

Subject: Taxi Licensing Policy

Status: For Publication

Report to: Licensing Committee

Date: 24th January 2011

Report of: Director of Business

Portfolio

Holder: Environmental Services

Key Decision: Yes

Forward Plan General Exception Special Urgency

1. PURPOSE OF REPORT

1.1 To introduce a policy for the licensing of hackney carriage drivers and vehicles and private hire operators, drivers and vehicles for the Borough of Rossendale.

2. CORPORATE PRIORITIES

2.1 The matters discussed in this report impact directly on the following corporate priorities and associated corporate objective/s.

- Delivering Quality Services to Customers (Customers, Improvement)
- Keeping Our Borough Clean and Green (Environment)
- Promoting Rossendale as a cracking place to live and visit (Economy)
- Well Managed Council (Improvement, Community Network)

3. RISK ASSESSMENT IMPLICATIONS

3.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

3.2 Without a written policy there is a danger of inconsistent decisions which could be the subject of legal challenge. In addition, it is important that customers are aware of the procedures and their responsibilities when licensing vehicles or themselves.

4. BACKGROUND AND OPTIONS

4.1 Rossendale Borough Council is responsible for the licensing of hackney carriage vehicles and drivers and private hire vehicles, drivers and operators. They are also responsible for the provision of hackney carriage stands, setting hackney carriage fares and for enforcement activities under various

enactments. The underpinning requirement is to ensure that vehicles are clean and safe and are driven by persons who are fit and proper to undertake this activity.

- 4.2 Rossendale Borough Council does not have a written taxi licensing policy nor any published procedures outlining how it deals with various aspects of vehicle, driver and operator licensing. There are, of course, procedures in place but these have developed through custom and practice and it is good practice to have a written policy in order that the Council and its customers have a clear understanding of what is required to be produced, in what time frame and how the Council will deal with applications.
- 4.3 The proposed policy for the licensing of hackney carriage drivers and vehicles and private hire operators, drivers and vehicles is appended at [Appendix A](#).
- 4.4 The majority of the proposed policy for the licensing of hackney carriage drivers and vehicles and private hire operators, drivers and vehicles has been drawn from current conditions, byelaws and procedures already in force within the Borough of Rossendale.
- 4.5 [Appendix B](#) is a Schedule of the changes that are proposed and included in the policy, which vary from current practice.
- 4.6 Currently, when an application is made to the Council for a vehicle to be licensed or renewed for a hackney carriage or private hire vehicle, the vehicle is brought to the Licensing Unit by appointment, together with a new MOT test certificate, current insurance and the vehicle V5 registration document. This part of the process is essentially an administrative function.
- 4.7 However, at the same time, authorised officers also conduct the 'Rossendale Test'. The 'Rossendale Test' is a check on the condition of the bodywork and the interior of the vehicle and a check of the accuracy of the taximeter over a measured mile is also conducted.
- 4.8 This is time consuming and ties enforcement officers to the office when there are appointments for vehicles to be licensed. It is proposed that the new arrangements will make more effective use of officer time and ensure that enforcement activity is prioritised.
- 4.9 Currently, hackney carriage and private hire vehicles undergo an MOT test twice per year and MOT's are only accepted from three authorised garages. It is proposed that in future, any authorised garages will also conduct the Rossendale Test and certify that the vehicle has reached the required standard. They will not be able to suspend the vehicle should it fail the Rossendale Test but they will pass the result of the test to the Public Protection Unit forthwith for them to take the necessary action.
- 4.10 Appended at [Appendix C](#) are details of the current 'Rossendale Test' and at [Appendix D](#) are details of the new proposed test.

- 4.11 There has been a period of consultation for this Policy and comments received have been considered. When appropriate, the original draft document has been amended. The consultation process produced one comment from a member of the public, none from organisations and a letter from the trade representatives indicating that they will make any comments directly to the Licensing Committee. The consultation responses are appended at [Appendix E](#).
- 4.12 Following a Taxi Liaison meeting on 25th November 2010, the Rossendale Taxi Association has now submitted a written response to the proposals. The written response is appended at [Appendix F](#).
- 4.13 A response to the comments of the Rossendale Taxi Association has been prepared by the Public Protection Unit and is appended at [Appendix G](#).

4.14 **COMMENTS FROM STATUTORY OFFICERS:**

5. SECTION 151 OFFICER

- 5.1 There are no material financial implications.

6. MONITORING OFFICER

- 6.1 The Council must make a decision based on all relevant information and following consideration of all relevant Council policies.

7. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)

- 7.1 There are no specific human resources implications.

8. CONCLUSION

- 8.1 A written policy will benefit the Council, the hackney carriage and private hire trade and its customers. It details the procedures that the Council will follow and implement and the expectations and standards placed upon the trade. The Policy is designed to ensure that members of the public will be transported safely and comfortably and only those matters which are necessary and proportionate are included.
- 8.2 The movement of the Rossendale Test from its current 'in-house' procedure to independent garages will free up officer time and make the licensing regime a purely administrative process. With changes to the structure of the Licensing Unit, the present structure is not tenable.

9. RECOMMENDATION(S)

- 9.1 That the Committee resolve to recommend Council adopt the policy for the licensing of hackney carriage drivers and vehicles and private hire operators, drivers and vehicles and the Rossendale Test proposals.

9.2 That Council resolves to adopt the policy for the licensing of hackney carriage drivers and vehicles and private hire operators, drivers and vehicles and the Rossendale Test proposals.

10. CONSULTATION CARRIED OUT

10.1 The consultation period for the draft policy ran from Monday 20th September until Monday 1st November 2010. The draft policy was published on the website of Rossendale Borough Council and copies were sent to all Rossendale Councillors. In addition every licensed vehicle proprietor, driver and operator was informed by letter of the draft policy and various local organisations were sent copies.

11. COMMUNITY IMPACT ASSESSMENT

Is a Community Impact Assessment required Yes
 Is a Community Impact Assessment attached No

12. BIODIVERSITY IMPACT ASSESSMENT

Is a Biodiversity Impact Assessment required No
 Is a Biodiversity Impact Assessment attached No

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Appendices	
Document	Appendix Number
Policy for the licensing of hackney carriage drivers and vehicles and private hire operators, drivers and vehicles	Appendix A
Schedule of changes	Appendix B
Current Rossendale Test	Appendix C
Proposed Rossendale Test	Appendix D
Details of Consultation responses	Appendix E
Written response from the Rossendale Taxi Association	Appendix F
Response from the Public Protection Unit	Appendix G