

**DEPARTMENT OF ENVIRONMENT AND LEISURE**

**ORIGINATING SECTION: PUBLIC PROTECTION SERVICE**

**REPORT TO: LICENSING COMMITTEE 6<sup>th</sup> December 2016**

**TITLE : TAXI LICENSING POLICY**

**1.PURPOSE**

- 1.1 To provide the Committee with details of the consultation carried out in respect of adopting a new Hackney Carriage and private Hire Policy for Blackburn with Darwen agreed by the Licensing committee on 15<sup>th</sup> September 2016.
- 1.2 To provide the Committee with an overview of the consultation responses and recommendations.

**2. RECOMMENDATIONS**

- 2.1 The Committee consider the responses and make recommendations for Executive Member approval.

**3. KEY ISSUES**

- 3.1 Unlike other licence regimes there is no statutory requirement for local authorities to set hackney carriage and private hire policies. Local authorities are however entitled to adopt such policies as they are integral parts of the decision making process. A policy guides, but does not bind a local authority.
- 3.2 The council has a number of policies and conditions which at present are not contained within one formal document. Policies and conditions currently agreed are only available within committee reports and minutes, with relevant policies and all conditions being available in guidance notes to new applicants and the existing licensed trade.
- 3.3 On 15<sup>th</sup> September the Committee resolved to formally consult on a draft Hackney carriage and Private Hire Policy. The consultation ran for eight weeks from 1<sup>st</sup> October to 30<sup>th</sup> November 2016. The draft policy can be found at appendix 1.
- 3.4 The consultation included a questionnaire and covering letter which can be found at appendix 2.
- 3.5 The consultation exercise had not finished at the time of writing this report. The responses will be collated and will be presented at the Committee meeting.

## **4. RATIONALE**

4.1 In addition to publishing in one document existing policy there are a number of new issues that needed addressing in the policy document. These are: :

- vehicle owners to provide the licensing service with IVA certificates for all converted vehicles ( IVA is an Individual Vehicle Approval Certificate which will be issued by the Vehicle Inspectorate
- making it a mandatory condition that drivers sign up to the DBS updating service
- applicants without a five year history of living in the UK to provide certificates of good conduct from the relevant embassy/s of the country or countries of residence,
- having a maximum number of knowledge tests an applicant can take in any one year
- the delivery of safeguarding awareness training for existing drivers
- changes introduced to the supplemental testing manual
- penalty point scheme to be formally adopted
- the introduction of a new operating licence for Executive/Chauffer businesses.

## **5. POLICY IMPLICATIONS**

5.1 The review and development of Taxi Licensing Policies are essential to ensure that robust policies are in place which takes account of current business practice and legislation. The Policy will provide transparent guidance to applicants, existing licence holders, officers, elected members, taxi users and other stakeholders as to the standards expected of Blackburn with Darwen's licence holders.

5.2 The policy ensures that relevant safeguards are in place to enable the council to fulfil its licensing function having regard to public safety.

## **6. FINANCIAL IMPLICATIONS**

6.1 None

## **7. LEGAL IMPLICATIONS**

7.1 There is no statutory requirement to adopt a Taxi Policy however; it is considered best practice to do so and we are aware that a number of neighbouring authorities are introducing taxi policies. When developing a policy it is important to provide for adequate consultation.

7.2 The consultation is part of the Councils decision making process, consultation responses must be taken into account but are not binding.

7.3 The Policy should be clear that each application will be considered on its own merits. Whilst an adopted policy will be a consideration in determining applications it must not be applied in a prescriptive way which could fetter the discretion of the Licensing Authority in respect of individual applications.

## **8. RESOURCES**

8.1 Existing staff in the public protection service will undertake the associated work in composing and implementing the Taxi Policy.

## **9. CONSULTATIONS**

9.1 The consultation documents were emailed out to all Operators, trade representatives, partner agencies and stakeholders. In addition to this officers hand delivered the letters (for drivers to complete) to the private hire operator bases and the ranks. The consultation was also made available on the council's website. The consultation was discussed as an agenda item at the Taxi Forum on 19<sup>th</sup> October 2016. Due the low number of responses received a reminder email was sent to the operators and trade representatives on 17<sup>th</sup> November.

9.2 A suggestion has been made during this consultation to amend the wording in the Council's conviction policy in cases where there are applicants with multiple convictions; this suggestion was emailed to all operators and trade representatives on 17<sup>th</sup> November 2016 for comments. The suggested amendment is detailed at appendix 3.

## **10 . CONTACT OFFICER**

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