

Chichester District Council
General Licensing Committee
27th February 2019

**Proposed amendments to existing taxi and private hire licensing policy/conditions
and service updates**

1. Contacts

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2. Executive Summary

For Members to give consideration to and approve proposed amendments to the current Taxi & Private Hire Policy and Conditions and to receive an update on service delivery.

3. Recommendation

3.1 Members consider and approve proposed changes to the council's existing taxi and private hire policy and conditions.

4. Background

4.1 Officers of the Licensing Team wish to undertake a number of changes to the Council's existing policy and conditions that relate to taxi and private hire licensing functions.

4.2 Members will recall that the existing private hire/taxi licensing policy and conditions were formulated and adopted by the General Licensing Committee in phases, between 2010 and 2012 with subsequent approval for officers to embark upon its review in 2017.

4.3 All current policy documents and private hire/taxi licensing conditions can be viewed on our website via the following link -
<http://www.chichester.gov.uk/article/25500/Taxi-and-private-hire-licensing---legislation-conditions-and-policy>

The council's current policy is divided into the following sections:

- Driver & Vehicle General Policy
- Private Hire Driver Policy
- Private Hire Vehicle Policy
- Private Hire Operator Policy
- Hackney Carriage Vehicle Policy
- Hackney Carriage Driver Policy

4.4 Since the adoption of the current policy and conditions there have been a number of changes in legislation and working practices. In addition, best practice and national guidance within private hire/taxi licensing has evolved. Furthermore, officers have had several years' experience of working with the existing regime.

5. Outcomes to be achieved

5.1 Provision of a clear, revised and fair policy framework for those wishing to enter or remain within the taxi/private-hire profession.

5.2 Removal of any ambiguity within the existing taxi/private-hire policy/conditions and to assist with non-compliance work undertaken by the council.

5.3 To uphold public safety when administering and enforcing the taxi/private hire licensing regimes.

5.4 The review of the existing taxi/private hire policy and conditions are contained within the Service Action Plan for Communications, Licensing & Events 2019 – 2020.

6. Proposal

6.1 Officers have highlighted a number of areas, set out below, that are considered worthy of being revisited and, where appropriate, amendments made to ensure that the policy and conditions are 'fit for purpose' moving forward. Subject to Members consideration these matters would then be consulted with the licensed trade and key stakeholders.

6.2 It is important to highlight that any additional conditions/requirements will need to be carefully considered in order to promote public safety whilst being mindful of potential impact on those entering or currently within the profession. Notwithstanding this the paramount consideration at all times is to maintain and wherever possible enhance public safety, whether in connection with driver or vehicle related licensing matters.

6.3 Whilst the legislation governing taxi and private hire licensing does not place a legal duty on a Local Authority to adopt a policy or review it Members will be aware that by creating such policy it assists with the promotion of public safety and provides a framework for consistent and informed decision making by the council along with clarity for applicants.

6.4 It is for this reason that officers propose the initial review of the points set out below with a further comprehensive review of all taxi and private hire licensing policies and conditions at a later date. These will be subject of a separate report(s).

The key considerations are listed below.

Drivers

- Sourcing a third DSA (Driving Standards Agency) provider east of the county to accommodate the high demand of applicants from that area – the council currently uses ‘The Blue Lamp Trust’, based in Hampshire and ‘1st Castle School of Motoring’, based in Bognor and Chichester. This proposal has no policy implications.
- All new applicants, as of 1 April 2019, will only be able to apply for a three (3) year drivers’ licence being entitled to a refund (subject to on-going discussion with other service areas within the council); (Appendix 1)
- Investigate an alternative provider to that already used in order to undertake the required DVLA driving licence checks; this proposal has no policy implications.
- All new driver applications, when submitting a valid Enhanced Disclosure certificate must be signed up to the online update service helping to introduce further efficiencies within the Licensing Team particularly associated with the requirement to monitor all DVLA licenses during and after the requisite three year period. (Appendix 3 and Appendix 4).
- The new offence of using a mobile phone while driving is to be added to the council’s current Convictions Policy using code reference number CU80. It is proposed to add the offence as a Major Traffic Offence. .
- It is proposed to add the banning of ‘vaping’ and the use of e-cigarettes in all Hackney Carriage and Private Hire vehicles. It is intended therefore to insert this into the current driver policies to ensure that passengers do not access a licensed vehicle where such an activity has taken place. (Appendix 3 and Appendix 4).

Vehicles

- Amend the current requirement of the ‘three day’ period to ‘five days’ between the issuing of an MOT and subsequent ‘Fitness Test’ to assist with the demand placed on Chichester Contract Services (CCS – Westhampnett Depot) for scheduled appointments; (Appendix 2)
- Engagement with other Local Authorities and the licensed trade to revisit whether the tilting or displacement of seats to accommodate passengers is a public safety concern or not; (Appendix 2)
- To cease the issue of magnetic door signs, from 1 April 2019, to all new licensed private hire vehicles resulting in the only form of vehicle signage being self-adhesive. Members are asked to give consideration as to whether this is considered appropriate to include those private hire vehicles already licensed and changing the current magnetic signs for adhesive signs. (Appendix 2)
- Revisiting the issue of licensed vehicles on the fleet with tinted windows and to explore the opportunity for further testing by CCS. Not covered in the current policy.

7. Alternatives Considered

- 7.1 To not undertake this initial ‘review’ and continue to process applications and undertake compliance work using the existing policy and conditions.

8. Resource and Legal Implications

- 8.1 All relevant decisions will be taken in accordance with the council's current Constitution and officer scheme of delegation. If appropriate to do so a Committee or Sub Committee thereof will be convened consistent with current policies.
- 8.3 No additional staffing resources would be required. It is anticipated that the proposed policy amendments would reduce and simplify the administration processes.
- 8.4 There are no additional legal implications identified other than those outlined in this report.
- 8.5 Potentially the council may see a reduction in the number of applicants seeking a three year licence but this will be monitored by the Licensing Team and feedback provided to the Committee on any financial impact in terms of income/refunds.

9. Consultations

- 9.1 As part of this review it will be necessary to speak with a number of different bodies to gain feedback and whether there are areas that can be further improved and if so how. Once information has been collated, the policy and conditions will be re-drafted accordingly.
- 9.2 The final stage will be to undertake a formal consultation with key stakeholders and the trade, and amend as appropriate, before presenting updated versions to this Committee for adoption. The nature and length of the public consultation will be determined at a later date but will be based upon national guidance and this Council's own policy in relation to public consultations.

10 Update - Knowledge Test

- 10.1 Members will recall in July 2017 as part of the application process for all private hire and/or hackney carriage drivers a computerised Knowledge Test was introduced to help raise awareness and improve standards in relation to those persons entering the profession. Officers felt it would be helpful to update members on its implementation and future delivery.
- 10.2 The Knowledge Test has been constantly tested and reviewed to ensure it is 'fit for purpose' and appropriately set. The Test is delivered by way of a computerised pre-programmed set of random questions with applicants required to sit and pass certain modules depending on the nature of their application.

The Test includes the following elements:

- Taxi/Private Hire law & policy
- Council's own policy and requirements
- Highway Code and road signs/markings
- Local knowledge of the District i.e. 'places of interest'
- Hackney Carriage geography test
- Prevention of Child Sexual Exploitation (CSE) and Disability Awareness

- 10.3 Since the implementation of the Knowledge Test the council has delivered 514 tests with that figure broken down to 336 new and 178 re-sits as of January 2019.

However, since approximately March 2018 officers have noted a steady increase in demand. .

- 10.4 Steps have been made taken to ensure the delivery of this service is as efficient as possible both in terms of for the applicant(s) and officers. Work has been undertaken with the council’s Customer Services support staff to administer the bookings electronically and to ensure whether any additional requirements of an applicant are met to align with the Equality Act 2010. If additional help is required appropriate measures are put in place.
- 10.5 Officers have also developed pre-populated forms using data held within the council’s existing licensing records to assist applicants with minimising the provision of duplicated data as well as reducing the frequency of errors/omissions. The responsibility rests with the applicant to ensure their data is correct at the time of application and then subject to consideration by the council as part of the determination process.

11. Community Impact and Corporate Risks

- 11.1 The proposed changes to the policy may be a deterrent to some applicants/existing license holders although the basis of the amendments will be set out during consultation/engagement with the relevant stakeholders which should be welcomed as a positive move. Attempts to tackle non-compliance by the Licensing Team and removal of any ambiguity within existing policy will hopefully result in achieving a level playing field and be welcomed.

12. Other Implications

Are there any implications for the following?		
	Yes	No
Crime and Disorder: The proposed amendments are suggested as a means of further improving compliance amongst the licensed trade and to remove any ambiguity that may exist within the current policy/conditions. Further work is intended as part of a wider comprehensive review at a later date.	x	
Climate Change and Biodiversity		x
Human Rights and Equality Impact		x
Safeguarding and Early Help		x
General Data Protection Regulations (GDPR)		x
Health and Wellbeing		x
Other (please specify)		x

13. Appendices

- 13.1 Appendix 1- General Licensing Policy
 13.2 Appendix 2 – Private Hire Vehicle Policy
 13.3 Appendix 3 – Hackney Carriage Drivers Policy
 13.4 Appendix 4 - Private Hire Drivers Policy

14. Background Papers

- 14.1 Chichester District Council – existing Taxi and Private Hire Policy and Conditions
<http://www.chichester.gov.uk/article/25500/Taxi-and-private-hire-licensing---legislation-conditions-and-policy>