

WYRE FOREST DISTRICT COUNCIL

CABINET MEETING
22ND FEBRUARY 2007

**Review of Hackney Carriage and Private Hire Licence Conditions
to reflect the Department for Transport's 'Best Practice Guidance'**

OPEN	
COMMUNITY STRATEGY THEME:	Safer Communities
CORPORATE PLAN THEME:	Enabling Community Wellbeing
KEY PRIORITY:	Community Safety
CABINET MEMBER:	Councillor Anne Hingley
RESPONSIBLE OFFICER:	Mike Parker, Head of Planning, Health and Environment Division
CONTACT OFFICER:	Brian Kent – Ext. 2593 Brian.Kent@wyreforestdc.gov.uk
APPENDICES	Appendix 1 – Matrix of conditions for consultation Appendix 2 – Response from Wyre Forest Taxi Association Appendix 3 – Response from Wyre Forest Taxi Drivers' Association Appendix 4 – Response from Department for Transport The appendices to this report have been circulated electronically and a public inspection copy is available on request. (See front cover for details).

1. PURPOSE OF REPORT

- 1.1 To recommend public and stakeholder consultation on reviewing certain Hackney Carriage and Private Hire Licence Conditions to reflect the Department for Transport's (DfT) 'Best Practice Guidance' recently issued.

2. RECOMMENDATION

The Cabinet is asked to DECIDE to:

- 2.1 **authorise the Head of Planning, Health & Environment to consult on those conditions contained in *Appendix 1* and report back to the Licensing and Environmental Committee and a future Cabinet meeting on any proposed changes to the conditions.**

3. BACKGROUND

- 3.1 The Department for Transport consultation document on Taxi Licensing was published on 3rd August 2005 'Taxi and Private Hire Vehicle Licensing : Consultation on draft best practice guidance' set out a proposed best practice approach to setting quality standards for Hackney Carriage and Private Hire Vehicles.
- 3.2 The above document was issued prior to final approval of the Council's Hackney Carriage Licence Conditions. Cabinet, on 25th August 2005, referred the Hackney Carriage Licence Conditions back to the Licensing & Environmental Committee for their recommendations in light of the 'draft Best Practice Guidance'.
- 3.3 The Hackney Carriage Licence Conditions were approved by Cabinet on 30th September 2005, having considered the draft best practice, the recommendation of the Licensing & Environmental Committee and representation made at the time by the taxi trade.
- 3.4 Further, Cabinet agreed a response to the draft best practice consultation at its meeting of 27th October 2005.
- 3.5 The final 'Best Practice Guidance' was issued by the Department for Transport on 26th October 2006 and, although it does not appear to vary greatly from the original draft, a review of certain licence conditions would be advisable to comply with the final guidance. The DfT has made it clear, however, that the 'Best Practice Guidance' is only guidance and it is up to individual Licensing Authorities to reach their own decision on Policy and individual licensing matters (paragraph 3 B.P.G.)
- 3.6 Paragraph 11 of the 'Best Practice Guidance' states that "*it is good practice to consult at a local level on any significant proposed changes in licence conditions*".

It is proposed to consult on those licence conditions as outlined in *Appendix 1*. It is considered that the Council's existing conditions are at variance with the Best Practice and that changes might be recommended. The consultation will last for a minimum of 8 weeks and the results will be reported back to this Committee.

- 3.7 The Taxi Trade has been consulted and asked for their comments on the 'Best Practice Guidance' through the Taxi Liaison Group and were asked to highlight any conditions which they conditions were at variance with the 'Best Practice Guidance'.

- 3.8 It is only intended to consult on current conditions where they do not mirror current 'Best Practice Guidance'. The report is recommending a review of current conditions that do not mirror the 'Best Practice Guidance' and is not advocating a review of current policy which appears to be in line with the Department for Transport advice (*Appendix 4*).

4. KEY ISSUES

Trade Response

- 4.1 Two responses have been received from the Trade following the Taxi Liaison Group meeting on 11th December 2006:
- i) Wyre Forest Taxi Drivers' Association (*Appendix 3*)
 - ii) Wyre Forest Taxi Association (*Appendix 2*)
- 4.2 The response from the Wyre Forest Taxi Drivers' Association calls for a return to licensing conditions effective prior to October 2005 and in particular to saloon vehicles.
- 4.3 The Wyre Forest Taxi Association has commented on the following areas of conditions:
- a) vehicle specification
 - b) vehicle tests
 - c) vehicle age limits
 - d) Hackney Carriage/Private Hire Drivers licence duration
 - e) licenses from EU and EEA member states
 - f) medical criteria
 - g) age limit of drivers
 - h) operator licence fees
 - i) vehicle livery
- ##### **Best Practice Guidance**
- 4.4 The report is recommending a review of licensing conditions only where they do not appear to be in line with Government guidance.
- 4.5 Both Trade consultations replies attempt to indicate that the vehicle specification condition is at variance with the current 'Best Practice Guidance'. This is not the case as indicated by the Email dated 16th January 2007 (*Appendix 4*) from the Head of Transport Disability Strategy at the Department for Transport and so this report is not recommending any further consultation on vehicle specification as there is no conflict with the current 'Best Practice Guidance'. It is also understood that in excess of 40 other Local Authorities have adopted a similar policy.
- 4.6 On the question of livery, the 'Best Practice Guidance' recognises the need to distinguish between hackney carriage and private hire vehicles.

As the only issue is what colour is appropriate, it is intended to address this matter through the Taxi Liaison Group and report to a future meeting.

- 4.7 All other areas of licence conditions highlighted by the Wyre Forest Taxi Association have been incorporated into *Appendix 1* to enable wider consultation

5. FINANCIAL IMPLICATIONS

- 5.1 There are no immediate financial implications in consulting on proposed changes to licence conditions.

6. LEGAL AND POLCY IMPLICATIONS

- 6.1 Compliance with the 'Best Practice Guidance' or providing an explanation of any variance will enable the Council to better defend any legal challenge and ensure that wherever possible 'best practice' is employed.

7. RISK MANAGEMENT

- 7.1 Were the Council to ignore the Best Practice, it could lead to suggestions that the Council's conditions were unfavourable to the taxi trade and may expose the Council to challenge.

8. CONCLUSION

- 8.1 The Council's Deregulation Plan came into force with the new conditions on 1st October 2005 and used the draft 'Best Practice Guidance' to draft conditions and the Council responded to Government consultation in several areas.
- 8.2 Now that final guidance has been issued, those areas highlighted in *Appendix 1* require further consultation and possible amendment

9. CONSULTEES

- 9.1 Head of Legal and Democratic Services.

10. BACKGROUND PAPERS

- 10.1 Department for Transport 'Best Practice Guidance'