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<b>PART A:</b>	<b>MATTERS DEALT WITH UNDER DELEGATED POWERS</b>
<b>REPORT TO:</b>	<b>LICENSING COMMITTEE</b>
<b>DATE:</b>	<b>14 FEBRUARY 2017</b>
<b>REPORT OF THE:</b>	<b>DELIVERY AND FRONT LINE SERVICES LEAD BECKIE BENNETT</b>
<b>TITLE OF REPORT:</b>	<b>TAXI AND PRIVATE HIRE POLICY REVIEW</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 To seek Members approval to formally consult on a revised draft of the Council's Taxi and Private Hire Policy. A summary of the key changes to policy is attached at Appendix A with a full copy of the revised Draft Policy at Appendix B.

### **2.0 RECOMMENDATION**

- 2.1 It is recommended that:-

(i) Members support the draft revision of the Council's Taxi and Private Hire Policy for consultation.

### **3.0 REASON FOR RECOMMENDATION**

- 3.1 It is a requirement that Council's regularly review and update policies to reflect changes in legislation, local circumstances and relevant safeguarding issues. Following changes to licences fees as a result of the Deregulation Act 2015, a comprehensive review of the Policy has now taken place resulting in a number of key changes and amendments.

### **4.0 SIGNIFICANT RISK**

- 4.1 A failure to review and update the Policy may compromise the safety and effectiveness of taxi and private hire services.

## **REPORT**

### **5.0 INTRODUCTION AND BACKGROUND**

- 5.1 The Council, as the Licensing Authority, has the responsibility under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 for the licensing of hackney carriage and private hire vehicles, operators and drivers.

- 5.2 The Council has traditionally exercised this responsibility through the imposition of procedures and conditions which have been developed over a number of years as part of the Taxi and Private Hire Policy.
- 5.3 It is important that this Policy document is regularly reviewed so that it remains current, clear and effective whilst providing the trade and public with a clear understanding of how the taxi and private hire services are administered. It will also ensure a consistency in approach by Officers to ensure fairness, openness and consistency to the trade.
- 5.4 There have been a number of key changes which require the Policy to be amended. As part of the review, careful consideration has been given to the reports published by Alexis Jay (August 2014) and Louise Casey (February 2015) into historical cases of child abuse in Rotherham, particularly the findings relating to taxi and private hire services local to that area.
- 5.5 Members will be aware that the Council already has a Policy in place which has been developed over a number of years. It is considered that the further amendments brought by this review will ensure the revised Policy provides the most appropriate framework for ensuring a safe and effective service.

## **6.0 POLICY CONTEXT**

6.1 The following Policies have informed this report:

- Corporate Plan
- Corporate Risk Assessment
- Budget Policies

## **7.0 CONSULTATION**

7.1 A consultation period of 12 weeks is proposed, commencing 1st March 2017 until the 24th May 2017. All comments and observations will be considered and the Policy amended where necessary.

7.2 It is proposed to consult the following:-

- The general public via the Council's website
- Ryedale Taxi, Private Hire vehicle drivers and Private Hire Operators
- North Yorkshire Police
- North Yorkshire County Council
- RDC's Community Safety & Safeguarding Panel

## **8.0 REPORT DETAILS**

8.1 Many of the proposed amendments to the Policy are relatively minor in nature, however there are a number of key changes to note which include:-

- Revision and broadening of the Policy Objectives and definition of "Fit and Proper" with an emphasis on safeguarding
- An extensive review of the principles used when considering applications and licence reviews with a greater emphasis again placed on safeguarding.

### **OPERATORS**

- Introduction of a requirement for operators to provide a basic criminal disclosure (DBS) upon application for a licence.
- Conditions including the conduct of operators and reporting of convictions.

## **DRIVERS**

- Introduction of a drivers dress code
- Requirement for drivers to subscribe to the DBS Update System
- Revision of conditions in relation to driver conduct
- Introduction of a knowledge/geographical test for all new drivers
- Revision of drivers age restriction
- Introduction of compulsory Safeguarding training

## **VEHICLES**

- Revision of age of vehicles to be used as either taxi or private hire vehicle.
- Intended use - it is proposed that new applicants for hackney carriage vehicles shall be expected to demonstrate a bona fide intention to ply for hire within Ryedale district.

8.2 To assist the review of the Policy a summary of the key changes has been produced and are detailed in Appendix A

8.3 The full draft Taxi Licensing and Private Hire Policy Document to be consulted on is attached at Appendix B.

## **9.0 IMPLICATIONS**

9.1 The following implications have been identified:

### **a) Financial**

The failure of the Council to review, consult and publish the Policy on a regular basis may result in a Judicial Review being brought against the Council. The costs involved in undertaking the review will be met from existing budgets.

### **b) Legal**

Under the Local Government (Miscellaneous Provisions) Act 1976, Licensing Authorities may attach conditions to private hire driver's licence, vehicle and operators licences. A person who is aggrieved by the amended licence conditions has the option to appeal against them to the local Magistrates Court, under section 47 of the 1976 Act.

### **c) Others**

Under section 17 of the Crime and Disorder Act 1998 the Council has a duty to exercise its function with due regard to the likely effect of the exercise of those functions on, and the need to do all that it can to prevent crime and disorder in its area. In addition there are obvious links to community safety in ensuring an adequate supply of properly licensed vehicles as a safe mode of transport for the public, particularly at times when other public transport may be unavailable.

## **10.0 NEXT STEPS**

10.1 The draft Policy will be consulted on for a 12 weeks period from 1 March 2017 to 24 May 2017 if Members approve the revisions to the current Policy.

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**Background Papers:**

Casey, L. (2015). Report of inspection of Rotherham Metropolitan Borough Council  
Jay, A. (2014). Independent Inquiry into Child Sexual Exploitation in Rotherham (1979-2013)  
Local Government (Miscellaneous Provisions) Act 1976  
Town Police Clauses Act 1847.  
Deregulation Act 2015