

**LICENSING
COMMITTEE**

9th November 2015

**RESULTS OF CONSULTATION ON CHANGES TO HACKNEY CARRIAGE
AND PRIVATE HIRE LICENSING POLICIES**

Relevant Portfolio Holder	Councillor Peter Whittaker
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Wilkes - Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

The Licensing Committee has previously instructed Worcestershire Regulatory Services to carry out formal consultation on a number of proposed changes to the Council's existing policies and procedures relating to hackney carriage and private hire licensing

The results of this consultation are now being reported back to the Licensing Committee for consideration.

2. RECOMMENDATIONS

Members are asked to consider the results of the consultation exercise and RESOLVE;

Which proposed changes (if any) to the Council's existing policies and procedures relating to hackney carriage and private hire licensing it wishes to implement.

3. KEY ISSUES

Financial Implications

- 3.1 The costs involved in carrying out the consultation were met from existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 The Council's current policies in relation to the operation of Private Hire Licences and Hackney Carriage Licences are set out in the Taxi Handbook and associated guidance issued by the Council. There were no scheduled reviews due to be undertaken in relation to the Council's policies, although officers ensure that the policies are continually kept up to date to reflect any relevant changes in legislation.

Service / Operational Implications

- 3.3 At its meeting held on 23rd March 2015 the Licensing Committee considered a report on some changes that were being considered in relation to the Council's existing policies and procedures for hackney carriage and private hire licensing.
- 3.4 These proposals originated from the Bromsgrove Taxi Association and had been discussed by the Committee in November 2014 after which trade forums were arranged in February and March 2015.
- 3.5 The Committee considered a summary of the general response to the proposals from the trade forums and resolved to instruct Worcestershire Regulatory Services to carry out formal consultation on the proposals under consideration. The consultation paper approved for this purpose is at Appendix 1.
- 3.6 The consultation exercise was commenced in late April 2015 and originally ran until 31st July 2015. Further consultation was then undertaken with Members of Bromsgrove Engagement and Equalities Forum until 9th October 2015.
- 3.7 The consultation paper was forwarded to:
- All licensed hackney carriage and private hire drivers
 - All licensed private hire operators
 - West Mercia Police – Safer Neighbourhood Inspector
 - West Mercia Safer Roads Partnership
 - Worcestershire County Council – School Transport Department
 - National Private Hire Association
 - Bromsgrove Depot (Licensed Vehicle Testing Station)
 - Parish Councils in the District
 - Members of Bromsgrove Engagement and Equalities Forum

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- 3.8 The consultation was also advertised publically on the Council's website and via social media channels.
- 3.9 A summary of the results of the consultation is at Appendix 2.
- 3.10 All but one of the responses received came from individuals already licensed by the Council to drive or operate hackney carriage or private hire vehicles.
- 3.11 Opinion was mixed in response to most of the proposals being considered. Perhaps unsurprisingly given the profile of those who responded to the consultation the most unpopular proposals were those that would have financial implications on licensed drivers. These being the proposal to lower of the minimum age for licensing a new hackney carriage vehicle to five years and introducing a requirement that newly licensed hackney carriages would have to be wheelchair accessible vehicles (WAVs).
- 3.12 If a requirement that newly licensed hackney carriages have to be WAVs were to be introduced the vast majority of respondents wanted to see grandfather rights afforded to existing licence holders for an indefinite period.
- 3.13 During the course of the consultation period, legal advice has been sought on the Council's functions and duties under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 in relation to the licensing of drivers to drive hackney carriage and private hire vehicles.
- 3.14 The legal advice that has been received is that whilst the Council can choose to offer a dual licence that authorises an individual to drive hackney carriage and private hire vehicles, it should also offer a licence that only authorises an individual to drive private hire vehicles if that is what the applicant wishes to apply for.
- 3.15 On the basis of this advice it is strongly recommended that a private hire driver licence is introduced alongside the existing dual licences currently offered.
- 3.16 Another particular issue that arose during the consultation period is the Council's current requirement under policy for a vehicle to carry a spare wheel and sufficient tools to enable the changing of a wheel.

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- 3.17 Two respondents specifically referred to this issue in their consultation responses and a case has been considered and determined by a Licensing Sub-Committee during the consultation period, where the vehicle was not compliant with this particular requirement. Additionally a letter has been received from a licensed driver who thinks that this requirement ought to be removed. The letter received from the licensed driver can be seen at **Appendix 3**.
- 3.18 The Committee are asked to consider the results of the consultation exercise and decide which of the proposed changes (if any) it would like to implement and whether it wishes to make any other changes in light of the comments received during the consultation period.
- 3.19 Once this decision has been made, officers will then update the Council's hackney carriage and private hire handbook to reflect the changes Members wish to implement. The handbook will then be brought back to Members at a future Committee to be approved in order to bring into effect those changes.

4. RISK MANAGEMENT

- 4.1 The carrying out of consultation on the proposals under consideration was intended to mitigate any risks associated with changing the Council's policies without sufficient evidence to justify such changes.

5. APPENDICES

Appendix 1 – Consultation Document
Appendix 2 – Results of Consultation Exercise
Appendix 3 – Letter from licensed driver

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