

For publication

**Hackney Carriage and Private Hire Licensing Policy -
Policy Amendments (A000)**

Meeting: Appeals and Regulatory Committee

Date: 10 October 2018

Cabinet portfolio: Health and Wellbeing

Report by: Licensing Manager

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1 PURPOSE OF REPORT

- 1.1 To propose amendments to the Hackney Carriage and Private Hire Licensing Policy.

2.0 RECOMMENDATION

- 2.1 The policy amendments are approved for a suitable period of consultation.

3.0 REASON FOR RECOMMENDATION

- 3.1 The amendments will enhance public safety.

4.0 BACKGROUND

4.1 Policy amendments

4.2 National Anti-Fraud Network (NAFN) database of refusals and revocations.

NAFN has recently launched a national database of individuals who have been refused a taxi licence or had their licence revoked. The aim is to enable licensing authorities to share information that will assist in determining an application for a taxi drivers' licence. The council is a member of NAFN, and has been so for a number of years.

The database will hold minimal information on the person concerned but further information as to the circumstances of the refusal or revocation may be shared later by the various authorities in line with agreed protocols.

The database will include both historic and new revocations and refusals, it is estimated we have around 25 historic cases for which inclusion can be justified.

The council's legal officer and information assurance manager have approved the legal agreements that accompany membership.

4.3 Consideration of Convictions

The Institute of Licensing (IOL) has published a document entitled 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades', a copy of which is attached at appendix 1. The guidance was developed in partnership with the Local Government Association, 'Lawyers in Local Government' and the National Association of Licensing and Enforcement Officers and was subject to widespread consultation. The document captures a wide range of behaviours within the same sanction; for example an exclusion of 10 years is recommended for anyone convicted of a crime of violence but does not distinguish between a common assault

that causes no injury or grievous bodily harm with intent that may result in serious injury.

This council matches, or exceeds, many of the provisions within the document, with the exception of the period for which an application will be refused following conviction. Current policy states that the period of consideration commences on the date of conviction, in the IOL document it starts on the completion of any sentence imposed. It is proposed that we change our period to that suggested by the IOL.

- 4.4 For information, another two reports have recently been published with the aim of establishing minimum standards for taxi applicants. The first one is from a Department for Transport task and finish group on Taxi and Private Hire Regulation. The report makes many recommendations, including an urgent review of the relevant laws and the establishment of national minimum standards to taxi applications. The report now passes to the secretary of state to consider new legislation. The document can be viewed [here](#).

The second is from Bolsover/NEDDC and is the result of many months of discussion between Derbyshire councils to establish a set of minimum standards for taxi applicants. This document has been somewhat superseded by the one from the IOL and is not, therefore, proposed for adoption. A copy is attached at appendix 2.

4.5 Knowledge tests

Officers are in the process of changing the administration of knowledge tests from a paper-based system to a computer programme using multiple choice options. The new system will improve access for applicants and reduce costs for both applicants and the council. A supplier has been identified through the procurement process and the software is being developed; once complete both written and driven tests will be replaced by one test administered at the licensing desk in the customer service centre. The cost for applicants will be reduced

by half and there will be more spaces available (25 per week as against 8 at the moment).

Approval is sought to amend the policy as and when the system goes live, anticipated to be towards the end of this year.

4.6 Payment for initial application

An increasing number of applicants are exercising their right to plead their case before the committee when officers have refused their application due to previous convictions. In those circumstances officers research and prepare a report that is considered by members who make a determination, at no cost to the applicant. It is estimated that, on average, this process costs the council £66.00.

It is proposed to charge all applicants for a taxi licence an initial fee of £66.00; if the application is successful that amount is deducted from the rest of the £205 fee (for a three year licence). If the application is not granted, no refund will be given.

4.7 Inform the council of which operator a private hire driver is working for (**par 3.4**)

Officers have encountered difficulties in recent months from private hire drivers who have not updated the council they have changed operators, making investigations problematic.

It is proposed that before driving a private hire vehicle the driver must notify the council of the private hire operator they are to work with. Failure to comply would attract an award of 3 penalty points.

4.8 Code of Conduct

Paragraph 3.23 is amended to reflect recent advice from the government's equality office (appendix 3). The guidance states that while codes for men and women do not have to be identical, the standards imposed should be equivalent. An example of the revised wording is that instead of prohibiting

'short skirts' the policy now states 'shorts and skirts must be at least knee-length'.

4.9 Financial reference

The assistant director Health and Wellbeing approved the replacement of financial references with a self-declaration form as banks and financial institutions were refusing to issue them. This was completed under delegated authority in April of this year but needs to be endorsed by the committee.

5.0 **EQUALITIES IMPACT ASSESSMENT**

- 5.1 A full equalities impact assessment has not been completed but the amendments will have a positive impact on equalities.

6.0 **RISK MANAGEMENT**

- 6.1 A full risk management assessment has not been completed but these measures will all enhance public safety.

7.0 **RECOMMENDATION**

- 7.1 The policy amendments are approved for a suitable period of consultation, to clarify they are:
- 7.2 Adoption of the NAFN database of refusals and revocations.
- 7.3 When considering previous convictions in section 4, appendix 1, the period of consideration will commence from the completion of any sentence imposed, not the date of conviction.
- 7.4 Knowledge tests to be administered by a computerised system when appropriate.

- 7.5 Applicants for a taxi drivers licence to pay an initial fee to cover the process up to the point their application is determined; the fee to be non-refundable.
- 7.6 Drivers of private hire vehicles to notify the council of which operator they are working for before they drive the vehicle.
- 7.7 The code of conduct is amended with regard to the wording of the dress code.
- 7.8 The requirement for a financial reference is replaced by a self-declaration as to a person's finances.

More information about this report is available from Trevor Durham - Licensing Manager on 01246 345203 or trevor.durham@chesterfield.gov.uk