

REVIEW OF HACKNEY CARRIAGE & PRIVATE HIRE LICENSING POLICY AND GUIDANCE

1.0 Purpose of Report

- 1.1 To update Members on the completion of the consultation process on a revised Policy for Hackney Carriage & Private Hire Licensing.

2.0 Background

- 2.1 Members will recall that the last full review of the Policy took place in 2012 and to ensure that the changes agreed since then can be consolidated into a single document a full review and rewrite of the current policy has been undertaken. The review has taken account of changes introduced by the Deregulation Act 2015, changes in best practice, changes previously agreed by Committee and has attempted to provide more comprehensive guidance to applicants.
- 2.2 The new document does not fundamentally change the policies of the Council but hopefully is an easier to use document that is better set out and provides a wider range of guidance and will provide Members with less ambiguous policy statements from which their decisions can be made.
- 2.3 The draft Policy was agreed by Members over a year ago whilst Officers waited for the outcome of the Coroner's case into a taxi driving incident and changes to the taxi drivers' licensing process brought in by the Immigration Act. There have also been changes to the Equalities Act that have required some small changes to the Policy.

3.0 Summary of Main Changes

- 3.1 The new Policy makes better use of its appendices. More detailed guidance can be found in the appendix related to that policy area. For example the main body of the Policy document relating to applications sets out the Council's broad policy and then the detail of exactly how an application can be made and what will be taken into account are set out in the supporting appendix. This is a structure that is consistent through the document. It will enable applicants, Officers and Members to locate the relevant information quickly.
- 3.2 A new Knowledge Test has been developed incorporating additional requirement for numeracy and literacy skills. The knowledge test is now taken on-line and replaces the old paper based test. The new test is far easier to administer and will allow applicants to take the test with a minimum of supervision, thus freeing up Officer time.
- 3.3 The new policy on the relevance of convictions was agreed at the last meeting. This has been updated to take account of issues and concerns arising from the Child Exploitation Enquiry in Rotherham.
- 3.5 An additional item is included in relation to vulnerable passengers. A new code of conduct has been developed and this is included as Appendix 8 to the Policy. This supports the safeguarding training that is compulsory for all drivers.

- 3.6 The law allowing Private Hire Operators to sub-contract across boundaries was changed under the provisions of the Deregulation Act 2015. In order to ensure that Operators continue to trade to the highest standards additional conditions have been included ensuring details of all sub-contractors are recorded and can be traced in the event of any incident or complaint.
- 3.7 Special event vehicles and limousines are now popular modes of transport for celebrations. For the first time individual specifications for these vehicles are included within the Policy document.
- 3.8 A new system of allocating penalty points for breaches of licensing conditions has been developed to provide a more consistent and transparent approach to enforcement. The details are set out in Appendix 19 of the Policy.

4.0 Consultation Details

- 4.1 Copies of the draft Policy have been circulated to a range of organisations and individuals. A list of the consultees is shown below:

- All licensed hackney carriage and private hire drivers
- All licensed Private Hire Operators
- All licensed Private Ambulance Operators
- All licensed ambulance drivers
- Nottinghamshire local authorities
- Ollerton Disability Group
- Police and Crime Commissioner
- Local Police Inspector
- NSDC Safeguarding lead – Leanne Monger
- Lincolnshire adjoining Local Authorities
- Newark and Sherwood Disability Voice and Access Group

All have been asked to comment. Set out below are the comments received back in response and the proposed course of action.

Consultee	Consultee comment	Officer response	Recommendation
Ollerton Disability Group	Not all wheelchair accessible vehicles are able to carry class 3 scooters as they are heavy and cannot be folded or dismantled.	Class 3 scooters are registered with the DVLA and can legally go on the road. They are for outdoor use only. The carriage of these may become more of a problem as their use expands	No changes to proposed vehicle specification or age policy
Yellow Cabs	Happy to see vehicle specification now has horse power rather than CCs.		No changes to draft vehicle specification.

	Would like additional clarity over use of in car CCTV		Amend Appendix 17 to include a link to the Information Commissioners Office website relating to the use of CCTV
Driver	<p>I see that you're planning on upping the age limit on taxis to 4 years. I think this will put pressure on drivers who run a taxi service. We have not had a fare increase in 9 years and the cost of running a cab has gone up so much ie; fuel licence & many more things. You expect us to provide high standards for customers yet we are pressured more and more by the council & rising costs. The footfall of people using taxis has decreased over the past few years so our earnings are already taking a hit. So this is making drivers work longer & longer hours to cover their costs. If we get an increase on the flag rate then that will help cover extra cost.</p> <p>I also think that as some cities and towns want diesel cars out so we should be given incentives to buy hybrid cars & as they are expensive to buy we should be able to keep hybrid cars longer than the 8 year rule you're so keen to stick with. Modern cars are much safer and last longer.</p> <p>You're also allowing DG CARS to run a private hire firm in Newark. As they don't have to follow these age limits they can run cars until they are 10 years Notts. City Council rules. Their fares are cheaper, their cars are older so we can't compete with them so it will just push hackney taxis out of the town. If you don't listen to us then I see a poor future for taxis in Newark.</p>	<p>Proposal is for new vehicles to be less than 4 years old rather than 5 as in current policy.</p> <p>There is potential to look at incentives for hybrid or electric vehicles. This is a large piece of work that needs careful consideration.</p> <p>This is a national issue related to national legislation and cannot be controlled via the local policy.</p>	<p>No change to draft policy.</p> <p>Do not include in this version of the policy.</p> <p>No changes to draft policy.</p>

	<p>Rank space in the evening is also poor and the times stated in your document still say 8pm on Castle Gate. I'm pretty sure we have asked many many times for this to be changed to 6 pm and for the rank to be marked up as a Taxi rank with new signage to keep public cars from parking there.</p> <p>So even though I've said all of the above before and still nothing has been done I guess I'm wasting my time writing this as you will just go ahead and do what you want without consulting the drivers.</p>	<p>The rank on Castlegate is 20.00hrs to 0600hrs. We are aware of the wish to amend this and we are having discussions with the County Council.</p> <p>All drivers have been consulted on the proposed changes. Changes to taxi ranks are advertised and comments can be submitted.</p>	<p>No changes to draft policy.</p> <p>Keep consultation arrangements for future changes under review.</p>
Driver	<p>Before any part of the document can be taken seriously in the view to protecting the public non regulated Hackney Carriage and Private Hire vehicles operating in the district with licenses (vehicle and driver) from outside N&S must be stopped. The drivers cannot be regulated so committing offences does not concern them (and they do commit offences of various degrees). Age of vehicles does not apply to them (the main concern for safety) some vehicles are over 8 years old. To say that we (the council) have no control is telling the public "sorry you are not our concern in these vehicles" Councils have powers as this document proves and if they cannot control all vehicles operating in their district this could possibly lead to the majority of current licence holders opting to go out of town for their licences resulting in the loss of prestige cabs to the bad old days of anything goes.</p>	<p>This is a national issue related to national legislation and cannot be controlled via the local policy.</p>	<p>No changes to draft policy.</p>
Newark & Sherwood Disability Voice and Access Group	<p>Generally happy with the type and numbers of wheelchair accessible vehicles but raised concerns over the ability of vehicles to carry large electric wheelchairs.</p>		<p>No changes to proposed vehicle specification or age policy</p>

<p>Driver</p>	<p>Introduce a simplified knowledge test for private hire drivers.</p> <p>The Hackney Carriage By-laws are outdated.</p> <p>The new proposed age limit imposes additional costs on taxi business. It is estimated that it will cost an additional £1,000 per year. The new age limit greatly disadvantages owner drivers.</p> <p>The document suggests maximum working week for taxi drivers.</p>	<p>Drivers who successfully achieve a licence from the authority are issued with a dual badge covering both private hire and hackney carriages. This allows drivers to be flexible in their employment.</p> <p>It is recognised that the laws governing Hackney Carriages are old and in many instances are not applicable to modern traffic regulations. Enforcement of these laws is undertaken in an appropriate and proportionate manner with due regard to the historic nature of the controls and the modern day application.</p> <p>The philosophy behind the change in age limit was to ensure that the fleet in Newark and Sherwood was modern and was replaced frequently to allow new technologies to permeate through the fleet as soon as possible.</p> <p>There is no suggestion of imposing maximum working week. The guidance on working hours is included to ensure the safety of both drivers and their passengers. Driver hours are not enforceable.</p>	<p>No changes to the requirement for all drivers to undertake knowledge test.</p> <p>No changes to policy.</p> <p>No changes to proposed vehicle age policy.</p> <p>Retain guidance on driver hours in policy.</p>
---------------	---	---	--

	The only way for this authority to maintain control any control of the taxi fleet is by making sure that licensed operators from outside the area are not able to use their lower running costs to outperform our own fleet of vehicles.	Officers support the principal of the response, however, recent changes in the law make it very difficult to compose some of the controls on 'out of town' taxis that are requested in this response.	Officers will continue to use all available options to support the local taxi trade.
--	--	---	--

5.0 Proposals

5.1 As Members will see from the above there are no comments that have been received that, in the opinion of Officers, would not require wholesale changes to the draft Policy.

5.2 The largest number of comments are in reaction to the proposed change in vehicle age. Members will recall that at **present** the age policy is:

Hackney Carriages - Generally vehicles must be under 5 years old on first registration and under 8 years old on renewal. A purpose built or wheelchair accessible Hackney Carriage must be under 7 years of age when first licensed and not over 12 years of age on renewal. Generally vehicles must be under 5 years of age when first licensed and not over 8 years of age on renewal.

Private Hire Generally vehicles must be under 5 years of age when first licensed and not over 8 years of age on renewal

5.3 The **proposed** vehicle age policy is:

Hackney Carriages - Generally vehicles must be under 4 years old on first registration and under 8 years old on renewal. A purpose built or wheelchair accessible Hackney Carriage must be under 8 years of age when first licensed and not over 12 years of age on renewal. Generally vehicles must be under 5 years of age when first licensed and not over 8 years of age on renewal.

Private Hire Generally vehicles must be under 4 years of age when first licensed and not over 8 years of age on renewal

5.4 The proposed changes do require younger cars to be introduced to the fleet and this may impose additional costs at this stage of the licensing process. However, the age at which a vehicle has can be renewed has also been extended. This is to take account of the improved build quality of vehicles and the increased longevity that is now present in new built cars.

5.5 In light of the number of comments received with regard to the proposed changes in vehicle age policy Members may wish to confirm their support of the proposed change.

5.6 It is proposed that the draft Hackney Carriage & Private Hire Licensing Policy and Guidance Document (**Appendix A**) be approved, subject to any changes that Members may wish to make.

6.0 Equalities Implications

6.1 The Policy has also been the subject of an Equality Impact Assessment and no significant issues arose as a result of this review.

7.0 RECOMMENDATIONS that:

- (a) Members consider the comments received from the consultation exercise on the Hackney Carriage & Private Hire Policy and identify any subsequent changes arising from the comments; and**
- (b) subject to any changes identified, the draft Hackney Carriage & Private Hire Licensing Policy And Guidance 2018 be adopted.**

Background Papers

Nil

For further information please contact Alan Batty on 01636 655467

Karen White
Director – Safety