

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Mandatory/ Discretionary / Operational	(a) Be entirely within cabinet's powers to decide YES/NO (b) Need to be recommendations to Council YES/NO (c) Be partly for recommendations to Council and partly within Cabinets powers – YES/NO		
Lead Member: Cllr Adrian Lawrence E-mail: cllr.adrian.lawrence@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted: Cllr Donald Tyler		
Lead Officer: Vicki Hopps E-mail: vicki.hopps@west-norfolk.gov.uk Direct Dial: 01553 616307		Other Officers consulted: Marie Malt; John Gilbraith		
Financial Implications YES/NO	Policy/Personnel Implications YES/NO	Statutory Implications YES/NO	Equal Opportunities Implications YES/NO	Risk Management Implications YES/NO

Date of meeting: 1st December 2015

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING PROCEDURES AND CONDITIONS

Summary

The procedures and conditions have been updated following various changes in legislation since the last conditions were approved by Full Council on 30th June 2011. A number of procedures and conditions have also been reviewed with the aim of streamlining procedures and providing more protection for the public.

Recommendation

The Council adopt the revised procedures and conditions.

Reason for Decision

To keep the current procedures and conditions up to date and fit for purpose.

1.0 Introduction

1.1 The Borough Council of King's Lynn & West Norfolk has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1976 that relate to the licensing of hackney carriages and private hire vehicles, hackney carriage and private hire drivers and private hire operators. The Act permits Local Authorities to attach conditions to the licenses issued to vehicles, drivers and operators. The purpose of this licensing regime is to ensure the safety of the travelling public, other road users, pedestrians, and the drivers of licensed vehicles. Commercial concerns of the trade can be taken into account but are secondary to the safety aspects of licensing. The last full review of licensing conditions was approved by Full Council on 30th June 2011.

2.0 Consultation

2.1 The trade were consulted on the proposed procedures and conditions between 17th August 2015 and 30th September 2015. A copy of the consultation document can be found in the background papers.

2.2 The response to the consultation was disappointing with only 26 responses (9%) received from the trade. A copy of all the responses received from the trade can be found in the background papers.

3.0 Proposals

3.1 Legislative Changes. Changes in various different types of legislation have required the Borough Council to update the procedures and conditions accordingly. These changes are summarised below:

3.1.1 In December 2012 the functions of the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) were merged and are now carried out by the Disclosure Barring Service (DBS). Reference to the CRB has been changed to DBS throughout the conditions and procedures document.

3.1.2 Since October 2014, the paper tax disc was not required to be displayed in a vehicle. As a result, the conditions and procedures have been changed to reflect the new position to display the internal vehicle licence.

3.1.3 Since June 2015, the paper counterpart of the DVLA driving licence was no longer valid. Paper licences issued before 1998 when the photo card was introduced are still valid. The requirement to produce the paper part of the DVLA driving licence is not required if a photo card is held.

3.1.4 From 1st October 2015, the Deregulation Act 2015 requires all hackney carriage and private hire driver's licenses to be issued for a period of 3 years, and private hire operator licences for 5 years, unless a shorter period is appropriate. The licensing conditions and procedures have been updated to reflect this statutory change.

3.2 Guidelines Relating to the Relevance of Convictions. The current policy is based on a DFT circular which was circulated in 1992 and is not fit for purpose, particularly in light of the recent child exploitation matters involving taxi drivers. It is proposed to introduce new guidelines relating to the relevance of convictions to ensure that stricter guidelines are applied when considering the suitability of licensed drivers. This will also make potential applicants and existing licence holders aware of the guidelines.

3.3 Change in Age/Mileage Policy. It is proposed to change the mileage policy for licensed hackney carriage and private hire vehicles from up to 5 years and up to 60,000 miles upon new application to up to 5 years and up to 70,000 miles. Under the proposal vehicle applications would be processed as follows:

		Age, months/years							
		0-11m 0-1y	12-23m 1-2y	24-35m 2-3y	36-47m 3-4y	48-59m 4-5y	60-71m 5-6y	72-80m 6-7y	81+m 7+
Mileage	5,000	Green	Green	Green	Green	Green	Yellow	Yellow	Red
	10,000	Green	Green	Green	Green	Green	Yellow	Yellow	Red
	15,000	Green	Green	Green	Green	Green	Yellow	Yellow	Red
	20,000	Green	Green	Green	Green	Green	Yellow	Yellow	Red
	25,000	Green	Green	Green	Green	Green	Yellow	Yellow	Red
	30,000	Green	Green	Green	Green	Green	Yellow	Yellow	Red
	35,000	Green	Green	Green	Green	Green	Yellow	Yellow	Red
	40,000	Green	Green	Green	Green	Green	Yellow	Yellow	Red
	45,000	Green	Green	Green	Green	Green	Yellow	Yellow	Red
	50,000	Green	Green	Green	Green	Green	Yellow	Yellow	Red
	55,000	Green	Green	Green	Green	Green	Yellow	Red	Red
	60,000	Green	Green	Green	Green	Green	Yellow	Red	Red
	65,000	Green	Green	Green	Green	Green	Red	Red	Red
	70,000	Green	Green	Green	Green	Green	Red	Red	Red
	75,000	Yellow	Yellow	Yellow	Yellow	Red	Red	Red	Red
	80,000	Yellow	Yellow	Yellow	Yellow	Red	Red	Red	Red
85,000	Red	Red	Red	Red	Red	Red	Red	Red	
90,000	Red	Red	Red	Red	Red	Red	Red	Red	

	Fully meets policy – granted using delegated authority
	May be granted by authorised officers in exceptional circumstances
	Vehicles in this category will be refused using delegated authority

3.4 It is proposed to retain the upper age limit to 10 years with unlimited mileage for vehicle renewals. It is, however proposed that renewal applications not meeting this 10 year policy are dealt with as follows:

		Age (years)			
		Up to 10	11-12	13-14	15+
Mileage	150,000, or less	Green	Yellow	Yellow	Yellow
	160,000	Green	Yellow	Yellow	Yellow
	170,000	Green	Yellow	Yellow	Red
	180,000	Green	Yellow	Yellow	Red
	190,000	Green	Yellow	Yellow	Red
	200,000	Green	Yellow	Yellow	Red
	210,000	Green	Yellow	Red	Red
	220,000	Green	Yellow	Red	Red
	230,000	Green	Yellow	Red	Red
	240,000	Green	Yellow	Red	Red
	250,000 +	Green	Red	Red	Red

Green	Fully meets policy – granted using delegated authority
Yellow	May be granted by authorised officers in exceptional circumstances
Red	Vehicles in this category will be refused using delegated authority

3.5 Right to Work Check. Guidance issued by the Department of Transport states that licensing authorities should carry out right to work checks on individuals applying for hackney carriage and private hire licenses. The East of England Immigration Officer has also requested the Borough Council carry out such checks. It is therefore proposed to introduce the requirement for all applicants to provide prescribed documentation upon application.

3.6 Other Proposed Amendments. It is proposed to make a number of minor amendments to the conditions. A summary of these proposals are attached to this report as Appendix 1.

3.7 A revised copy of the Hackney Carriage and Private Hire Licensing Procedures and Conditions which has been updated to reflect the proposed changes can be found in Appendix 2.

4.0 Financial Implications

There are no additional staffing requirements or other associated costs.

5.0 Statutory Implications

In order not to exacerbate crime and disorder, particularly late at night, it is essential that there is a fleet of safe, properly licensed taxi and private hire vehicles to take people home. The proposals should help to ensure that the trade fully understands its obligations and that enforcement will be transparent.

6.0 Background Papers

1. Hackney Carriage and Private Hire Licensing Procedures and Conditions, June 2011.
2. Consultation Document – Hackney Carriage and Private Hire Review of Conditions dated 17th August 2015.
3. Responses received from the licensed hackney carriage and private hire trade from the consultation.

7.0 Appendices

Appendix 1 - Proposals Summary

Appendix 2 - Revised Hackney Carriage and Private Hire Licensing Procedures and Conditions Booklet.