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|  Licensing and Regulatory Committee 31st May 2016 | | Agenda Item No. <h1 style="text-align: center;">10</h1> | |
| Title | | Policies for Hackney Carriage/Private Hire Drivers and Operators. | |
| For further information about this report please contact | | Marianne Rolfe, Head of Health and Community Protection, Health and Community Protection. 01926 456700 Marianne.rolfe@warwickdc.gov.uk | |
| Wards of the District directly affected | | All | |
| Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006? | | No | |
| Date and meeting when issue was last considered and relevant minute number | | | |
| Background Papers | | | |
| Contrary to the policy framework: | | | No |
| Contrary to the budgetary framework: | | | No |
| Key Decision? | | | No |
| Included within the Forward Plan? (If yes include reference number) | | | No |
| Equality and Sustainability Impact Assessment Undertaken | | | Yes |
| | | | |
| Officer/Councillor Approval | | | |
| Officer Approval | Date | Name | |
| Chief Executive/Deputy Chief Executive | | Andrew Jones | |
| Head of Service | | Marianne Rolfe | |
| CMT | | | |
| Section 151 Officer | | | |
| Monitoring Officer | | | |
| Finance | | | |
| Portfolio Holder(s) | | Moria Ann Grainger | |
| Warwickshire Legal Services | | | |
| Consultation & Community Engagement | | | |
| Consultation has taken place with all licence holders who own, drive or operate Hackney Carriages and Private Hire Vehicles, Warwickshire Police, Town Councils, disability representative groups, Warwickshire County Council, Warwick University, Warwick University Students Union, Guide Dogs for the Blind, Councillors and has been available on the website. | | | |
| Final Decision? | | | No |
| Suggested next steps (if not final decision please set out below) | | | |
| Provide comments to the executive | | | |

1. **SUMMARY**

- 1.1 To present the reviewed Policies which are applicable to Drivers, Vehicle owners and operators of Hackney Carriages and Private Hire.

2. **RECOMMENDATION**

- 2.1 That the committee provide comments on the proposed policy which will be used for the assessment of all new and renewing Hackney Carriage and Private Hire drivers, operators and vehicles to the executive

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Officers have reviewed all policies and standards associated with the licensing of hackney carriages and private hire activities in line with the request made by the Executive during their meeting on the 1st October 2014.
- 3.2 The draft policy has been consulted upon and the comments received reviewed against the proposed policy. The resulting policy is the attached appendix 1.
- 3.3 The changes to the policy are wide ranging and are designed to ensure the safety of the general public by ensuring that the applicants and renewing drivers are fit and proper.
- 3.4 The proposed policy is a consolidation of all of the existing policies which have been amended, updated and reviewed. Many of the standards laid down in the revised policy are the same or similar to the current policy. The existing policies are available on the council website and can be provided as a hardcopy at the committee meeting.
- 3.5 There are proposed changes that have been made to specific policies and conditions applicable to licences which increase the standards to which licence holders are held and/or aligned with neighbouring authorities standards. Appendix 3 highlights these changes.
- 3.6 The Executive are due to review the proposed policy at their meeting on the 2nd June 2016. The comments made by the committee will be made available to Executive.
- 3.7 Subject to the approval of the policy all of the licence application forms will require amending to reflect the adopted policy.

4. **POLICY FRAMEWORK**

- 4.1 This will consolidate, update and amend the policy framework of all applicants and existing license holders upon their renewal for the driving, owning and operating of Hackney Carriages and Private Hire Vehicles.
- 4.2 **Fit for the Future**
- 4.3 The Policy provides guidance, consistency, best practices, transparency, and proportionality and promotes the safety and wellbeing of the community. It directly contributes therefore to the Health and Well Being theme of the Sustainable Community Strategy which aims to help make Warwick District a great place to work, live and visit.

- 4.4 The proposal to clarify the Council's policy is wholly in line with the Service strand of the Fit for the Future strategy of the Council in seeking to maintain or improve the Council's services.

5. BUDGETARY FRAMEWORK

- 5.1 There are no budgetary implications resulting from the change of policy.

6. RISKS

- 6.1 If the proposed policy is not adopted there would be an impact upon the licence holders and enforcement of the licences as new/amended licence conditions cannot be applied to an existing licence. Therefore, new/amended conditions could only be applied to an existing licence upon renewal. This would result in a period of time during which current licence holders would and could be operating at two standards depending upon the licence issued.
- 6.2 This is particularly significant for Hackney Carriage Private Hire Drivers and Private Hire Operators due to the duration of licences. The licence duration for a Hackney Carriage Private Hire driver is 3 years and 5 years upon renewal in 2016 for Private Hire Operators.
- 6.3 Having two sets of conditions applicable upon a licence makes it difficult for the officers to enforce, for licence holders and customers to understand the expectations and obligations of holding such a licence. This situation is unavoidable for licenced HCPH drivers. However, this could be avoided for the majority of Private Hire Operators.
- 6.4 It is worth noting that the policies, procedure and guidance changes would not be impacted by this restriction.
- 6.5 Failing to implement the proposed policy will result in the current outdated policies which are out of step with our neighbours continuing to be applied. This will result in lower standards, expectations and quality of operation and service by Warwick District Council Licence Holders.

7. ALTERNATIVE OPTION(S) CONSIDERED

- 7.1 The current policy continues being used. However, the Executive asked officers to review the policies to address the concerns that were being raised about standards by councillors, general public and licence holders.
- 7.2 The comments received during the consultation period have been reviewed and each of the comments given consideration. Some of the comments have been incorporated into the document. However, other suggestions have not as they were not considered suitable for the promotion of public safety, effective operation of the licensing regime, contrary to legislation or for their inability to be enforced. Executive may consider that these suggestions should also be included in the document. The amendments that have been included in the document are outlined in Appendix 4.
- 7.3 Any comments received questions the need for the conduct scheme, stating that the current system works well. This policy has been proposed to make the measures taken against inappropriate licence holder conduct transparent and consistent. It provides a framework by which poor conduct can be measured.

Upon consideration of all of the comments received it is believed that the conduct scheme is still required.

8. BACKGROUND

- 8.1 The current policies are used for the assessment of every new applicant and renewal applications for Hackney Carriage and Private Hire Driver, Hackney Carriage, Private Hire Vehicle and Private Hire Operator Licenses.
- 8.2 During the Executive's consideration of the fares increase for Hackney Carriages on 1st October 2014, officers were tasked with reviewing all of the policies associated with the licensing regime to ensure that they were fit for purpose thus addressing the concerns of the officers, general public and councillors.
- 8.3 Applicants for drivers, vehicle and operator licences at the committee and in communications with officers have stated that the reason that they have applied to be work in the WDC area is that it is easier to get a license with WDC. For drivers this impression that Warwick District is an easier place to obtain a licence has been significantly reduced following the implementation of the relevant convictions and cautions policy which is included as appendix C of the Taxi Handbook document attached to this report as appendix 1.
- 8.4 Officers have reviewed the policies, procedures and guidance documents for the licensing regime of Hackney Carriage and Private Hire. They have compared them to neighbouring authorities and sought input from relevant stakeholders throughout the process. This has included the Drivers and Operators Forum, Medical Professionals and Persons with Disability representatives.
- 8.5 Legal opinion has been obtained throughout the drafting of the policy. Officers have drafted the policy to define a framework by which both officers and the committee can determine applications and applicants can understand the process, and the standards to which they will be held accountable.
- 8.6 The policy is a framework to enable officers and members applying it to be consistent and proportionate in their decision making. The policy will not fetter the discretion of the Council and it is for the decision maker to determine whether there are reasons for departing from it in the circumstances of a particular case.
- 8.7 The policy was sent out for public consultation which closed on the 13th May 2015. Appendix 2 outlines the comments received.
- 8.8 In addition 3 comments were received which formed a complaint regarding vehicle and driver behaviour. These have been investigated and appropriate action taken.
- 8.9 All of the comments have been considered and amendments made to the policy where necessary. All comments and amendments have been considered in conjunction with legal advice from council legal representatives and from a legal firm who specialise in taxi law.
- 8.10 Appendix 3 contains a summary of the changes from the current policy and Appendix 4 the amendments that have been made to the policy following the consultation.