

LICENSING COMMITTEE



Report subject	Taxi and Private Hire Driver, Vehicle and Operator Policies
Meeting date	4th February 2021
Status	Public Report
Executive summary	<p>These are the first Taxi and Private Hire Policy documents for BCP Council since the establishment, on the 1st April 2019 of a single local government area for the now dissolved boroughs of Bournemouth, Christchurch and Poole.</p> <p>Following a 4-week consultation period, agreed by members of the Licensing Committee at their meeting on the 17 September 2020, the Licensing Committee must now consider the responses received in response to the consultation exercise in respect of the proposed Taxi and Private Hire Policies.</p> <p>In total 69 responses were received the majority of these related to the proposed Vehicle Policy regarding the age at first licence and the proposed upper age limit, emissions and livery of vehicles as well as Chapter 16 relating to the quantitative restrictions on Hackney Carriage vehicle numbers.</p> <p>The Licensing Committee must decide to either include or exclude the suggestions and responses received and make changes to the draft policies as appropriate and provide reasons for their decision.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members consider the consultation responses and feedback, amend the draft policies and recommend a final version for adoption by Full Council.</p> <p>If members agree to a single Private Hire 'relevant area' members will recommend to Full Council to adopt Part II of the Local Government (Miscellaneous Provisions) Act 1976.</p>
Reason for recommendations	<p>The now dissolved boroughs of Bournemouth, Christchurch and Poole have all previously published individual policies.</p> <p>The Local Government (Structural Changes) (General)(Amendment) Regulations 2018 provides that the Licensing Authority has 24 months from the date of reorganisation to prepare and publish policies for the new local government area.</p>

Portfolio Holder(s):	Councillor May Haines – Community Safety
Corporate Director	Kate Ryan – Corporate Director for Environment & Community
Report Authors	Nananka Randle
Wards	Council-wide
Classification	For Decision

Background

1. The Department of Transport recommends that all licensing authorities should have a publicly available policy document that brings together their procedures on taxi and private hire licensing. Licensing authorities should also review their licensing policies every five years but should consider interim reviews if there are significant issues arising within their area.
2. The policy documents proposed for consultation have been drafted with reference to the Taxi and Private Hire best practice document issued by the Department of Transport in 2010 and the Statutory Taxi and Private Hire Vehicle Standards published in July 2020.

<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>

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

3. The new statutory standards must be implemented unless there are compelling local reasons not to. These standards take precedence over the guidance set out in the best practice document.
4. The primary and overriding objective of these policies is to protect the public and to ensure the licensing regime at BCP Council protects vulnerable children and adults.

Consultation

5. On the 17th September 2020 the Licensing Committee approved the draft policies for public consultation.
6. On 1st October 2020 public consultation took place via the Councils official consultation tracker. The link for the consultation was emailed to all licence holders registered with BCP Council Licensing Team and all those listed in Appendix 1. In addition, the consultation was included on the BCP Council Facebook and Twitter pages.
7. During the consultation two petitions were received. These two petitions, lead by Mr David Lane and Mr Paul Sondheim respectively, have been circulated to members and will also be published on the councils website

8. On 14th January 2021 the Taxi Members workshop reconvened to discuss the extensive feedback received in response to the consultation exercise. Cllrs Butt, Kelsey, Flagg, Farquhar and Johnson all attended with the legal officer Linda Cole and the licensing manager Mrs Randle
9. Legal advice has also been provided by Counsel regarding feedback responses within the draft vehicle policy particularly relating to Hackney Carriages.

Consultation Feedback

10. There were 69 consultation responses via the council's website. The consultation team has provided a report to highlight the main themes of the responses received. This is included at Appendix 2. The report highlights that of the responses received, the majority of which related to the draft Vehicle Policy and in particular the proposals to release additional Hackney Carriage licences in the Bournemouth and Poole zones over the life of the Policy.
11. In addition, direct consultation responses were received via letter or email from Bournemouth Taxi Ranks Association submitted by Mr Talbi and Mr Jones, PRC Streamline, Mr Spicer and Mr Shutter. (Appendix 3)
12. The Members of the taxi workshop have made suggested changes to the draft policy documents following their discussions of the consultation feedback. These amended draft policy documents are included as Appendix 4, 5 and 6 of this report. The changes are detailed below with additional clarification of consultation responses. These are as follows:-

Driver Policy

13. Section 7.4 this has been amended to state that training can be undertaken by any approved provider of licensed driver training rather than specify which providers within the document. This allows flexibility to add and remove approved providers as necessary without full review of the policy. The guidance for applicants formerly at Appendix A will reflect this and will include not only Brockenhurst College but also Bournemouth and Poole College.
14. The instructions for driver applications which was included previously at Appendix A has been removed from the main policy document as this is primarily an operational document which will be amended during the course of the policy to reflect administrative changes to the process as necessary
15. Section 9.1 has been amended to clarify the timings for driver renewals and how early and late applications should be submitted.
16. Section 9.2 reiterates 7.14 that licences are issued for a three year period. Shorter periods will be considered if requested by the applicant due to specific circumstances – this would be due to age and potential retirement or ill health. The costs of one-year licences will be higher than those of three year licences pro rata.
17. Section 9.3 has been amended to remove the scheduling of reminder emails to remove any expectation by licence holders which may not be met during busy/exceptional service delivery periods.
18. Section 10.2 has been amended to state that safeguarding training will be required on renewal of three year licences and not annually as suggested within a consultation response.

19. Section 10.3/10.4 has been amended to include approved provider such as the Blue Lamp Trust who are able to offer not only bespoke safeguarding training designed specifically for taxi drivers, but also can deliver face to face and remote training so a flexible approach which ensure continuity of the delivery of this essential training.
20. Section 14.1 and subsection 15 have been amended to reflect requirements for the use of taximeter and GPS fare calculator within the vehicle policy section 20.3 and 20.4. This was included at the suggestion of Counsel.
21. Section 15.2 (item 7) has been updated to include reference to denim jeans and track suit bottoms.

Vehicle Policy

22. Sections 7.5 and 7.6 have been combined into one and the age of all vehicles must be no more than 3.5 years old from the date of first registration. This higher age for wheelchairs was initially suggested within the draft but discussions at the workshop agreed that we want to encourage quality vehicles onto the licensed fleet and although brand new vehicles are more expensive, most are purchased second hand and are no more expensive than their non wheelchair counterparts. The age was not amended to 4 years as suggested by Counsel as this would then include ex fleet vehicles which tend to have high mileage, and been well used already and as licensed vehicles can be on the road 24/7. The BCP Licensing Authority require the best quality vehicles for new licences.
23. Section 7.13 had a technical error and has been amended to show the boot capacity is 370 cubic litres not 300 s stated
24. Section 11.1 this has been amended to remove the 10 year maximum age for non-wheelchair accessible vehicles and now no renewal will be issued for any vehicle aged 15 years or older from first registration. Workshop Members acknowledge that vehicles are mechanically checked twice a year but felt a maximum age limit would encourage replacement and overall improvement of licensed vehicles over time.
25. Section 11.3 has been amended to clarify the timings for driver renewals and how early and late applications should be submitted.
26. In Chapter 16, the quantity restriction on Hackney Carriage numbers generated a lot of consultation feedback and advice has subsequently been provided by Counsel regarding the easing of these quantity restrictions in light of there being no current unmet demand. He has confirmed that the Council can remove limits previously imposed at any time and no evidence is needed of unmet demand. This was widely discussed at the Members workshop and no significant amendments have been suggested to this section. The current phased approach to releasing licences and giving interested parties the opportunity to apply for a hackney carriage license within the Poole and Bournemouth zones with the clear aim of total removal of limits when the policy is next reviewed. The policy will then meet best practice guidance and will remove the interference with market forces. This then will give all applicants for BCP Council licences a level playing field.
27. Section 16.3 has been amended to remove the reference to first come first serve in relation to the administration of issuing new Hackney Carriage vehicle licences.
28. Section 16.6 has been amended to state that all restrictions on the number of hackney carriage vehicle licences will be removed by the next policy review

29. Section 17 which relates to the livery, the proposal for all new vehicles to be white with a blue stripe is maintained. Being mindful of consultation responses regarding possible confusion with identifying which zone the vehicle is from, this has been addressed within the Counsel advice and vehicle door insignias will clearly state the zone of each vehicle and can easily be replaced when zones are removed at the next review of the policy in 2025.
30. Section 17.4 has been amended to allow an additional year for existing licensed vehicles to meet the livery standards.
31. Section 20.1 relates to the specification of devices used to calculate fares based on distance and time. Members acknowledged advances in technology and the safeguarding benefits of GPS type systems which allow vehicle routes to be logged and tracked and we wish to allow their continued use if approved. As such the wording of 20.1 – 20.4 has been amended to reflect the suggestions provided by Counsel.
32. Appendix A section 2.1 the list of vehicles which will be considered as executive vehicles has been amended following consultation comment made to remove reference to the Chrysler and to include the Tesla and additional Jaguar models.

Operator Policy

33. Appendix A, section 1, has been amended to include reference to computer records and acknowledge at g and h that not all bookings will have a name of individuals due to automated systems increasingly being used.
34. Additional information has also been included within section 1 to clarify the records required to be kept.
35. Section 2 has been amended with an additional item requiring the publication of a complaints handling policy.

Options

36. To consider the responses received and approve any amendments to the draft policy documents.
37. To either
 - approve the creation of one private hire area for BCP Council, or
 - maintain the three current private hire zones within BCP Council.
38. If approved a resolution will be required by Full Council for the creation of one 'relevant area' in accordance with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

Summary of financial implications

39. Any fees incurred will be absorbed within current budgets. Any costs associated with the review process will be covered by the income from the Licensing Act 2003 fees and/or annual fees received.

Summary of legal implications

40. The legal advisor has reviewed the policies and counsel advice was also sought on some of the consultation responses.

41. The Council must have policies in order to administer the taxi and private hire licensing function and protect public safety.

Summary of human resources implications

42. The new Policies will be delivered within existing staff resources of the licensing team.

Summary of sustainability impact

43. The impact of licensed vehicles has been taken into account and the policy reflects good practice regarding vehicle emission standards.

Summary of public health implications

44. Not applicable

Summary of equality implications

45. An equalities impact assessment has been completed in collaboration with Sam Johnson in equalities.

Summary of risk assessment

46. Not applicable

Background Papers

Counsel advice

Appendices

Appendix 1 – Consultee list

Appendix 2 – Consultation report

Appendix 3 – Other consultation responses received by letter and email

Appendix 4 – Draft Policy Taxi and Private Hire Driver

Appendix 5 – Draft Policy Taxi and Private Hire Operator

Appendix 6 – Draft Policy Taxi and Private Hire Vehicle