

Subject:	Revised Policy for the Licensing of: Hackney Carriage Drivers and Vehicles, Private Hire Operators, Drivers and Vehicles	Status:	For Publication
Report to:	Licensing Committee	Date:	Tuesday 10 th November 2015
Report of:	Licensing and Enforcement Manager	Portfolio Holder:	Legal and Democratic Services
Key Decision:	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	<input type="checkbox"/> General Exception <input type="checkbox"/>	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required:	Yes	Attached: No
Biodiversity Impact Assessment	Required:	No	Attached: N/A
Contact Officer:	Tracy Brzozowski	Telephone:	01706238602
Email:	tracybrzozowski@rossendalebc.gov.uk		
1.	RECOMMENDATION(S)		
1.1	That the Licensing Committee resolves to adopt the Revised Policy for the Licensing of: Hackney Carriage Drivers and Vehicles, Private Hire Operators, Drivers and Vehicles.		
1.2	All future minor amendments to the policy to be delegated to the Director of Business in consultation with the Portfolio Holder.		

2. PURPOSE OF REPORT

- 2.1 To propose a revised policy that will guide the Licensing Committee, Licensing and Enforcement Unit and applicants or existing licence holders for licences falling within the scope of the hackney carriage or private hire regime.

3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:
- **Regenerating Rossendale:** This priority focuses on regeneration in its broadest sense, so it means supporting communities that get on well together, attracting sustainable investment, promoting Rossendale, as well as working as an enabler to promote the physical regeneration of Rossendale.
 - **Responsive Value for Money Services:** This priority is about the Council working collaboratively, being a provider, procurer and a commissioner of services that are efficient and that meet the needs of local people.
 - **Clean Green Rossendale:** This priority focuses on clean streets and town centres and well managed open spaces, whilst recognising that the Council has to work with communities and as a partner to deliver this ambition.

4. RISK ASSESSMENT IMPLICATIONS

- 4.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:
- The absence of a policy to guide applicants and members when an application for a licence under the hackney carriage or private hire licensing regime is detrimental to applicants, members and residents.

5. BACKGROUND AND OPTIONS

- 5.1 On 23rd February 2011 the Council resolved to adopt the current policy for the licensing of hackney carriage drivers and vehicles and private hire operators, drivers and vehicles and they delegated any future changes to the policy for the licensing of hackney carriage drivers

and vehicles and private hire operators, drivers and vehicles to the Licensing Committee.

- 5.2 The revised policy for the Licensing of: Hackney Carriage Drivers and Vehicles, Private Hire Operators, Drivers and Vehicles is intended to raise the profile of the hackney carriage and private hire trade. It has been updated to reflect procedural changes plus the introduction of some pre-requisite assessments (basic skills and policy knowledge) and mandatory training (child sexual exploitation awareness, customer care and disability awareness).
- 5.3 There is also the possibility, subject to funding, of rolling out some of the mandatory training (child sexual exploitation awareness, customer care and disability awareness) to current drivers.
- 5.4 The proposed fee for the pre-requisite assessments (basic skills and policy knowledge) is set at £70.00 and is reflected in the table of fees for private hire and hackney carriage drivers, vehicles and operators appended at [Appendix B](#). A cost analysis has been carried out and comparisons with other Councils This fee was calculated following a cost analysis of the work to be carried out and following consultation on fees with other Councils.
- 5.5 Furthermore, the sub-committee will have the option of referring drivers to undertake one or more of the assessments where it is deemed appropriate to do so, for example if there are concerns around a licensed driver communicating with passengers. In these cases, a fee of £70 will be levied.
- 5.6 It is further proposed that a fee to lift a vehicle suspension will be levied in non-administrative cases and this will be set at £35. The fee has been calculated following a cost analysis of average time taken and is on a par with the re-booking fee.
- 5.7 The consultation exercise incorporated the revised policy for the Licensing of: Hackney Carriage Drivers and Vehicles, Private Hire Operators, Drivers and Vehicles, a revised Convictions Policy and a proposed Hackney Carriage Intended 'Use' Policy.

The majority of the responses commented on the proposed Hackney Carriage Intended 'Use' Policy however the Rossendale Taxi Association did make comment on the revised policy for the Licensing of: Hackney Carriage Drivers and Vehicles, Private Hire Operators, Drivers and Vehicles and meetings have taken place between the Rossendale Taxi Association and the Licensing and Enforcement Unit.

- 5.8 The Policy before you at [Appendix A](#) reflects some of the agreements made during those meetings although not every recommendation from the Rossendale Taxi Association has been included in the scope of the revisions. The recommendations from the Taxi Association not included in the revised policy include "Seating Capacity of Vehicles" and "Vehicle Windows"

The Rossendale Taxi Association have requested that the policy specification relating to the seating capacity in vehicles, in particular "where the vehicle is fitted with continuous seats one person shall be counted for each complete length of 410 mm measured in a straight line lengthwise on the front of each seat" be deleted and believe that the Council should licence a seat for each fitted seat belt.

The Rossendale Taxi Association have also requested that the policy specification on vehicle windows, in particular "all vehicle windows shall be transparent or if tinted, the front windscreen must let at least 75% of light through and all other windows must let at least 70% of light through to the satisfaction of the Authorised Officer" be deleted.

5.9 It is recommended that the vehicle specifications mentioned at 5.8 of this report remain in the policy to ensure the continued safety and comfort of the travelling public. The recommendations are as follows:

Seating Capacity of Vehicles

- In determining the number of passengers that a vehicle may be licensed for, the following guidelines will be applied;
- where separate seats for each person are provided one person shall be counted for each separate seat provided;
- where the vehicle is fitted with continuous seats one person shall be counted for each complete length of 410 mm measured in a straight line lengthwise on the front of each seat, however this number shall be reduced where there are insufficient seatbelts provided to accommodate this number; and
- where any continuous seat is fitted with arms in order to separate the seating spaces and the arms can be folded back or otherwise put out of use, the arms shall be ignored in measuring the seat.

Justification

Where a vehicle is fitted with continuous seats and the continuous length falls below the criteria (one person shall be counted for each complete length of 410 mm), this will not bar the vehicle from becoming licensed, it will however reduce the number of passengers the vehicle will be licensed to carry. Examples of vehicles that are currently licensed to carry 3 passengers include Skoda Fabia's and Nissan Note's. Whilst the seats on private use vehicles are acceptable for this purpose, licensed vehicles should be considered in a different light and must be considered with public safety and comfort in mind. Whilst public safety will be the first priority, it should be noted that the public's comfort should also be taken into consideration. The Licensing Committee should therefore consider whether seats falling below these criteria should be deemed adequate for public service vehicles.

Vehicle Windows

All vehicle windows shall be transparent or if tinted, the front windscreen must let at least 75% of light through and all other windows must let at least 70% of light through to the satisfaction of the Authorised Officer.

Justification

Dark tints on licensed vehicles are increasingly noted by Licensing Officers, the Police and members of the public. Whilst tints on private use vehicles are acceptable, licensed vehicles should be considered from a public safety perspective. Whilst public safety will always be the first priority, it should be noted that transparent windows also offer protection to the driver of the vehicle. The Licensing Committee should therefore consider whether tinted, and in particular, heavily tinted windows should be deemed acceptable on a public service vehicle.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.1 It is anticipated that the recommendations will result in a reduction in the number of applications and therefore fees generated. The Council will continue to ensure that income and expenditure is matched.

7. MONITORING OFFICER

7.1 The Council must make a decision based on all relevant information and following consideration of all relevant Council policies, consultation, legislations and case law. The

Council must ensure it has an up to date, robust policy that reflects the service it delivers and regulates.

8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

- 8.1
- Consultation period ran from 3rd June until 31st July 2015 via the Council website, Taxi Association and other Local Councils in Greater Manchester and Yorkshire, Elected Members and Legal and Democratic portfolio holder.
 - 75 responses were received from:
 - 8 Councils responded; plus
 - West Yorkshire prepared a combined response
 - 3 Elected Councillors
 - 3 Members of Parliament
 - 2 Hackney Carriage Driver Employers
 - 1 insurance company
 - 57 Hackney & Private Hire Drivers; of which
 - 48 are licensed elsewhere; and
- 9 are licensed by Rossendale
- 8.2 There are no specific human resources implications.

An EIA initial assessment has been undertaken and it has been identified there are no disproportional impact and a Full EIA is not required.

9. CONCLUSION

- 9.1 That the Licensing Committee resolves to adopt the Revised Policy for the Licensing of: Hackney Carriage Drivers and Vehicles, Private Hire Operators, Drivers and Vehicles and the associated fee structure.

Appendices

Document	Place of Inspection
Revised Policy for the Licensing of: Hackney Carriage Drivers and Vehicles, Private Hire Operators, Drivers and Vehicles	Appendix A
Fees for private hire and hackney carriage drivers, vehicles and operators	Appendix B