

Bolsover District Council

Special Licensing Committee

16 December 2016

Interim Taxi Licensing Policy Amendments

Report of the Principal Solicitor

This report is public

Purpose of the Report

- To review and approve for adoption minor amendments to the Council's Statement of Licensing Policy for Hackney Carriage & Private Hire Drivers, Vehicles and Operators.

1 Report Details

- 1.1 It is three years since the Council introduced the current policy for the licensing of hackney carriages and private hire drivers, vehicles and operators (collectively referred to here as the taxi trade).
- 1.2 The Policy will be subject to a full review in line with county-wide standards which local authorities are working on at present. However, in the meantime there are some areas of the current Policy which are in need of improvement and amendment, in some cases urgently.
- 1.3 This report identifies those priorities for amendment which can be made immediately pending the full review of the Policy. Those priorities are as follows:
- 1.4 Hackney Carriages – Intended Use:

In 2014 the Council opted to restrict the issue of hackney carriage vehicle plates to those vehicles only which are intended to be used in the district. This helps to limit the problem whereby applicants obtain a hackney carriage and then use it (legally) to carry out pre-booked work in other districts. Currently all applications for hackney carriage vehicle licences are considered by Licensing Committee. Not only is this resource-intensive in preparing reports for Committee, there is often insufficient evidence at a first application for members to make a proper determination.

Accordingly members are asked to consider whether they want to delegate the power to determine such applications to officers. They would then be referred to the Committee only when (a) officers have concerns about the application; or (b) subsequent to the grant of the licence evidence is obtained that they are not complying with the licence conditions.

Related to this issue, it is worth noting that the Council currently has a small number of operators who hold a licence but their base lies outside the district boundary. Direction is sought from Members about whether they want officers to undertake further work on the restriction of operators who hold licences outside of the controlled district.

1.5 Medical Checks for HGV & PSV Drivers on First Application:

Currently the policy states that HGV and PSV licence holders are not required to provide a medical certificate proving their fitness because they would have already provided one to meet the Group 2 medical standards. However they may have gone several years since obtaining their Group 2 licence so the assumption that they are medically fit may be inaccurate. Amending the policy to require all applicants and licence-holders to provide an up-to-date medical certificate as and when required will eliminate this risk. The overall policy on medicals and the intervals at which they are required will remain unchanged.

It is proposed to amend the policy at section 4.2.5 by removing the words: *“Holders of current PSV and/or HGV licences, where the holder is able to produce proof of current medical examination, will not be required to undergo a further medical examination”*.

1.6 DVSA Testing:

The DVSA are due to withdraw their provision of the taxi driving test, a requirement of the current policy for new HC/PHV drivers, at the end of the year. They have already stopped providing test appointments. Work is ongoing to identify both interim and longer-term replacements to ensure applicants meet the required driving standards. Once the replacement measures are identified it is sensible to move quickly to implement them as soon as possible.

Accordingly, it is proposed that the policy be amended to:

- (a) Remove the requirement to meet DVSA taxi test standards;
- (b) Replace it with a requirement to meet such driving standards test as the Council sees fit to introduce; and
- (c) Leave it to officers using delegated powers to determine the most appropriate form of testing.

1.7 Safeguarding Training:

Officers are currently exploring opportunities, in partnership with other Derbyshire authorities if possible, to provide safeguarding training for applicants and licence-holders.

In anticipation of this being put in place a suitable requirement to undertake the training needs to be added to the policy. Implementation of the training itself can be left to officers acting under delegated powers.

Members will be informed once the options have been considered. If a charge is to be applied for the training then further consultation will be required.

1.10 Knowledge Test Amendments:

In light of recent focus on safeguarding, and the introduction of relevant training as discussed above, the possibility of including an element of questions as part of the knowledge test should be considered. It will allow the authority to ensure knowledge of safeguarding practices is tested in the same way as other areas of knowledge.

It is also considered that the current test format (3 sets of 10 questions) is too prescriptive and doesn't allow the authority to react quickly to new developments in the law or in areas of concern such as safeguarding.

It is therefore proposed to amend the Policy sections relating to knowledge tests to remove the prescriptive tests and replace with a simple requirement to undertake such test of an applicant's knowledge as the Council deems appropriate from time to time. This will need to be accompanied by a delegated power to the Joint Assistant Director to determine the composition of tests in future.

1.11 Certificates of Good Conduct:

A problem has been identified in the wording of the existing policy, which requires that a Certificate of Good Conduct be supplied by "overseas applicants" for licences. In practice this doesn't reflect good practice which is to determine whether a Certificate should be provided by those who aren't currently or recently overseas but who have spent significant time living abroad.

It would therefore be sensible to amend the policy to require that a Certificate of Good Conduct should be provided by applicants/licence-holders "where officers deem it reasonably appropriate to do so" so other circumstances can be taken into account.

1.12 CCTV in Taxis

Following the county-wide review of taxi licensing standards additional policy review work will be undertaken. One issue that could be explored is the introduction of CCTV as mandatory measure in taxis. Direction is sought from members about whether they want further work on the possible options for CCTV to be undertaken as part of the extensive policy review.

2 Conclusions and Reasons for Recommendation

2.1 The current policy requires updating in order to respond to changes in legislation and licensing practice, and to address areas of improvement identified by officers.

2.2 The nature of the amendments are such that they will not have a significant impact on the licence-holders or applicants. If the changes were more substantial they would trigger the need for a full consultation and delay the implementation of those policy changes which are required urgently.

3 Consultation and Equality Impact

3.1 The policy changes proposed should have no detrimental effect.

4 Alternative Options and Reasons for Rejection

4.1 Continuing with the existing policy is the only alternative, albeit if only pending the overall policy review and county-wide standards being developed. However for the reasons given above this is not considered appropriate because the measures to prevent problems are required quickly.

5 Implications

5.1 Finance and Risk Implications

None.

5.2 Legal Implications including Data Protection

Having a policy which is fit for purpose and clearer to Licence Holders and Applicants could assist in implementing rules while preventing a legal challenge by way of appeal or judicial review, with associated costs in defending the same.

5.3 Human Resources Implications

None.

6 Recommendations

6.1 That Licensing Committee approve and recommend to Council for adoption the following amendments to the Statement of Licensing Policy for Hackney Carriage & Private Hire Drivers, Vehicles and Operators:

6.1.1 Amend the Hackney Carriage Vehicle Licence condition to reflect the intended use restriction.

6.1.2 Remove from section 4.2.5 the words:

“Holders of current PSV and/or HGV licences, where the holder is able to produce proof of current medical examination, will not be required to undergo a further medical examination”.

6.1.3 (a) Remove the requirement to meet DVSA taxi test standards;
(b) Introduce a requirement to meet such driving standards test as the Council sees fit to introduce; and
(c) Grant delegated powers to the Joint Assistant Director Planning & Environmental Health in consultation with the Chair of Licensing to determine the most appropriate form of testing.

6.1.4 (a) Introduce a requirement in respect of HC/PHV driver’s licences for all new applicants and existing licence holders to undertake such safeguarding training as the Council sees fit to introduce; and
(b) Grant delegated powers to the Joint Assistant Director Planning & Environmental Health in consultation with the Chair of Licensing to determine the most appropriate training.

- 6.1.5 (a) Replace those sections relating to knowledge tests to remove the specific test format and replace with a requirement to undertake “such test of an applicant’s knowledge as the Council deems appropriate from time to time”; and
- (b) Grant delegated powers to the Joint Assistant Director Planning & Environmental Health to determine the format and content of knowledge tests.
- 6.1.6 Amend the requirement to provide a Certificate of Good Conduct to those occasions where Licensing officers reasonably consider it to be appropriate.
- 6.2 That Licensing Committee determine whether to grant delegated powers to the Joint Assistant Director Planning & Environmental Health to consider applications for hackney carriage vehicle licences.
- 6.3 That Licensing Committee determine whether they want officers to undertake further work on the restriction of operators who hold licences outside of the controlled district.
- 6.4 That Licensing Committee considers whether officers should undertake additional work on the introduction of mandatory CCTV in taxis as part of the broader policy review.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	Supporting our communities to be Healthier, Safer, Cleaner and Greener

8 Document Information

Appendix No	Title
None	
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
None.	
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