REPORT OF THE EXECUTIVE DIRECTOR FOR CITY DEVELOPMENT

LICENSING & REGULATORY COMMITTEE – 25 JULY 2022

PROPOSED DRAFT STATEMENT OF PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING POLICY

1.0 PURPOSE OF THE REPORT

1.1 To seek Members' approval to the proposed Draft Statement of Private Hire and Hackney Carriage Licensing Policy and arrangements for the formal consultation and subsequent approval of the final Draft Statement.

2.0 DESCRIPTION OF DECISION

2.1 The Committee is recommended to approve the following matters, :-

(a) Subject to any amendments that Members may wish to make, that the proposed Draft Statement of Private Hire and Hackney Carriage Licensing Policy, ("the 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 3.9 below and to authorise the Assistant Director of Law and Governance to amend the Constitution accordingly, including the making of any consequential amendments.

3.0 INTRODUCTION / BACKGROUND

3.1 At its Meeting of 28th March, 2022 the Committee considered a Report providing an update on the then current position regarding the preparation of a Draft Statement of Private Hire and Hackney Carriage Licensing Policy. At the said Meeting Members were reminded of a previous Report considered on 28th September, 2020 entitled "Proposed Draft Statement of Private Hire and Hackney Carriage Licensing

Policy" which detailed the Council's plan to introduce a consolidated private hire and hackney carriage licensing policy following statutory guidance produced by the Department for Transport, ("DfT"), in July, 2020. The DfT expected councils to undertake the required reviews before 31st December, 2021, with changes being introduced as soon as possible in 2022.

3.2 In the Report considered on 28th March, 2022 Members were advised of the major impact that the Coronavirus Pandemic had had on the intended workstream for the preparation of the Draft Policy. The Committee approved a revised timetable to allow for the introduction of the intended Statement of Private Hire and Hackney Carriage Licensing Policy, :-

(a) That the Draft Policy be considered by the Committee at a Meeting to be held on, or about 4th July, 2022, with the Committee putting forward comments and suggested amendment prior to the Draft Policy being subject to a period of consultation with the required consultees; and
(b) That the outcome of the consultation process be reported to the Committee at a Meeting to be held on, or about 3rd October, 2022. Responses and resultant changes in Draft Policy would be identified, with the Committee being asked to approve a final Draft Policy.

3.3 Unfortunately, due to the considerable amount of work involved in the preparation of the Draft Policy, there has been a further, small delay in the completion of this work. Officers were unable to finalise the policy document in time for the Committee's Meeting scheduled for 4th July 2022. Consequently, it was necessary to delay presentation of the Draft Policy until 25th July, 2022. The proposed Draft Policy is attached at Appendix 1.

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. In recent months some issues relating to the Draft Policy have been raised with the trade via the Council's Taxi Newsletters. For example, the proposed changes to the driver medical standards and the introduction of tax conditionality.

3.5 Given that it is now possible to hold face-to-face meetings, 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 provided via Taxi Newsletters and to inform about key proposals that Members were to be asked to approve as part of the Policy Document. 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 Committee at its Meeting scheduled for 25th July, 2022.

3.7 The following key proposals were raised at the Trade Group Liaison Meeting, with these matters forming part of attached 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 Given the small delay in the submission of this Report to the Committee, adjustments have been made to the proposed timetable regarding the progression and approval of the Draft Policy.

3.9 In addition, it is suggested 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, 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.

3.10 Accordingly, the Committee is recommended to approve the following matters, :-

(a) Subject to any amendments that Members may wish to make, 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 3.9 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 The current position is set out in the Report.

5.0 REASONS FOR THE DECISION

5.1 To seek Members' approval to the proposed Draft Statement of Private Hire and Hackney Carriage Licensing Policy and arrangements for the formal consultation and subsequent approval of the final Draft Statement.

6.0 ALTERNATIVE OPTIONS

6.1 None submitted.

7.0 RELEVANT CONSIDERATIONS

7.1 None submitted.

8.0 GLOSSARY

8.1 No acronyms, or abbreviations have been used in this Report.

9.0 APPENDICIES

9.1 Appendix 1 –Draft Statement of Private Hire and Hackney Carriage Licensing Policy.

10.0 BACKGROUND PAPERS

10.1 None.