	<b>REPORT TO CABINET TO BE HELD ON 13 SEPTEMBER 2016</b>	
	<b>Key Decision</b>	<b>YES</b>
	<b>Forward Plan Ref No</b>	
<b>Corporate Priority: Meets all Corporate Priorities</b>	<b>Cabinet Portfolio Holder</b>	<b>Cllr Bill Chatt</b>

**REPORT OF: THE DIRECTOR (LD) – 16/187**

**WARDS AFFECTED: All**

**SUBJECT: REVIEW OF THE COUNCIL'S TAXI AND PRIVATE HIRE POLICY**

**RECOMMENDATIONS:**

That Cabinet approve the draft revised Policy for consultation and the action plan as outlined at paragraph 7.1 of the report. A copy of the revised Policy is attached at **Appendix A**.

That following the consultation period the Policy (together with a summary of key consultation comments) is brought back to Cabinet in December 2016 for approval. The final policy will then be presented to Full Council for formal adoption.

**REASON FOR RECOMMENDATION:**

It is a requirement that Councils regularly review and update policies to reflect changes in legislation, local circumstances and relevant safeguarding issues. A comprehensive review of the Policy has now taken place resulting in a number of key changes and amendments.

**HIGHLIGHTED RISKS:**

A failure to review and update the Policy may compromise the safety and effectiveness of taxi and private hire services.

**1. INTRODUCTION**

- 1.1 The Council, as Licensing Authority, has the responsibility under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 for the licensing of hackney carriage and private hire vehicles, operators and drivers.

- 1.2 The Council has traditionally exercised this responsibility through the imposition of procedures and conditions which have been developed over a number of years as part of the Taxi and Private Hire Policy.
- 1.3 It is important that this Policy document is regularly reviewed so that it remains current, clear and effective whilst providing the trade and public with a clear understanding of how taxi and private hire services are administered. It will also ensure a consistency in approach by Officers thus ensuring fairness, openness and consistency to the trade.
- 1.4 The Licensing Committee approved the Policy for consultation and the action plan as outlined at paragraph 7.1 of the report at their meeting on 12 September 2016.

## **2. CORPORATE AIMS/PRIORITIES AND THE COMMUNITY PLAN**

- 2.1 Given the extensive role taxi and private hire services play in local transport provision; this report supports all four of the Council's Corporate Priorities.

## **3. BACKGROUND AND ISSUES**

- 3.1 There have been a number of key changes since 2013 which require the Policy to be amended. As part of the review, careful consideration has been given to the reports published by Alexis Jay (August 2014) and Louise Casey (February 2015) into the historical cases of child abuse in Rotherham, particularly the findings relating to the taxi and private hire services local to that area.
- 3.2 Members will be aware that the Council already has a comprehensive Policy in place which has been developed over a number of years. It is considered that the further amendments brought by this review will ensure the revised Policy provides the most appropriate framework for ensuring a safe and effective service.

## **4. CONSULTATION**

- 4.1 It is proposed to consult with the following:
  - The general public via an online survey on the Council's website
  - The local hackney carriage association known as the Scarborough and District Taxi Association
  - Taxi and Private Hire Drivers
  - Operators of Taxis and Private Hire Vehicles
  - North Yorkshire Police
  - North Yorkshire County Council
  - Other interested/affected stakeholders such as Scarborough & District Disablement Action Group and SBC's Community Safety & Safeguarding team

- 4.2 A consultation period of 8 weeks is proposed, commencing 14 September 2016 until 9 November 2016. All comments and observations will be considered and the Policy amended where necessary.

## **5. ASSESSMENT**

- 5.1 Many of the proposed amendments to the Policy are relatively minor in nature, however there are a number essential and key changes which Members should note, these include:

- Revision and broadening of the Policy Objectives and definition of 'Fit and Proper' with an emphasis on safeguarding.
- An extensive review of the principles used when considering applications and licence reviews with a greater emphasis again placed on safeguarding.

### **Operators**

- Introduction of a requirement for operators to provide a basic criminal disclosure upon application for a licence.
- Conditions included regarding the conduct of operators and reporting of convictions.

### **Drivers**

- Introduction of a driver dress code.
- Requirement for drivers to subscribe to the DBS Update Service.
- Revision of the conditions in relation to driver conduct.
- The introduction of a fast track application procedure to re-licence drivers who have had their licence revoked but have subsequently been found to be fit and proper.

### **Vehicles**

- Requirement that all vehicle MOT and compliance checks be undertaken at the Council depot in Scarborough.
- The current restrictions regarding window tints to be removed provided all windows are sufficiently transparent so as not to compromise road safety and comply with relevant legislation governing windows

- 5.2 In respect of these changes, the Council is aware that the requirement for all vehicle MOT tests and compliance checks to be undertaken at the Council Depot in Scarborough is of concern to the Trade. Presently an MOT may be undertaken at any MOT certified garage, anywhere in the country, with the additional compliance checks being undertaken by Licensing Officers over a 2 week period, twice a year.

- 5.3 The consistency of existing MOT tests is of concern, particularly considering the results from 2 licensed vehicle operations conducted since October 2015, where faults were found with vehicles which had only recently undergone and passed an MOT test.
- 5.4 The revised vehicle testing process will combine both test elements into one comprehensive inspection at the Depot. Not only will this provide for consistency in terms of tests, but also negate the need for drivers to attend separate MOT and compliance visits. The move would also free up Licensing Officer time allowing them to undertake much needed pro-active and reactive inspections.
- 5.5 Members should also note that the revised process would allow the Council to set inspection criteria above that specified in a standard MOT test, for example the testing of fixings and equipment fitted to vehicles which have been modified to carry wheelchairs. At present there is no form of certification that such modifications have been undertaken safely and in accordance with manufacturer's instructions.

## **6. IMPLICATIONS**

### **Policy**

- 6.1 This report does recommend changes to the Council's Taxi and Private Hire Policy. However the Policy will be considered again by Members following the conclusion of the consultation process.

### **Financial Implications**

- 6.2 The failure of the Council to review, consult and publish the Policy on a regular basis may result in a Judicial Review being brought against the Council.
- 6.3 The costs involved in undertaking the review will be met from existing budgets.

### **Legal**

- 6.4 Under the Local Government (Miscellaneous Provisions) Act 1976, Licensing Authorities may attach conditions to private hire driver's licences, vehicle and operator licences. A person who is aggrieved by the amended licence conditions has the option to appeal against them to the local Magistrates' Court, under section 47 of the 1976 Act.

### **Crime and Disorder**

- 6.5 Under s17 of the Crime and Disorder Act 1998 the Council has a duty to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it can to prevent, crime and disorder in its area.
- 6.6 In addition there are obvious links to community safety in ensuring an adequate supply of properly licensed vehicles as a safe mode of transport for

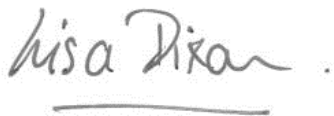
the public, particularly at times when other public transport may be unavailable.

### **Equality and Diversity**

- 6.7 This report and Policy has been prepared in accordance with the Council's Corporate Equalities Scheme.

## **7. ACTION PLAN**

- 7.1 If approval is given to consult on the proposed draft Policy the following timetable is suggested:
- (a) Start of consultation of the draft policy – 14 September 2016
  - (b) End of consultation period – 9 November 2016
  - (c) Following the end of consultation a further report will be submitted to the Licensing Committee and Cabinet in December 2016. The report will include all comments received during the consultation together with the reasons for their inclusion (or not) in the revised Policy.
  - (d) Provided the revised Policy is approved by the Licensing Committee and Cabinet, a report will then be submitted to Full Council in January 2017 requesting adoption of the revised Taxi and Private Hire Policy.



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### **Background Papers:**

Casey, L. (2015). Report of inspection of Rotherham Metropolitan Borough Council

Jay, A. (2014). Independent Inquiry into Child Sexual Exploitation in Rotherham (1997 – 2013)

Local Government (Miscellaneous Provisions) Act 1976

Town Police Clauses Act 1847

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT THE AUTHOR or email: [licensing.services@scarborough.gov.uk](mailto:licensing.services@scarborough.gov.uk).



## Glossary of Terms

Risk	An event which may prevent the Council achieving its objectives
Consequences	The outcome if the risk materialised
Mitigation	The processes and procedures that are in place to reduce the risk
Current Risk Score	The likelihood and impact score with the current mitigation measures in place
Corporate Objectives	An assessment of the Corporate Objectives that are affected by the risk identified.
Target Risk Score	The likelihood and impact score that the Council is aiming to achieve
Service Unit Manager	The Service Unit or Officer responsible for managing the risk
Action Plan	The proposed actions to be implemented in order to reduce the risk to the target score

## Risk Scoring

Impact	5					
	4					
	3					
	2					
	1					
			A	B	C	D
		Likelihood				

### Likelihood:

A = Very Low  
 B = Not Likely  
 C = Likely  
 D = Very Likely  
 E = Almost Certain

### Impact

1 = Low  
 2 = Minor  
 3 = Medium  
 4 = Major  
 5 = Disaster