

GENERAL PURPOSES AND LICENSING COMMITTEE – 11 NOVEMBER 2011

REVIEW OF TAXI LICENSING POLICY

1. Introduction

- 1.1 The purpose of this report is to consider the responses to the consultation arising from the review of the current taxi licensing policy which covers all aspects of private hire and hackney carriage licensing (drivers, proprietors, operators and vehicles).

2. Background

- 2.1 Local authorities have a large number of licensing and registration functions. Parliament has, for the last 170 years, passed legislation covering hackney carriages, and since 1976 legislated for private hire vehicles but the actual day-to-day implementation of that legislation falls to local authorities. District and Unitary Councils also have powers to set conditions on Hackney Carriage and Private Hire licences through the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.
- 2.2 As with all other areas of its activity, the local authority is entitled to adopt policies in relation to hackney carriage and private hire licensing. Policies are an integral part of the decision-making process, informing and guiding the decision-makers, and providing a valuable aid to consistent decision-making. In contrast with more recent licensing regimes under the Licensing Act 2003 and Gambling Act 2005 there is no statutory requirement to set a taxi licensing policy. Rather, taxi licensing policies are created voluntarily by the local authority to assist with consistent decision making.
- 2.3 The current policy can be viewed using the following link: (NFDC Home/Business/Licensing/Taxis)<http://www.newforest.gov.uk/index.cfm?articleid=9558&articleaction=dispmedia&mediaid=12542>

3. Review of Taxi Licensing Policy (Statement of Principles)

- 3.1 On the 10 June 2011 the General Purpose and Licensing Committee agreed that a review of the current taxi licensing policy should be undertaken.
- 3.2 A twelve week consultation was undertaken with the trade and other interested parties. This started on the 13 June 2011 and ended on the 5 September 2011.
- 3.3 A summary of the responses is attached as **Appendix 1** to this report.

4. Conclusion

- 4.1 The policy is about the principles the Council will apply to taxi licensing matters as authorised under the various pieces of legislation and with reference to all relevant guidance. It must be made clear that the policy is not a fetter on the discretion of the local authority. Each case must continue to be judged on its own merits, but this can be done in the light of the policies that are applicable. A policy guides, but does not bind, a local authority.

5. Financial Implications

- 5.1 Any costs associated with the review, consultation and re-publication of the policy has to be met by taxi licensing fee income.

6. Environmental Implications

- 6.1 The policy will state, where applicable, the approach taken by the Council to address any environmental considerations.

7. Crime and Disorder Implications

- 7.1 The policy will state, where applicable, the approach taken by the Council to address crime and disorder concerns.

8. Equality and Diversity Implications

- 8.1 The policy will state, where applicable, the approach taken by the Council to address equality and diversity matters.

9. Recommendations

- 9.1 That the Committee considers the responses to the consultation and approve the proposed timetable to receive further reports as detailed in Appendix 1.

Further Information:

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Background papers:

NFDC Taxi Licensing Policy v1
DfT Taxi Vehicle Licensing -
'Best Practice Guidance'

Responses to consultation on NFDC taxi licensing policy review - 2011

Review of NFDC Statement of Taxi Licensing Policy
Consultation 2011

APPENDIX A

<u>Ref</u>	<u>Location</u>	<u>Date</u>	<u>Source</u>	<u>Comments</u>	<u>Appraisal</u>
1	General	June - 13	NFDC Taxi Association	Proposal for a mandatory policy condition to require that all licensed drivers in charge of a wheel chair accessible vehicle have a suitable qualification or competency certificate etc.	Report to GP&LC for 9 March 2012
2	Driver Medicals	July-19	Taxi Operator	Proposal that driver medicals can be undertaken by any doctor and not restricted to the drivers own GP or registered medical practice as current.	Report to GP&LC for 13 January 2012
3	Pre-Qualifying Conditions	July-19	Taxi Operator	Proposal that all 'foreign nationals' should be subject to immigration checks both for new and renewal applications.	<p>The current taxi licensing policy contains a pre-qualifying condition that all applicants have to produce evidence of eligibility to work in this country.</p> <p>Since 2008 a suitability check has been undertaken with the 'Border & Immigration Agency' for any new applicant where required.</p> <p>This check could be extended to include renewals if deemed appropriate and necessary by the Committee – amend procedures accordingly.</p>

Responses to consultation on NFDC taxi licensing policy review - 2011

				<p>Proposal that the following condition is amended to reflect the issue of the new interior identification detail:</p> <p>The proprietor shall observe and perform the following terms and conditions in respect of Private Hire vehicles:-</p> <p>2.1 the proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein the number of this licence and the number of passengers prescribed in this licence;</p>	<p>Amend condition to state:</p> <p>The proprietor shall observe and perform the following terms and conditions in respect of Private Hire vehicles:-</p> <p>2.1 the proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position <u>and in a manner as issued by the Council</u> so as to be visible at all times to persons conveyed therein the number of this licence and the number of passengers prescribed in this licence;</p>
4	Private Hire Vehicle licence condition 2.1	Sept-05	Secretary of the NFDC Taxi Association		

				<p>Proposal that the following condition is amended to reflect the issue of the new interior identification detail:</p> <p>The proprietor shall observe and perform the following terms and conditions in respect of Hackney Carriages:-</p> <p>3.1 the proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein the number of this licence and the number of passengers prescribed in this licence;</p>	<p>Amend condition to state:</p> <p>The proprietor shall observe and perform the following terms and conditions in respect of Hackney Carriage vehicles:-</p> <p>3.1 the proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position <u>and in a manner as issued by the Council</u> so as to be visible at all times to persons conveyed therein the number of this licence and the number of passengers prescribed in this licence;</p>
5	Hackney Carriage Vehicle licence condition 3.1	Sept-05	Secretary of the NFDC Taxi Association		

Responses to consultation on NFDC taxi licensing policy review - 2011

6	Hackney Carriage Vehicle licence condition 3.11	Sept- 05	Secretary of the NFDC Taxi Association	Proposal that the following condition about the requirement to display at all times the hackney carriage table of fares is amended to reflect the problems experienced by the trade as a result of various changes to modern vehicles i.e. airbags and sat nav's or thefts by customers:	Amend condition to state: 3.11 the proprietor of a Hackney Carriage shall cause the Table of Fares provided by the Council to be exhibited inside the carriage in such a manner and place that the particulars thereon are clear and visible to any passenger being conveyed in the Hackney Carriage <u>or they must able to produce the current Table of Fares as provided by the Council immediately upon request by any persons;</u>
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