

WYRE FOREST DISTRICT COUNCIL

CABINET MEETING
THURSDAY 27TH SEPTEMBER 2007

Review of Hackney Carriage and Private Hire Licence Conditions
following consultation on 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 brian.kent@wyreforestdc.gov.uk
APPENDICES <i>The appendices to this report have been circulated electronically and a public inspection copy is available on request. (See front cover for details).</i>	Appendix 1 Dept for Transport Best Practice Guidance and Current Licence Conditions Appendix 2 Consultation letter Appendix 3 List of Consultees Appendix 4 Response from Wyre Forest Taxi Drivers' Association Appendix 5 Response from Wyre Forest Taxi Association Appendix 6 Response from the Wyre Forest Community Safety Partnership Appendix 7 Letter from Mrs P Adams – Bewdley Appendix 8 Three Letters from Wyre Forest taxi driver Mr Turley Appendix 9 Letter received from Bewdley Town Council Appendix 10 Letter from Disability Action Wyre Forest Appendix 11 Letter from Mr Tony Mills Taxi Licence Applicant Appendix 12 Matrix to accept / reject responses Appendix 13 Draft new Hackney Carriage Vehicle Licences Conditions of Licence. Appendix 14 Private Hire Vehicle Licence Conditions. Appendix 15 Driving Licence Conditions. Appendix 16 Private Hire Operator Licence Conditions of Licence.

1. **PURPOSE OF REPORT**

- 1.1 Following consultation on the Department for Transport's (DfT) 'Best Practice Guidance', to consider responses from stakeholders, and to recommend changes to the Hackney Carriage and Private Hire Vehicle Licence Conditions.

2. **RECOMMENDATION**

The Cabinet is asked to **RECOMMEND** to Council:

- 2.1 **That the revised Hackney Carriage and Private Hire Vehicle Licence Conditions for the District of Wyre Forest are adopted.**

3. **BACKGROUND**

- 3.1 As part of its Deregulation Plan, the Council reviewed its previous licensing conditions and, in the light of the then draft Best Practice Guidance, adopted new conditions with effect from 1st October 2005. Now that the Guidance has been issued in its final form, it is appropriate for the Council to consider whether any further amendments are required.
- 3.2 The 'Best Practice Guidance' for Taxi and Private Hire Vehicle Licensing was issued by the DfT on 26th October 2006. Copy at **Appendix 1.**
- 3.3 It recommended *inter alia* that local authorities examine their current licensing conditions pertaining to Drivers Licences, Vehicle Licences and Operators Licences.
- 3.4 The DfT made it clear, the recommendations were only "*guidance*", and it is up to individual Licensing Authorities to reach their own decision on policy and individual licensing matters.
- 3.5 The 'Best Practice Guidance' states that "*it is good practice to consult at a local level on any significant proposed changes in licence conditions*".

CONSULTATION

- 3.6 At its meeting of 19th February 2007 Licensing & Environmental Committee amended the new Guidance and recommended to Cabinet those areas of the conditions which required review and re-consultation. This was agreed by cabinet at their meeting on 22nd February 2007.
- 3.7 A consultation period began in the Wyre Forest District on the 15th April 2007, and concluded on the 15th June 2007.

- 3.8 A letter outlining the purpose of the consultation coupled with a matrix detailing current licensing conditions, with options to change, was circulated to all stakeholders inviting comment. Copy at **Appendix 2**.
- 3.9 Consultation was carried out with national and local bodies. A list of consultees is attached at **Appendix 3**.

4. **KEY ISSUES**

RESPONSES TO BE CONSIDERED

- 4.1 Seven responses have been received as a result of consultation. They are:-
- Wyre Forest Taxi Drivers' Association who are against the proposals. Copy at **Appendix 4**.
 - Wyre Forest Taxi Association who are against the proposals. Copy at **Appendix 5**.
 - A letter dated the 20th March 2007 has been received from the Wyre Forest Community Safety Partnership. The Partnership agrees with the recommended proposals. Copy at **Appendix 6**.
 - A letter dated the 14th May 2007 received from Mrs P. Adams of Bewdley, who responded in terms outside of the consultation. Copy at **Appendix 7**.
 - Three letters dated the 15th, 16th May and 1st June 2007 received from Mr John Turley a Wyre Forest Taxi Driver who supports the proposals. Copy at **Appendix 8**.
 - A letter dated the 21st May 2007 received from the Bewdley Town Council which has responded outside of the terms of the consultation. Copy at **Appendix 9**.
 - A letter received from Mrs Foxhall of Disability Action Wyre Forest (DAWF) dated the 8th June 2007. DAWF state that the Council proposals are acceptable. Copy at **Appendix 10**.
 - A letter dated the 20th June 2007 received from Mr Tony Mills, an applicant for a Hackney Carriage Vehicle Licence, who has responded outside of the consultation period but wishes to have his comments recorded. He has concerns over the proposals and gives his reasons. Copy at **Appendix 11**.

DRAFT NEW LICENSING CONDITIONS

- 4.2 All responses have been considered with reasons for their adoption / rejection as licensing conditions and are reflected in a matrix. Copy at **Appendix 12.**
- 4.3 Licensing & Environmental Committee have considered the response at their meeting of 3rd September and recommend to Cabinet the adoption of the proposed conditions.
- 4.4 The Licensing Conditions for Drivers, Proprietors of Vehicles, and Operators have been drafted and are attached at **Appendices 13 – 16.**

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 Members should be aware that 19 new licences have been issued under the new conditions which come into effect from 1st October 2005. If Members significantly amend the Council's adopted conditions there is the risk of challenge for those who have vehicles which meet the revised conditions.

8. **CONCLUSION**

- 8.1 The Council has considered the 'Best Practice Guidance' issued by the DfT and has taken the views of stakeholder's responses into consideration.
- 8.2 Licensing Officers have now drafted amended licensing conditions and commend them for adoption by the Council

9. **CONSULTEES**

- 9.1 Head of Legal and Democratic Services.

10. BACKGROUND PAPERS

10.1 Department for Transport 'Best Practice Guidance'.

21.8.07