

Telford & Wrekin Council

Licensing Committee 29th November 2011

Licensing Policy - Hackney Carriage and Private Hire

Report of the Service Delivery Manager – Public Protection

1. Purpose

- 1.1 For Members to consider a draft Licensing Policy for Hackney Carriage and Private Hire Licensing

2. Recommendations

- 2.1. It is recommended that Members:

2.1.1 Determine to adopt a Hackney Carriage and Private Hire Policy.

2.1.2 Consider the contents of the draft policy for Hackney Carriage and Private Hire licensing. Following a period of public consultation if no changes or only minor amendments are required, the policy shall be adopted, and amended if necessary, by the Principal Licensing Officer in consultation with the Chairman of the Licensing Committee.

3. Summary

3.1 The primary legislation relating to Hackney Carriage and Private Hire Licensing is contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

3.2 Attached at Appendix A is a draft of a proposed Licensing Policy for licensing Hackney Carriages and Drivers, Private Hire Vehicles and Drivers and Private Hire Operators under the provisions of the above legislation.

4. Previous Minutes

- 4.1 There are no previous minutes.

5 Information

5.1 Background

- 5.1.1 Telford & Wrekin Council has responsibility for licensing Hackney Carriage and Private Hire Vehicles, Drivers and Operators within the controlled district of Telford & Wrekin.
- 5.1.2 Hackney Carriage and Private Hire Vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside “normal” hours of operation, such as in the evenings or on Sundays), or for those with mobility difficulties.
- 5.1.3 The aim of this policy is to ensure the safety and welfare of the population who live and work in Telford & Wrekin, people who visit the Borough and the Hackney and Private Hire Vehicle drivers, while recognising the importance of the businesses to the local economy.
- 5.1.4 Local Authorities are not required by law to adopt a policy in relation to Hackney Carriage and Private Hire licensing, but may do so if they wish. Policies assist a local authority with consistent decision making and their purpose is to guide and inform.
- 5.1.5 This draft policy sets out the policies and procedures that the Council wishes to apply in exercising its Hackney Carriage and Private Hire licensing function. Before adopting the Policy, however, the Council wishes to consult with those who may be affected by it. It is committed to considering any representations made as a result and, if appropriate, to amending the draft in the light of representations received.

5.2 Equal Opportunities

- 5.2.1 An Equality Impact Assessment (EIA) has been carried out on this policy and has identified that this policy has a neutral impact on the majority of the protected characteristics (Gender reassignment, Race, Religion or belief and Sexual Orientation) and they will not be disadvantaged by the implementation of this policy. It has also been identified that this policy will have a positive effect on Age, Disability, Gender and Deprivation. In relation to disability we have ensured that the policy reflects the requirements within the Equality Act 2010 for Hackney Carriage and Private Hire Drivers. The Council expects applicants to be aware of and comply with all legislation relating to unlawful discrimination. A copy of the Community Impact Assessment is attached at Appendix B.

5.3 Environmental Impact

- 5.3.1 Not applicable for the purposes of this report.

5.4 Legal Comment

- 5.4.1 The primary legislation relating to Hackney Carriage and Private Hire Licensing is contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 5.4.2 Local Authorities are not required by law to adopt a policy in relation to Hackney Carriage and Private Hire licensing, but may do so if they wish.

5.5 Links with Corporate Priorities

- 5.5.1 This report has links to community protection and cohesion.

5.6 Financial Comment

- 5.6.1 There are no direct financial implications of the actions recommended within this report. JAC 141111

5.7 Risks and Opportunities

- 5.7.1 In proposing this action the Corporate Risk Management Methodology has been complied with. This approach is not intended to eliminate risks but to identify the risks and manage them. However not all risks can be managed all of the time and some risks may not have been identified.
- 5.7.2 The following key risks and opportunities associated with this action have been identified and assessed and arrangements will be put in place to manage them.
- (1) Unlawful discrimination – the policy states that drivers will be trained in disability awareness and the responsibility that they have with regard to the Equality Act 2010.
 - (2) Legal challenge – the policy states that each application will be considered on its own merits and clearly sets out the applicant's right of appeal against decisions made by the Council when determining a licence.

6. Ward Implications

- 6.1 This report has Borough wide Implications

7. Background Papers

- 7.1 Local Government (Miscellaneous Provisions) Act 1976
- 7.2 Town Police Clauses Act 1847
- 7.3 Equality Act 2010
- 7.4 Public Health Act 1936.

Report prepared by, Suzanne Fisher, Public Protection Team Leader, Licensing Services, Darby House - For further information please telephone 01952-383261 or email Licensing@telford.gov.uk