

ECONOMIC PROSPERITY SCRUTINY COMMITTEE – 27 SEPTEMBER, 2022

CONSULTATION ON PROPOSED DRAFT STATEMENT OF PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING POLICY

REPORT OF EXECUTIVE DIRECTOR FOR CITY DEVELOPMENT

1.0 PURPOSE OF THE REPORT

- 1.1 To seek the Economic Prosperity Scrutiny Committee's comments in response to the consultation on the Council's proposed Draft Statement of Private Hire and Hackney Carriage Licensing Policy.

2.0 DESCRIPTION OF DECISION

- 2.1 The Committee is requested to note the contents of this Report and to provide its comments in response to the public consultation exercise on the Council's proposed Draft Statement of Private Hire and Hackney Carriage Licensing Policy, ("the Draft Policy").

3.0 INTRODUCTION / BACKGROUND

- 3.1 At its Meeting of 25th July, 2022 the Licensing and Regulatory Committee considered a Report concerning a proposed Draft Statement of Private Hire and Hackney Carriage Licensing Policy to be adopted by the Council in respect of the licensing and regulation of private hire and hackney carriage matters. By way of background, the Council is the licensing authority which has statutory responsibility for the licensing and regulation of drivers, vehicles and private hire operators. These functions are either delegated to the Executive Director of City Development, or to the Licensing and Regulatory Committee. In exercise such functions, public safety, (with particular regard to children and vulnerable adults), is the overriding objective.
- 3.2 The private hire and hackney carriage trade provides a valuable service to residents of the City, especially those who may be vulnerable for one, or more reasons, plus those who are not well served by other forms of public transport. The trade also provides a valuable contribution to the workings of the City's day time and night time economies.
- 3.3 Following the issuing of statutory guidance produced by the Department of Transport, ("DfT"), in July, 2020 headed "Statutory Taxi & Private Hire Vehicle Standards", the Council is to introduce a consolidated private hire and hackney carriage licensing policy, bringing together various policies in one central place. Some of the policies are to be updated to reflect the recommended national minimum standards highlighted by the DfT. The DfT had expected councils to undertake the required reviews before 31st December, 2021, with changes being introduced as soon as possible in 2022. Unfortunately, the pressures that the Coronavirus Pandemic brought to the Licensing Section were such that initial work on the Draft Policy was delayed whilst other work was prioritised, including targeted Covid-19 work.

- 3.4 Due to the Coronavirus Pandemic, during the initial stages of Officers' work to prepare the Draft Policy it was not possible to hold face-to-face Trade Liaison Group Meetings. These would have enabled initial, preliminary issues to be raised on an informal basis about the Draft Policy. More recently, some issues relating to the Draft Policy were raised with the trade via the Council's Taxi Newsletters.
- 3.5 With the lessening of restrictions, it became possible to hold face-to-face meetings. Consequently, on 28th June, 2022 the first in-person Trade Group Liaison Meeting took place at City Hall. Representatives of all private hire operators, hackney carriage owners' associations and independent drivers' groups were invited to attend. A total of 18 trade representatives attended the Meeting, together with Officers from the Council's Licensing Section.
- 3.6 The main purpose of this Trade Group Liaison Meeting was to enable Officers to recap on information previously shared via Taxi Newsletters and to inform about key proposals that Members of the Licensing and Regulatory Committee were to be asked to approve as part of the Draft Policy. The trade representatives present were advised that the Meeting was intended as a pre-consultation exercise to enable informal discussions to be held on Officers' proposals. The Principal Licensing Officer, (Steve Wearing), explained that the final matters to be consulted upon would be agreed by the Licensing and Regulatory Committee at its Meeting that was scheduled to be held on 25th July, 2022.
- 3.7 The following key proposals were raised at the Trade Group Liaison Meeting, with these matters forming part of the Draft Policy, :-
- (a) The introduction of a new Code of Conduct for Licensed Drivers, which includes a Dress Code;
 - (b) The proposed change in the medical requirements for drivers and the adoption of the DVLA Group 2 Medical Standard;
 - (c) The introduction of a Driver Improvement Programme for existing licensed drivers;
 - (d) A change in the requirements regarding the reporting of matters to the Council on the part of existing licensed drivers, ie. the tightening-up of self-reporting obligations, including a shorter time period and extending the scope of matters to be reported;
 - (e) The introduction of a revised convictions policy via the Convictions Policy and Assessment of Previous Convictions document;
 - (f) A proposal to change the current arrangements regarding vehicle age limits and emissions standards;
 - (g) A proposed new requirement for private hire operators to maintain a register of booking and dispatch staff, including the need to have sight of Basic DBS Certificates for all individuals listed on the register; and
 - (h) A proposal to change the existing policy on vehicle tints that would allow the licensing of vehicles fitted with glass of a light transmittance lower than the current standard, subject to a requirement that a suitable CCTV system be installed in the vehicle.

3.8 The Report considered by the Licensing and Regulatory Committee on 25th July, 2022 also addressed the issue of Council being recommended to amend the Terms of Reference of the Committee and the Scheme of Delegation and Appointment of Proper Officers insofar as it relates to the Executive Director for City Development in order for the same to be updated, including, amongst other things, express reference being made to the Committee having responsibility for the following matters, :-

- (a) Determination of the licensing objectives that will form the basis of the Council's Statement of Private Hire and Hackney Carriage Licensing Policy, with the licensing objectives being subject to regular reviews by the Committee as appropriate; and
- (b) Approval, review and amendment of the Council's Statement of Private Hire and Hackney Carriage Licensing Policy.

3.9 Following some minor amendments to the Draft Policy concerning self-reporting, (ie. the 48 hour period to also include weekends, bank holidays, Christmas and any other public holidays), the Licensing and Regulatory Committee approved the following matters, :-

- (a) That the proposed Draft Policy be approved;
- (b) That a period of consultation be commenced regarding the Draft Policy, with all private hire and hackney carriage licence holders and all other relevant stakeholders and consultees on the proposed Draft Policy, with the period of consultation running as from and including 1st August, 2022 until 5.00pm on 26th September, 2022;
- (c) That the Economic Prosperity Scrutiny Committee be requested to provide its comments in response to the consultation, with the Draft Policy being formally considered at its Meeting scheduled for 13th September, 2022;
- (d) That following Officers' appraisal of all responses received to the consultation a proposed Final Draft Statement of Private Hire and Hackney Carriage Licensing Policy be presented to Committee for its approval at its Meeting scheduled for 31st October 2022, ("the Final Draft");
- (e) Subject to the Committee's consideration and approval of the Final Draft, the Statement of Private Hire and Hackney Carriage Licensing Policy be introduced as from 1st December, 2022; and
- (f) That Council be recommended to amend the Terms of Reference of the Licensing and Regulatory Committee and the Scheme of Delegation and Appointment of Proper Officers insofar as it relates to the Executive Director for City Development in order for the same to be updated as set out in Paragraph 3.8 above and to authorise the Assistant Director of Law and Governance to amend the Constitution accordingly, including the making of any consequential amendments.

4.0 CURRENT POSITION

4.1 Following the conclusion of the Meeting on 25th July, 2022, amendments requested by Members to the Draft Policy were made. A copy of the revised Draft Policy is attached at Appendix 1.

- 4.2 Public consultation on the proposed Draft Policy was commenced on Monday, 1st August, 2022. The consultation period runs until 5.00pm on Monday, 26th September, 2022.
- 4.3 The public consultation has involved the following matters, :-
- (a) Consultation with all holders of hackney carriage and private licence holders;
 - (b) Consultation with all other organisations listed in Appendix 1 to the Draft Policy;
 - (c) Social media bulletins regarding the Draft Policy consultation issued on 1 August, 25 August and 12 September 2022;
 - (d) Media statement regarding the consultation issued on 25 August 2022;
 - (e) Information regarding Draft Policy consultation publicised via Residents' e-Newsletter;and
 - (f) Information regarding Draft Policy consultation shown on Council website.
- 4.4 As set out in Paragraph 3.9(c) above, the Licensing and Regulatory Committee resolved that the Economic Prosperity Scrutiny Committee be requested to provide its comments in response to the public consultation exercise, with the Draft Policy being formally considered at its Meeting scheduled for 13th September, 2022, hence the reason for this Report. It is hoped the Committee will be able to contribute to this important consultation exercise. In order to provide Members with as much opportunity as possible to consider the proposed Draft Statement of Private Hire and Hackney Carriage Licensing Policy, all Members of the Scrutiny Committee were provided with information about the consultation process along with a link to the Draft Policy Document on 1 August 2022, the start date of the consultation process.
- 4.5 All responses to the consultation on the Draft Policy, (including those received from the Economic Prosperity Scrutiny Committee), will be considered by the Licensing and Regulatory Committee at its Meeting scheduled for 31st October, 2022, with a view to the finalised version of the Statement of Private Hire and Hackney Carriage Licensing Policy being agreed. Save where stated otherwise, it is hoped that the finalised version of the document will have application as from and including 1st December, 2022.

5.0 RECOMMENDATIONS

- 5.1 The following recommendation is made to the Economic Prosperity Scrutiny Committee, :-

That the Committee is requested to note the contents of this Report and to provide its comments in response to the public consultation exercise on the Council's proposed Draft Statement of Private Hire and Hackney Carriage Licensing Policy.

6.0 LIST OF APPENDICES

- 6.1 Appendix 1 – Proposed Draft Statement of Private Hire and Hackney Carriage Licensing Policy.

7.0 BACKGROUND PAPERS

7.1 Statutory Taxi & Private Hire Vehicle Standards, Department of Transport, July, 2020.