

For publication

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

Meeting: Appeals and Regulatory Committee

Date: 7th February 2018

Cabinet portfolio: Health and Wellbeing

Report by: Licensing Manager

For publication

1 PURPOSE OF REPORT

- 1.1 To propose amendments to the Hackney Carriage and Private Hire Licensing Policy; and
- 1.2 To propose an exemption to the signage requirements of the policy to allow 'Dementia Friendly' notices to be displayed in certain circumstances.

2.0 RECOMMENDATIONS

- 2.1 The policy amendments are approved for a suitable period of consultation; and
- 2.2 Licensed vehicles are allowed to display a maximum of two 'Dementia Friendly' notices in their vehicle provided the driver

has undergone the necessary awareness training with the Alzheimer's Society.

3.0 REASON FOR RECOMMENDATIONS

3.1 The amendments will enhance public safety.

4.0 BACKGROUND

4.1 Policy amendments

4.2 Trade representatives on the taxi consultative committee have requested a re-write of the Hackney Carriage and Private Hire Licensing Policy as, in their view, it had become difficult to understand, particularly for prospective drivers trying to pass the written knowledge test.

4.3 The policy received a major overhaul in 2010, since when it has been amended on four occasions, mostly to reflect legislative changes.

4.4 The primary purpose of the revision is to make the document more easily understood while maintaining the necessary rigour that is required.

4.5 Repetition within the document has been removed wherever possible and the schedules changed into specific sections that contain as much information as possible on each subject area:

- 1) General policy
- 2) Vehicles
- 3) Drivers
- 4) Breaches of conditions
- 5) Application guidance
- 6) Taxi consultative committee
- 7) Private hire operators

4.6 Most of the amendments are in format and style, consolidating information in one place rather than repeated throughout the document and removing obsolete references. A comprehensive

list is attached at Appendix A with the following being particularly noteworthy:

- 4.7 Notification of convictions, paragraph 3.11. Changed so that all such notifications are in writing, for consistency.
- 4.8 Penalty points, section 4. 'Penalty Points Scheme' is a more meaningful title than previously (Breaches of licensing conditions/policy/legal requirements/code of conduct not subject to prosecution).
- 4.9 English language. Paragraph 5.5 clarifies that applicants must be able to read and write to an acceptable standard in English.
- 4.10 Disclosure and Barring Service, paragraph 5.8. In line with the committee's previous decision to move to the DBS update service, an acceptable certificate must be no more than 30 days old (not 3 months as previous).
- 4.11 Personal references, paragraphs 5.11 and 7.30. These have become less relevant with the advent of online monitoring of both convictions and driving behaviour; they are also very difficult to verify so taken at face value.
- 4.12 **Dementia Friendly Community**
- 4.13 A representative from the Alzheimer's Society recently gave a presentation to the Taxi Consultative Committee, seeking the support of the taxi trade in this initiative which aims to change perceptions of dementia.
- 4.14 The scheme is a programme which facilitates the creation of dementia-friendly communities across the UK. Everyone, from governments and health boards to the local corner shop and hairdresser, share part of the responsibility for ensuring that people with dementia feel understood, valued and able to contribute to their community. This initiative is aimed at the local taxi trade.
- 4.15 Possible actions for operators and drivers included attending a dementia awareness session (45 minutes), adapting working

processes (e.g. pre-paid accounts) and revising office layouts (e.g. removing black mats). It was noted that providing travel options benefitted not only people with dementia, but also businesses in terms of increased competitive advantage and brand reputation.

4.16 It was recognised that many licensed drivers are experienced in providing assistance to people with disabilities, including dementia, and it was confirmed that drivers could contact the Police (using the Herbert protocol) if they were concerned about a passenger's safety.

4.17 Signage in licensed vehicles is restricted by the council's Hackney Carriage and Private Hire Licensing Policy, but this committee can authorise the display of signs in support of specific good causes in a manner and duration determined by them (paragraph 2.8.1.4.4 of the current policy or paragraph 2.11 of the amended version).

5.0 EQUALITIES IMPACT ASSESSMENT

5.1 A full equalities impact assessment has not been completed but the amendments will enhance the travelling experience of dementia sufferers.

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 RECOMMENDATIONS

7.1 The policy amendments are approved for a suitable period of consultation; and

7.2 Licensed vehicles are allowed to display a maximum of two 'Dementia Friendly' notices in their vehicle provided the driver has undergone the necessary awareness training with the Alzheimer's Society.

More information about this report is available from Trevor Durham - Licensing
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Appendix A

- Par. 1.1: removal of schedules
- Par. 1.3: new terminology on best practice guidance
- Par. 2: vehicles.
- Par. 2.10: consolidates information on convictions
- Par. 3: licensed drivers
- Par. 3.7 & 3.8: consolidates advice on medicals and diabetes
- Par. 3.11: all notifications of convictions must be in writing
- Par. 3.15: lost property no longer has to be taken to the police but you must make all reasonable steps to identify the loser.
- Par. 4: Breaches of licensing conditions
- Bye-laws: throughout the policy all references to the bye-laws have been removed as they have been superseded by other measures.
- Par. 4.2: clarifies when applications are referred to the committee
- Section 4 appendix 1: remove the list of offences after table 4, indecency, as they are no longer relevant
- Section 4 appendix 1 table 5: the list of offences has been replaced by referring to just two pieces of legislation
- Section 4: the table of sanctions and penalty points now has a more meaningful title of 'penalty point scheme'.
- Par. 5: Application guidance
- Par.5.5: clarifies that applicants must be able to read and write to an acceptable standard in the English language
- Par. 5.8: reduces the age of an acceptable DBS to 30 days in line with requirements of the update service
- Par. 5.11: no longer a need for references as they are not seen as relevant any more, particularly with constant monitoring online via DBS and DVLA
- Par. 6: Taxi Consultative Committee
- Par. 7: Private hire operators
- Par. 7.18: must keep details of all drivers operating under the terms of the licence as opposed to those employed by the operator.
- Par. 7.19: operators must inform the council as soon as practicable of a range of convictions and concerns.
- Par. 7.30: removes the need for references, as per previous policy