

PROPOSED AMENDMENTS TO HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICIES

| | |
|----------------------------|---|
| Relevant Portfolio Holder | Councillor P J 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 are asked to consider some proposed amendments to the Council's Hackney Carriage and Private Hire Licensing Policies and to approve consultation on the proposed amendments.

2. RECOMMENDATIONS

- 2.1 That Members RESOLVE to direct officers to carry out consultation on proposals for amendment to the Council's Hackney Carriage and Private Hire Licensing Policies.**

3. KEY ISSUES

Financial Implications

- 3.1** The costs associated with carrying out the consultation exercise would be 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 Hackney Carriage and Private Hire Handbook. There are currently 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 and other circumstances.

Service / Operational Implications

- 3.3 On 14 March 2016, the Licensing Committee approved an updated version of the Hackney Carriage and Private Hire Handbook to take effect on 1 April 2016. A copy of this document can be seen at **Appendix 1**.
- 3.4 The Hackney Carriage and Private Hire Handbook sets out the Council's policies on the licensing of Hackney Carriage and Private Hire vehicles and drivers.
- 3.5 There are two areas within these policies that have caused some difficulty since the Hackney Carriage and Private Hire Handbook was updated and Members are now asked to consider these areas and decide whether to carry out consultation on some proposed amendments to the policies concerned.

Requirement for NVQ in Road Passenger Vehicle Driving

- 3.6 The driver licensing policy includes the following requirement:
- “New holders of driver licences are required to be awarded an NVQ Level 2 in Road Passenger Vehicle Driving or equivalent qualification within twelve months from the date of the grant of their initial licence.”*
- 3.7 The qualification was set up with the aim of contributing to the skills, knowledge and overall performance of individuals who are employed in providing a community transport service, taxi and/or private hire. This qualification is based on the latest National Occupational Standards.
- 3.8 To achieve a full Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Community Transport, Taxi and Private Hire), learners must achieve a minimum of 31 credits from mandatory and optional groups. Mandatory units cover health and safety, driving community transport/ chauffeured vehicles safely and efficiently, providing professional customer services and services for those who require assistance, dealing with difficult situations and emergencies and working with others.
- 3.9 Learners may choose from a range of optional units according to their job role. These include defensive driving, meeting special customer needs, providing a service to children and young people, processing telephone bookings, transporting luggage and parcels, planning routes and processing fares.

- 3.10 Some licence holders have reported difficulties in obtaining the NVQ or an equivalent qualification as they state there are very few training providers who are still offering the qualification in the local area. Licence holders have also complained that the costs of obtaining the qualification are unduly burdensome.
- 3.11 When the requirement was first introduced, there was Government funding in place to pay for the training so as to encourage uptake of the qualification amongst licensed drivers across the country. This funding is apparently no longer being provided, so those undertaking the qualification need to fund it themselves.
- 3.12 Bromsgrove District Council is the only licensing authority in Worcestershire that currently requires its licensed drivers to obtain the NVQ Level 2 in Road Passenger Vehicle Driving.
- 3.13 Members are asked to consider a proposal to remove the requirement to obtain the NVQ and replace this with a requirement for all new licence holders to undertake disability awareness training instead.
- 3.14 There are a number of providers of disability awareness training for licensed drivers, including some organisations that provide online training solutions.

Tints on Windows

- 3.15 The Hackney Carriage and Private Hire Handbook states:
- “Any vehicle to be licensed for the first time, with the exception of special event vehicles, is NOT permitted to have a tint where they conceal the identity of the passenger inside. The Licensing Officer will examine a vehicle prior to test to ensure that the level of tint on the windows does not conceal the identity of passengers inside the vehicle.”*
- 3.16 Licence holders have raised concerns that the majority of vehicles manufactured at present are fitted with some level of tint on the windows as standard. Licence holders have complained that the costs involved in replacing the glass in the windows so that the vehicle complies with the requirements in the Hackney Carriage and Private Hire Handbook are unduly burdensome.
- 3.17 Furthermore, in the past twelve months Licensing Sub-Committees have been convened to consider ten applications for vehicle licences where the reason that the application could not be determined by officers under delegated powers was the darkness of the windows. All of the applications have been granted by Members.

- 3.18 This means that there are a number of licensed vehicles operating in the District that do not comply with the relevant Policy. Some licence holders who have paid out large sums of money to replace the glass in their vehicle windows have complained that this is unfair.
- 3.19 In light of the above, Members are asked to consider the following proposals:
- a) To remove the requirement at paragraph 3.15 from the relevant Policy altogether.
 - b) To remove the requirement at paragraph 3.15 and replace it with a requirement that the windows of the vehicle allow a defined amount of visible light to be transmitted through the glass.
 - c) To remove the requirement at paragraph 3.15 and replace it with a requirement that the vehicle windows cannot be fitted with privacy glass (entirely black or reflective glass).
- 3.20 Members are asked to approve consultation on the above proposals. Consultation will take place with licence holders and other relevant stakeholders including West Mercia Police and the Vehicle and Operator Service Agency (VOSA).

RISK MANAGEMENT

- 4.1 The risks identified by this report relate to the Council either acting too hastily to change policy or choosing to disregard the issues raised by licence holders. These risks are being managed by the approach of seeking more information from the trade and considering all the relevant implications and carrying out formal consultation before deciding whether to proceed with making any changes.

5. APPENDICES

- Appendix 1 – Bromsgrove District Council Hackney Carriage and Private Hire Handbook

AUTHOR OF REPORT

Name: Dave Etheridge – Senior Practitioner (Licensing)
Worcestershire Regulatory Services

E Mail: dave.etheridge@worcsregservices.gov.uk

Tel: (01905) 822799