosure and Barring Service Update Service, which will enable criminal record checks to be carried out on drivers quickly and efficiently without the need for drivers to complete application forms or wait up to several months for their Disclosure Certificate to be issued. The lengthy delays often experienced by drivers can result in licences not being issued prior to expiry dates which has a serious impact on drivers' livelihoods. It will also mean that, once drivers have subscribed, any other relevant authority (such as Bucks County Council) will be able to carry out necessary checks without the need for the driver to complete further forms and pay additional fees. It is therefore considered that subscription to the Update Service will be a significant benefit to all members of the licensed trade, whilst also improving efficiencies for the authorities that issue licences.

### Online Applications

5. It is also proposed that, in the future, applicants and licence holders will be required to submit new and renewal applications via the Council's online application system. This new system has been trialed with private hire operators for the last two years and has proved to be largely successful for both applicants and officers. Payments for licence fees can be made via the system and required documents can be uploaded. Original documentation can then be submitted for checking when the licence is collected from the Council Offices. The new system would enable all applicants to apply from home or from their place of business and would reduce the amount of visits required to the Council Offices.

There will be computers and assistance available in the Customer Service Centre at the Council Offices for any applicants that do not have access to a means of submitting applications online.

### Immigration Act 2016

6. The provisions of the Immigration Act 2016 enacted, but not yet in force, introduce requirements on local authorities to issue only short term licences to those awaiting decisions in relation to their immigration status. This has in any case been the practice of officers for some time but specific reference to the Act has now been included within the Policy.

### Revocation of Licences

7. Case law has confirmed that local authorities are unable to suspend licences and then subsequently revoke a licence where an investigation is being carried out in respect of the licensee. The policy has therefore been amended to reflect the fact that licensees will generally have their licences revoked with immediate effect where they are being investigated for a serious offence and it appears appropriate to do so.

### Child Sexual Exploitation

8. A further significant change is the requirement for all drivers and applicants to undergo training in Child Sexual Exploitation. As Members will be aware, issue

has been widely publicised in the national press following a number of high profile criminal cases. As the licence trade are often involved in the transportation of children and vulnerable adults it is considered important that all licensees have an understanding of the issue, are aware of the signs of abuse and know how to report any suspicions they may have in this respect. It is proposed that this training would be delivered free of charge to existing drivers and that new applicants would be trained and tested as part of the application procedure.

### Vehicle Age Limits

9. It is proposed that the age requirements in relation to licensed vehicles are amended to allow older vehicles to be licensed in the first instance and also to be licensed for a longer period. The current requirement is that vehicles must be less than 4 years old when first licensed and that any licence ceases when the vehicle reaches 8 years of age. Having taken into consideration the requirements of surrounding authorities and the views of the trade, however, it is considered that it would be reasonable to allow vehicles to be up to 5 years old when first licensed and for any licence to cease when the vehicle reaches 10 years of age. All vehicles would still be required to be tested and visually inspected by an authorised garage and deemed suitable prior to any licence being issued.
10. It is further proposed that the age limit for wheelchair accessible vehicles (WAVs) be reduced to the same level of 10 years from the current permitted 14 years. It has become apparent that many WAVs (especially hackney carriages) are more usually used for non-wheelchair journeys and as such deteriorate at the same rate as other licensed vehicles.

### Wheelchair Accessible Vehicles

11. Concerns have been raised by the trade about the current policy of allowing only side-loading wheelchair accessible vehicles as hackney carriages. It has been suggested that rear loading vehicles can be more suitable for this purpose and safer and more comfortable for the passenger. As a result, it is proposed that this requirement is removed and that any such vehicle is treated on its merits in individual cases.

### Tinted Windows

12. Concerns have also been raised by the trade that the current policy on tinted windows is too restrictive, in that many modern vehicles are manufactured with tinted windows which do not comply with the policy and this leads to difficulties in purchasing suitable vehicles or results in costly replacement of glass. Having benchmarked against surrounding authorities and considered the levels of tinting in modern vehicles, it is considered that the current requirements in relation to light transmission should be reduced from 70% in all rear windows to 60%. This also takes into consideration the fact that there have been no reported assaults in the rear of licensed vehicles and that visibility would remain at an acceptable level with the proposed new level.

The existing requirement of 75% light transmission through the windscreen and 70% through front windows would remain unchanged given that these are statutory requirements. The existing exemption from this policy for executive vehicles would remain in place.

### Seat Requirements

13. Concerns have recently been raised as to the suitability of the front, middle seat in certain makes and models of 9 seat vehicles which are licensed for 8 passengers. It has become apparent, that some of these seats are entirely unsuitable in that the seat is too narrow, the leg room is insufficient and the passenger would be required to sit at very close proximity to the driver. As a result, it is considered that a requirement should be re-introduced in terms of minimum seat width and that a requirement should also be introduced in relation to minimum leg room. Such a requirement would not apply retrospectively, although in cases where a seat is deemed to be entirely unsuitable the vehicle would be licensed to carry a lower number of passengers.

#### Vehicle Signage

14. In terms of signage on private hire vehicles, it has been noted that there has been a considerable level of non-compliance in relation to Council-issued door stickers and the use of company door stickers. In many cases Council-issued door stickers are missing and the reason given is that they have been stolen or fallen off the vehicle because they were fixed with the use of magnets. Such stickers are required to be securely fixed to the vehicle and it is not considered that magnets are sufficient to achieve this requirement. It is therefore proposed that stickers should be attached by means of the adhesive on the sticker itself and that magnets should not be permitted. There has been no evidence to suggest that this adhesive causes damage to paintwork when they are removed and as such this would appear to be a reasonable requirement.
15. It has been noted that some private hire companies have been using different company stickers on the rear of their vehicles compared with the Council-issued door stickers on the front doors. It is considered that this is inappropriate and causes confusion to customers. It is therefore proposed that any company signage should reflect the company details contained within the Council-issued door stickers, the contents of which are requested by the applicant on application.
16. It has also been noted that private hire vehicle licensees are failing to remove both Council-issued door stickers and their own company signage following the expiry of the licence. It is considered that this causes significant confusion to members of the public and that it indicates that the vehicle is licensed when no licence is in force. As a matter of public safety it is considered that licensees should be required to remove any signage which indicates that the vehicle is licensed once that licence has either expired, been suspended or revoked.

#### CCTV

17. With the increasing use of CCTV in licensed vehicles, it is now considered to be necessary and appropriate to include guidelines on the use of this type of equipment in licensed vehicles and so a new policy to this effect is proposed.

#### Criminal Records Policy

18. The Criminal Records Policy has also been significantly amended to take into consideration all areas of the licensed trade and to differentiate between drivers, operators and vehicle licensees.
19. It is also considered appropriate that the period of time in which licensees should notify the authorised officer of any criminal matters should be reduced from 7 days

to 72 hours. This is to take account of allegations of serious crimes where the licensing authority may be minded to revoke the licence with immediate effect to protect public safety.

### Enforcement Policy

20. The enforcement policy has also been amended to bring it into line with current practices and legislation, although its purpose and scope remain largely unaltered. It is, however, proposed that any informal interviews held with licensees, either as a result of the receipt of a complaint or as part of an application process, should be recorded so that an accurate record of the conversation can be retained. This will also relieve the administrative burden currently imposed on officers who must record such informal interviews in long hand. In addition, with the move to a paperless work environment it will allow more efficient storage of interview records.
21. If approved, it is suggested that the amended policy is subject to a 12 week consultation exercise so that the views of relevant parties can be ascertained prior to the policy being re-considered by this committee.

### **Background Papers**

Files in Environmental Services