

REPORT TO CABINET

REPORT OF: Engagement and Corporate Services Portfolio Holder

REPORT NO: ENV550

DATE: 3rd October 2011

TITLE:	Adoption of Hackney Carriage and Private Hire Licensing Policy	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Key Decision	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Cllr Paul Carpenter Engagement and Corporate Services Portfolio Holder	
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INITIAL IMPACT ASSESSMENT:	Carried out and referred to in paragraph (7) below	Full impact assessment required:
Equality and Diversity	Yes	No
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	Report ENV472- Request for consultation to be carried out. Report ENV546- Post consultation report to Licensing Committee Draft Hackney Carriage and Private Hire Licensing Policy 2011	

1. RECOMMENDATIONS

- 1.1 That Cabinet note the contents of this report and adopts the Hackney Carriage and Private Hire Licensing Policy (Appendix 2) to be effective 1st January 2012

2. PURPOSE OF THE REPORT

- 2.1 The purpose of this report is to inform members of the recent Hackney Carriage and Private Hire Licensing Policy consultation exercise which provides the necessary information to allow members to endorse the recommendation as above. The report also provides background information regarding the licensing of hackney carriages and private hire vehicles.

3. DETAILS OF REPORT

Background

- 3.1 The Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”), as amended, places on South Kesteven District Council, as the Licensing Authority, a duty to carry out its licensing functions in respect of hackney carriages and private hire vehicles.
- 3.2 Although there is no statutory duty on local authorities to produce a policy regarding hackney carriage and private hire vehicle licensing, district councils are entitled to adopt a policy to guide and inform members, the trade and the general public on the standards it considers necessary in maintaining and improving standards of drivers and vehicles.
- 3.3 A modern, effective policy will ensure that the trade and the public will have a document that fully explains the licensing process. It will also ensure consistency of approach by officers and elected members when making decisions. The proposed policy, whilst comprehensive, aims to strike a balance that will be of benefit to the trade, the public and the Licensing Authority.
- 3.4 The policy promotes the key objectives as below. It provides clear guidance regarding the licensing process and also introduces a penalty points scheme for drivers and operators who are found to be in breach regulation and conditions.
- The protection of the public
 - The establishment of professional and respected hackney carriage and private hire trades
 - Access to an efficient and effective public transport service
 - The protection of the environment
 - The safety of the drivers

Consultation

- 3.5 The development of the Policy has been based upon a consultation process undertaken by the Licensing Team. The Policy format was devised having considered a range of Local Authority policies from across the country.
- 3.6 The consultation was undertaken between 20 May 2011 and 12th August 2011. The following stakeholders were consulted:
- Licence holders
 - Local trade organisations
 - Disability groups
 - Lincolnshire Police
 - Lincolnshire County Council
 - Local Authorities in Lincolnshire
 - General public
 - Vehicle and Operator Services Agency (VOSA)
 - Other authority services
- 3.7 A policy consultation page was created on the Council’s website which included a copy of the draft policy and an explanation of the process for making a representation.

- 3.8 The Authority communicated individually with the trade and put notices in satellite offices, libraries, on the council's website www.southkesteven.gov.uk, and on each taxi rank. The draft policy was also promoted in SKDC's magazine 'sk today' and at meetings with the trade in both the north and south of the district.
- 3.9 Responses in the main have been received from taxi operators and drivers. The main issues raised were:
- Age limit (vehicle)
 - The age limitation policy should dovetail with LCC's policy
 - Period of transition between old and new arrangements
 - Policy should address the problem of topographical testing
 - Penalty points
 - Minimum driver age
 - Access to rows of seats in MPVs
 - Displaying of hackney licence plates
- 3.10 The full responses received during the twelve-week consultation are available for inspection by Cabinet Members should they require it.
- 3.11 A schedule of comments received and the action taken in respect of these comments is attached at appendix 1 of this report.
- 3.12 The proposed new Licensing Policy is attached at appendix 2 of this report.

Following the close of the consultation period the main points of amendment to the original draft were:

- Introduce new policy 1st Jan 2012
- Introduce age of vehicle policy 1st July 2012
- Introduce age of vehicles to seven years maximum at application finishing their working life at ten years (12 years for purpose-built taxis).
- Dual plating of vehicles will not be allowed
- Existing licensed vehicles that are ten years or older at the implementation of the policy, (12 years or older for purpose-built taxis) be allowed to continue to be licensed for a maximum of two years beyond this agreed parameter providing they do not fail the compliance test.
- Policy clarified to show that the age exemption regarding prestige vehicles applies to private hire vehicles only.
- Door access – 'Each row of seats to have door access immediately adjacent to them' to be removed.
- Wheelchair accessible vehicles – wording amended to 'ramp or ramps for the loading of a wheelchair and passenger shall be available at all times'
- Display of licence plates – wording to be more robust to ensure the plate is displayed correctly and is clearly visible from the highway and by other road users.
- Roof Lights – up to the maximum sizes

3.13 Not all responses are referred to in appendix 1- for instance if the response was not a policy issue or the question had been misinterpreted. Any queries relating to these responses will be explained at the Cabinet meeting if necessary.

3.14 The results of the consultation exercise including recommendations as to how the policy should be amended were reported back to the Licensing Committee 5th September 2011. The Committee recommended that the revised policy be presented to Cabinet for adoption.

4. OTHER OPTIONS CONSIDERED

4.1 An alternative option would be to continue with the current licensing process, using the procedures that have been developed over a number of years, with no defined Hackney Carriage and Private Hire Licensing policy document.

5. RESOURCE IMPLICATIONS

5.1 There are no significant resource implications relating to the development and implementation of this policy.

6. RISK AND MITIGATION

6.1 None identified

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

7.1 None identified

8. CRIME AND DISORDER IMPLICATIONS

8.1 There are no direct crime and disorder implications relating to the policy.

9. COMMENTS OF FINANCIAL SERVICES

9.1 As confirmed in section 5 of this report that minimal costs associated within the implementation of this policy, therefore any resource required will be met within the existing budget framework.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

10.1 Whilst each individual licensing application or enforcement decision will be judged on its own merits, a policy will ensure a transparent and consistent approach to licensing that will reduce the opportunity for challenge through the courts. Any departure from the policy should be based on material evidence and documented giving clear and compelling reasons.

11. APPENDICES:

Appendix 1 – Schedule of comments and action taken

Appendix 2 – Proposed new policy