

Thursday, 13 October 2022

Report of the Assistant Director of Growth and Regeneration

Hackney carriage and Private Hire Licensing Policy 2023 - 2027

Exempt Information

None

Purpose

This report seeks approval from committee members for consultation to begin on the draft Hackney Carriage and Private Hire Licensing Policy at Appendix 3.

The draft policy outlines the decision-making framework that Tamworth Borough Council will apply when exercising its responsibilities for licensing hackney carriage and private hire vehicles, drivers and operators

Recommendations

It is recommended that Members approve for consultation the draft Hackney Carriage and Private Hire Licensing Policy 2023 - 2027

That following consultation the draft policy be brought back for members to consider, together with any comments received prior to adoption at Full Council

Executive Summary

Tamworth Borough Council currently has a Hackney Carriage and Private Hire Licensing guidance document which is attached at Appendix 1.

The draft Taxi and Private Hire Licensing Policy 2023 – 2027 that has been created by updating the existing guidance document by Tamworth Borough Council officers in combination with relevant government documents as detailed below. A summary matrix of the changes can be found at Appendix 2 and the draft Taxi and Private Hire Licensing Policy 2023 – 2027 can be found in Appendix 3.

If approved for consultation, all licensed Drivers, Proprietors of vehicles and operators will be consulted on the draft policy, together with any organisation that may be effected or otherwise have an interest in the Policy. The policy will also be published on the Tamworth Borough Council website.

The public consultation exercise is intended to be held between the 24th October 2022 and 15th January 2023.

Following the public consultation exercise the draft policy together with any suggested amendments will appear before the Licensing Committee for consideration and comment before being presented to Full Council for adoption. Full Council will also have an additional recommendation in that all Licensing functions be delegated to Licensing Committee.

Options Considered

The Committee could consider not consulting on the proposed draft policy; however this would not accord with good governance or best practice

Resource Implications

There are no additional resource implications arising from this Consultation; resources required to fulfil the Council's duties in respect of the Licensing process are met from existing budget.

Legal/Risk Implications Background

The revised policy ensures the Council discharges its statutory licensing functions effectively and that decisions made by Officers and Members are transparent, proportionate and comply with Human Rights and Equalities legislation. The policy provides assurance that decisions in relation to the grant, renewal, suspension or revocation of licences are able to withstand challenge and scrutiny by outside bodies including the Courts.

Equalities Implications

This report has been prepared in accordance with the Council's Diversity and Equality Policies.

Environment and Sustainability Implications (including climate change)

The Council is committed to tackling climate change and the proposed revision of this Policy will assist in ensuring that it contributes appropriately to this ambition.

Background Information

Tamworth Borough Council ("The Licensing Authority") is responsible for the regulation of the Hackney Carriage and Private Hire trades within the Borough of Tamworth.

Tamworth Borough Council recognises the important role of Hackney Carriages and Private Hire vehicles in enabling people to travel around the Borough and the need to provide public reassurance and a positive customer experience by transporting customers safely.

Presently, the Licensing Authority has a guidance document attached at Appendix 1.

The draft policy has been developed by Tamworth Borough Council officers and takes into account the following:-

- The Council's Licensing Objectives
- Current legislation including the Deregulation Act 2015
- Guidance on the Rehabilitation of Offenders Act 1974 – March 2014
- Disclosure & Barring Service Information Note on Rehabilitation of Offenders Act 1974 and Police Act 1997 Order – 2013
- The Department for Transport "Taxi and Private Hire Vehicle Licensing: Best practice Guidance" March 2010
- The Department for Transport "Taxi and Private Hire Vehicle Licensing Draft Best Practice Guidance
- Access to taxi's and private hire vehicles for disabled users – June 2022
- Institute of Licensing guidance on determining the suitability of applicants and licensees in the Hackney and Private hire trades April 2018
- Department for Transport Statutory Taxi & Private Hire Vehicle Standards – July 2020

The policy sets out the Council's decision making framework against which licensing decisions will be made. It also sets out conditions which drivers and operators are required to meet. In developing the draft policy best practice has been identified and incorporated into the policy.

This includes a number of key improvements, including:

- Updated Licensed Driver, Vehicle and Operator Conditions
- Updated penalty point scheme designed to improve licensed driver standards

- Proposed introduction of requirement for licensed drivers, vehicle proprietors and operators to undertake disability awareness training, and all licensed drivers, vehicle proprietors to undertake refresher training on CSE & disability awareness training every 3 years.
- Proposed introduction of requirement for new drivers to undertake driving standards assessment.
- Proposed change to the Knowledge Test, to include questions on conditions
- Proposed extension of the upper age limit of Private Hire Vehicles to 10 Years
- Proposed no age limit for electric vehicles.
- Proposed introduction of DBS checks being carried out at a minimum of every six months
- Proposed introduction of a condition that drivers cooperate with requests from authorised compliance officers in other areas.

Public Safety has remained at the heart of all the changes and the proposed changes will put the licensing framework in line with best practice and make it clearer and transparent.

Report Author

Sarah Gear

Sarah Gear – Senior Licensing Officer

List of Background Papers

<https://www.gov.uk/government/publications/access-to-taxis-and-private-hire-vehicles-for-disabled-users>

<https://www.instituteoflicensing.org/media/judpocw/guidance-on-suitability-online-pdf-2.pdf>

<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1063053/taxi-and-private-hire-vehicle-licensing-consulting-on-best-practice-guidance-for-licensing-authorities-in-England.pdf

Appendices

Appendix 1 – Hackney Carriage and Private Hire Licensing Guidance 2017 – 2022

Appendix 2 – Matrix of Changes

Appendix 3 – Taxi and Private Hire Licensing Policy 2023 - 2027

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