
Report to: Licensing & Regulatory Committee **Date of Meeting:** 3rd June 2013

Subject: Review of the Hackney Carriage & Private Hire Licensing Conditions & Handbook.

Report of: Director of Built Environment

Wards Affected: All

Is this a Key Decision? No

Is it included in the Forward Plan?
No

Exempt/Confidential No

Purpose/Summary

To advise the Licensing & Regulatory Committee of the outcome of the review of the Hackney Carriage & Private Hire Licensing conditions and seek endorsement of the proposed changes to those conditions.

Recommendation(s)

That the Committee:

- 1) Notes the results of the review of the Hackney Carriage & Private Hire Licensing Conditions; and
- 2) Adopts the revised handbook and the provisions contained therein as the Hackney Carriage & Private Hire Licensing Scheme for Sefton.

How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Jobs and Prosperity	√		
3	Environmental Sustainability		√	
4	Health and Well-Being		√	
5	Children and Young People		√	
6	Creating Safe Communities	√		
7	Creating Inclusive Communities		√	
8	Improving the Quality of Council Services and Strengthening Local Democracy		√	

Reasons for the Recommendation:

The current 'Handbook' was published in October 2008 and interim changes to policy require consolidation.

What will it cost and how will it be financed?

(A) Revenue Costs

There are no financial implications for the Council's Revenue budget. The cost of the review and the printing and distribution of the new 'Handbook' is covered by the ring-fenced Hackney Carriage & Private Hire Reserve Account.

(B) Capital Costs

None.

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Legal	The Head of Corporate Legal Services (LD1608/13) has been consulted and comments have been incorporated into the report. The relevant legislation is referred to in the list of Background Papers.	
Finance	The Head of Corporate Finance and ICT (FD 2292/13) has been consulted and comments have been incorporated into the report	
Human Resources	None	
Equality		
1.	No Equality Implication	<input checked="" type="checkbox"/>
2.	Equality Implications identified and mitigated	<input type="checkbox"/>
3.	Equality Implication identified and risk remains	<input type="checkbox"/>

Impact on Service Delivery:

Improved standards and consistency

What consultations have taken place on the proposals and when?

Hackney Carriage & Private Hire Joint Trades Group - 4th December 2012
Hackney Carriage & Private Hire Joint Trades Sub Group – 10th January 2013
Licensing & Regulatory Committee Spokespersons with representatives of the Hackney Carriage & Private Hire Trades Meeting – 22nd January 2013.
Hackney Carriage & Private Hire Joint Trades Sub Group – 5th February 2013

Hackney Carriage & Private Hire Joint Trades Group – 19th February 2013
Hackney Carriage & Private Hire Joint Trades Sub Group – 19th February 2013
Hackney Carriage & Private Hire Joint Trades Sub Group – 26th February 2013
Hackney Carriage & Private Hire Joint Trades Group – 30th April 2013

Are there any other options available for consideration?

No – The previous handbook is out of date and needs updating.

Implementation Date for the Decision:

Following this meeting

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Background Papers:

- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976
- Law Commission Consultation Paper No 203 – “Reforming The Law Of Taxi and Private Hire Services”, see website http://lawcommission.justice.gov.uk/docs/cp203_taxi-and-private-hire-services.pdf
- Review of the Hackney Carriage & Private Hire Licensing Conditions – Licensing & Regulatory Committee 27th October 2008.
- Taxi Licensing Handbook Version 1

1. Background

- 1.1 Members will recall the report “Reforming the Law of Taxi and Private Hire Services” presented on 27th October 2008. The report advised of the outcome of the review of the hackney carriage and private hire licensing conditions and introduced the Hackney Carriage, Private Hire and Omnibus Licensing Scheme Handbook which the Committee adopted from 1st December 2008.
- 1.2 The current handbook (Version 1.1) was subsequently printed and a personal copy issued to each driver.
- 1.3 Changes to policy, legislation and Government guidance during the intervening period means the current version of the handbook is now considered to be out of date and requires review.

2. The Review of Licensing Conditions and Handbook 2012/13.

- 2.1 The review was conducted by the Principal Trading Standards Officer and has involved a critical assessment of the validity of the existing pre-conditions and conditions. The review commenced in mid 2012/13 and closed on 13th May 2013

and has been carried out in consultation with both the hackney carriage and private hire through the Council's established trade working groups.

2.2 The review has been carried out in an open and transparent manner with information and ideas being drawn from the Trades. Information and ideas were exchanged at the scheduled Trade liaison meetings and at dedicated 'sub-group' meetings arranged specifically to discuss potentially contentious policy issues and ensure statutory or customary requirements to consult with affected parties have been complied with.

2.3 The review highlighted:

- a) The Handbook Version 1.1 was out of date;
- b) Minor inconsistencies of policy across licence types;
- c) Confused lines of responsibility;
- d) Ambiguities within the 'Convictions' policy;
- e) Overuse of complicated language;
- f) Unnecessarily onerous conditions; and
- g) Highlighted that the Council's Compliance Testing regime is in need of review.

2.4 The review has addressed a number of contentious policy issues to reach a consensus that can be consolidated with existing policies in a new handbook which is set out under the following headings:

- a) Index;
- b) The Purpose of the Licensing Scheme & Introduction to the Handbook;
- c) Glossary of terms;
- d) Client Charter, defining the Council's service standards;
- e) The Licensing Requirements
 - Driver Licenses (All)
 - Private Hire Drivers
 - Private Hire Proprietors
 - Private Hire Operators
 - Hackney Carriage & Private Hire Vehicle Licences
 - The Compliance Test
 - Additional Licensing Conditions – All vehicles
 - Additional Licensing Conditions – Private Hire vehicle licences
 - Additional Licensing Conditions- Hackney Carriage vehicle licences
 - Hackney Carriage Byelaws
 - General conditions (All drivers and proprietors)

- Licensing Enforcement

- f) Annex 1 – ‘Convictions Policy’;
- g) Annex 2 – Horse Drawn & Pedicabs Conditions of Licence
- h) Annex 3 – Motorcycle Conditions of Licence;
- i) Annex 4 – The Issue of Hackney Carriage Vehicle Licences;
- j) Annex 5 – Sefton MBC Appointed Compliance Test Facilities;
- k) Annex 6 – Licensing Renewal ‘Drop Off’ Facility;
- l) Annex 7 – Traffic Regulation Orders / Hackney Carriage Ranks;
- m) Annex 8 – Trade Organisations;
- n) Annex 9 – Frequently Asked Questions.

2.5 The Council’s Compliance Testing regime will be reviewed separately in 2013/14.

3. The Key Changes

3.1 The format of the handbook has changed significantly, presenting the policy and conditions in an indexed user friendly way and compartmentalising key topics into thematic annexes, *for example the Convictions Policy*

3.2 The Client Charter has been enhanced further defining the standards of service clients should expect.

3.3 The Licensing Requirements have been reviewed in consultation with the trade allowing the removal of ambiguity and points of contention, *for example the meaning of ‘sufficient identifiers’ (Part 4 (h))*.

3.4 Explanatory notes have also been added where it has been considered appropriate to explain the Council’s interpretation of the legislation and as a guide to the likely enforcement action that may be taken for breaches of legislation or conditions, *for example ‘Part 12’*.

3.5 The Handbook consolidates policy changes made since October 2008.

3.6 The most significant policy change is the new “Statement of Policy and Guidelines Relating to the Relevance of Convictions” which has introduced a more detailed and rigid policy in relation to sex offences and offences against a person. The tightening of policy is consistent with the other Merseyside Taxi Licensing Authorities.

3.7 A draft copy of *‘Version 2 of the Hackney Carriage, Private Hire and Omnibus Licensing Scheme Handbook’* can be accessed on the Council’s Web Library at: <http://modgov.sefton.gov.uk/moderngov/ecSDDisplay.aspx?NAME=SD1525&ID=1525&RPID=7263336&sch=doc&cat=13159&path=13158%2c13159>

3.8 It is proposed that policy and conditions of licence should be further reviewed following the publication of the Law Commission Review of the hackney carriage and private hire legislation and the publication of the Government's proposals / guidance on this matter.

4. Conclusions

4.1 The original handbook (Version 1) that was published in 2008 is now out of date.

4.2 The Council needs to consolidate policy and guidance until publication of the Law Commission review of Taxi Licensing is concluded.