

## FOR PUBLICATION

### HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY – AMENDMENTS (A410)

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MEETING: APPEALS AND REGULATORY COMMITTEE

DATE: 10<sup>th</sup> SEPTEMBER 2014

REPORT BY: LICENSING MANAGER

WARDS: ALL

COMMUNITY FORUMS: ALL

#### **1 PURPOSE OF REPORT**

- 1.1 To inform members of necessary amendments to the Hackney Carriage and Private Hire Licensing Policy.

#### **2 RECOMMENDATION**

- 2.1 To adopt those amendments contained in the revised policy and schedules.

#### **3 REASON FOR RECOMMENDATION**

- 3.1 The amendments will improve public safety.

#### **4 BACKGROUND**

- 4.1 The Hackney Carriage and Private Hire Licensing Policy was approved by Council on 15<sup>th</sup> December 2010 and implemented from 1 April 2011. Revisions were made to the policy in May 2012.
- 4.2 Further amendments to the policy have become necessary and all changes are highlighted on the draft policy document in 'track changes'. The draft policy is attached as Appendix A.

- 4.3 This report contains a précis of the main changes.
- 4.4 The amendments have been subject to widespread debate plus a formal period of consultation between 1<sup>st</sup> and 31<sup>st</sup> July 2014. In the formal consultation all drivers and operators were written to, the matters were available for debate at the Taxi Consultative Committee and were discussed at the Enterprise and Wellbeing Scrutiny Committee.
- 4.5 Responses to the consultation are attached at Appendix B but were restricted to the proposal regarding the length of an insurance policy.

## **5 SUMMARY OF THE MAJOR CHANGES**

### **5.1 POLICY DOCUMENT**

- 5.2 An amendment is suggested to allow operators to advertise their own services on their vehicles, such as vacancies for drivers. Paragraph 2.8.2.2
- 5.3 Renewal applications should be accompanied by the vehicle V5 document, this was good practice before but not a requirement. Paragraph 2.18.4.
- 5.4 **Wheelchair accessibility**, paragraph 3.4.2-5.
- 5.5 A high proportion of the council's licensed vehicles are wheelchair accessible but to date it has only been advisory for drivers to have a formal qualification for the loading of wheelchair passengers. Trade members, through the Taxi Consultative Committee, suggested that drivers of wheelchair accessible vehicles must be qualified to an acceptable standard in the loading of wheelchairs and passengers.
- 5.6 After much research and consultation it is proposed that all drivers must obtain one of the following qualifications if they are to drive a wheelchair accessible vehicle:
- A) DSA wheelchair exercise;
  - B) An appropriate NVQ, such as:
    - City & Guilds NVQ level 2, unit 228, Road Passenger Vehicle Driving (Taxi and Private Hire) (7439); or

- Perason Edexcel NVQ level 2, Road Passenger Vehicle Driving (Taxi and Private Hire) (QCF) module A/602/6061; or
- An equivalent NVQ from another provider.

C) Modules B1 and B2 of the Passenger Assistant Training Scheme (PATS).

- 5.7 The requirement will apply to all drivers of a wheelchair accessible vehicle, **not just new drivers**.
- 5.8 Drivers will be given a period of six months to produce evidence they have obtained the qualification.
- 5.9 Only drivers who have obtained the necessary accreditation will be authorised to drive wheelchair accessible vehicles. Such drivers will be identified by the inclusion of a wheelchair logo on their drivers badge which should be worn at all times.
- 5.10 **Suspension and revocation.** A recent High Court decision (R (app Singh) v Cardiff City Council 2012) states that the two-tier approach of suspension by officers then decision by committee is wrong; there should be just one decision. In future the decision to suspend or revoke (either with immediate effect to protect public safety) in urgent situations, including when an arrest or charges relating to serious offences have been made or laid, will be made by authorised officers in consultation with the chair or vice-chair of the Appeals and Regulatory committee. Paragraph 4.2.2. of the policy refers.
- 5.11 If the allegations or concerns are later found to be unproven or without foundation the driver can apply for the return of their licence in line with current procedures.

## 5.12 SCHEDULE 1

- 5.13 **Length of insurance policy.** It is suggested that the minimum length of an insurance policy should be 6 months. A number of drivers produce weekly policies and there is a fear that these may not be renewed. This proposal has received eight objections from drivers, operators and an insurance company; all against the proposal on grounds of cost. The responses are attached at Appendix B. Paragraph 7.4 of the policy refers.

5.14 **Test failures.** A trend has been identified whereby some operators are sending their vehicles for test after the licence has expired with the result they cannot be considered for penalty points as the vehicle is no longer a licensed vehicle. The proposal is that, for the purpose of penalty points, the policy will apply if a vehicle is presented for test within 28 days of the previous licence having expired. Paragraph 15.7 of the policy refers.

5.15 **SCHEDULE 3.**

5.16 Appeals against penalty points will be referred to the Environmental Health Manager instead of the head of service, reflecting recent organisational changes. Paragraph 3.6 of schedule 3 refers.

5.17 The number of penalty points for smoking in a licensed vehicle will be reduced from 6 to 3 as this is felt as more proportionate. Schedule 3 Appendix 4.

5.18 **SCHEDULE 4 – Conduct of licensed drivers**

5.19 The use of e-cigarettes [e-cigs] in licensed vehicles will be prohibited as they have not been shown as safe for public use. England's chief medical officer is on record as stating "the harm from e-cigs is not known but we know they are not risk free", and that "e-cigarettes can produce toxic chemicals, and the amount of nicotine and other chemical constituents and contaminants, including vaporised flavourings, varies between products - meaning they could be extremely damaging to young people's health". The Children & Families Bill proposes the sale of e-cigs to those under 18 years be prohibited and the Welsh Parliament are currently considering a ban on e-cigs in public places, along the same lines as smoking, citing the following reasons:

- E-cigs create an impression that smoking is normal and acceptable;
- The smoking of e-cigs makes enforcement difficult; and
- Children could be tempted to try e-cigs, creating a gateway to smoking.

- 5.20 In recent weeks the World Health Organisation has recommended the use of e-cigarettes indoors should be banned.
- 5.21 The proposal on e-cigarettes has not received any objection from members of the trade.
- 5.22 **SCHEDULE 5 - Guidance**
- 5.23 This document will be amended to reflect the decisions made at committee today.

## **6.0 RECOMMENDATION**

- 6.1 The amendments as outlined in the revised policy and schedules are approved.

## **7.0 REASONS FOR RECOMMENDATION**

- 7.1 The amendments will improve public safety.

More information about this report is available from Trevor Durham - Licensing Manager on 01246 345203.