

**Telford & Wrekin Council**

**Licensing Committee – 20 December 2016**

**Review of the Council's Hackney Carriage and Private Hire Licence Policies and Conditions**

**Report of the Service Delivery Manager, Public Protection**

**1. Purpose**

- 1.1 For Members to consider, and approve a revision to the Council's Hackney Carriage and Private Hire Vehicle Licensing Policies and Licence Conditions.

**2. Recommendations**

Having considered all relevant information, for Members to approve :

- 2.1 The proposed amendments to the revised policies and conditions of licence for implementation on 1<sup>st</sup> April 2017.

**3. Summary**

- 3.1 Sections 47(1), 48(2) and 55(3) of the Local Government (Miscellaneous Provisions) Act 1976 [LG(MP)A 1976] allows licensing authorities to attach to the grant of Private Hire and Hackney Carriage Licences certain conditions that they consider reasonably necessary.
- 3.2 A 12 week consultation has taken place on proposed amendments to Telford & Wrekin Council's Hackney Carriage and Private Hire policies and conditions of licence.
- 3.3 The responses to the Consultation have been collated and considered by the Principal Licensing Officer in consultation with the Chairman. Having regard to all representations made during the consultation process, further amendments have been made to the draft policies and licence conditions where appropriate and it is recommended that these proposed amendments are approved by Members.

**4. Previous Minutes**

- 4.1 LC-38 26<sup>th</sup> March 2013  
LC-04 26<sup>th</sup> June 2013

## **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 borough of Telford & Wrekin.

5.1.2 The purpose of licensing Hackney Carriages and Private Hire Vehicles, Drivers and Operators is for the provision of a safe and accessible service to the public, which includes the protection of children and vulnerable people. The recommendations from the Council's recently published Scrutiny Committee Report on Child Sexual Exploitation have been considered in the preparation of this review of licensing policies and where appropriate they have been incorporated.

5.1.3 Section 47 (1) of the Local Government (Miscellaneous Provisions) Act 1976 [LG(MP)A 1976] allows licensing authorities to attach to the grant of Hackney Carriage Licences, section 48(2) allows licensing authorities to attach to the grant of Private Hire Vehicle Licences, section 51(2) allows licensing authorities to attach to the grant of Private Hire Driver Licences and section 55(3) allows a licensing authority to impose on a Private Hire Operator Licence, any conditions that it considers reasonably necessary.

5.1.4 Telford & Wrekin Council has traditionally, in accordance with the above, attached conditions to Hackney Carriage and Private Hire Licences.

5.1.5 A full review and twelve week consultation, on the Council's policies and licence conditions, has now been completed with stakeholders, including, community groups, licence holders and partner agencies.

5.1.6 The Principal Licensing Officer received 17 written responses to the consultation. Officers also met with licence holders as part of the consultation process. All of the responses and representations made during the process, have been considered in accordance with Minute LC5, 19<sup>th</sup> July 2016.

5.1.8 The suggested amendments which have been made to the draft document following the consultation process are written in green. The proposed amendments which were consulted on and which remain unchanged following the consultation process are written in red. The draft policy document is attached at Appendix A.

### **5.2 Equal Opportunities**

5.2.2 Every effort has been made to ensure that the consultation engaged the whole community, including user groups.

5.2.3 An equality impact assessment has been carried out on the proposed new policies and conditions of licence.

### **5.3 Environmental Impact**

5.3.1 There is no environmental impact arising from this report.

### **5.4 Legal Comment**

5.4.1 The Council has a duty to provide for the licensing of hackney carriages under the Town Police Clauses Act 1847 and under the relevant adopted provisions of the Local Government (Miscellaneous Provisions) Act 1976. In addition, the adopted provisions of the 1976 Act mean that the Council must provide for the licensing of private hire drivers, vehicles and operators.

5.4.2 There is no legal requirement for a policy, however it is best practice and the policy documents serve to outline for drivers and operators the Council's licensing powers under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.

5.4.2 A licensing policy must be reasonable and proportionate. However, the proposed policy cannot fetter the Council's discretion and each application of enforcement matter will be judged on its own merits whilst having regard to the policy ensuring a transparent and consistent approach to licensing that would reduce the opportunity for challenge through the Courts.

5.4.3 The Council has complied with its implied duty and the good practice recommendations in the Department of Transport's 'Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (March 2010)' by consulting on and considering the responses to the proposed amendments to the revised policies and conditions of licence included in this report.

### **5.5 Links with Corporate Priorities**

This report has links to the following Corporate Priorities:

- Protect and Create Jobs as a Business Winning Council
- Protect and support our vulnerable children and adults

### **5.6 Opportunities and Risks**

- 5.6.1 In proposing this action the Corporate Risk Management Methodology has been complied with.
- 5.6.2 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.
- (i) The Financial risks to the Council in the event of a legal challenge to the change in Policy and or Conditions.

## **5.7 Financial Implications**

- 5.7.1 The costs arising from the proposed amendments to the revised policies and conditions of license will either be directly met by the applicant or be incorporated into the license fee which covers the cost of administering the license. A review of license fees for 1<sup>st</sup> April 2017 is currently being undertaken and will be reported on separately.
- 5.7.2 The cost of the consultation exercise was met from Licensing budgets.

## **6. Ward Implications**

- 6.1.1 This report has implications for all wards in the Borough.

## **7. Background Papers**

- 7.1.1 Local Government (Miscellaneous Provisions) Act 1976.
- 7.1.2 Town Police Clauses Act 1847
- 7.1.3 Conditions of Licence for Hackney Carriages - Telford & Wrekin Council
- 7.1.4 Conditions of Licence for Private Hire Operators - Telford & Wrekin Council
- 7.1.5 Conditions of Licence for Private Hire Vehicles - Telford & Wrekin Council
- 7.1.6 Conditions of Licence for Dual Driver Licences - Telford & Wrekin Council
- 7.1.7 Licensing Policy, Hackney Carriage & Private Hire - Telford & Wrekin Council
- 7.1.8 Taxi and PHV Licensing Criminal Convictions Policy - Telford & Wrekin Council
- 7.1.9 Manual of Inspection Standards for Licensed Vehicle Testing and Compliance Standards - Telford & Wrekin Council
- 7.1.10 Hackney Carriage and Private Hire Vehicle National Inspection Standards - Public Authority Transport Network
- 7.1.11 Taxi and PHV Licensing Councillors' Handbook (England and Wales) - Local Government Association
- 7.1.12 Taxi and Private Hire Vehicle Licensing Best Practice Guidance - Department for Transport
- 7.1.13 Private Hire Vehicle Licensing - A note for guidance from the Department for Transport

- 7.1.14 Hackney Carriage and Private Hire Licensing Policy 2015-2019 - Shropshire Council
- 7.1.15 Email Telford Hackney Carriage Association 28<sup>th</sup> September 2016
- 7.1.16 Emails Sukhdav Singh 8<sup>th</sup> August 2016 and 30<sup>th</sup> September 2016
- 7.1.17 Email Tajinder Singh Dhaliwal 10<sup>th</sup> August 2016
- 7.1.18 Email Ansar Mehmood, 25<sup>th</sup> August 2016
- 7.1.19 Email Imran Pryce 31<sup>st</sup> August 2016
- 7.1.20 Email Mohammed Shaban 31<sup>st</sup> August 2016
- 7.1.21 Email Mudasar Islam 1<sup>st</sup> September 2016
- 7.1.22 Email Dianne Beaumont, Services Manager, Alzheimer's Society 21<sup>st</sup> September 2016
- 7.1.23 Email Ruby Hartshorn, Chairperson, Shropshire Disability Network 8<sup>th</sup> August 2016
- 7.1.24 Email Mahomed Khatri, Guide Dogs for the Blind Association 18<sup>th</sup> October 2016
- 7.1.25 Email Gillian Bailey, Parish Clerk, Stirchley and Brookside Parish Council 10<sup>th</sup> October 2016
- 7.1.26 Email Clare Turner, Clerk, Great Dawley Town Council 3<sup>rd</sup> August 2016
- 7.1.27 Letter a2z Licensing, David Wilson, Licensing Consultant, Mediator and Trainer 31<sup>st</sup> October 2016
- 7.1.28 Email Frances Darling, Trading Standards & Licensing Operations Manager, Shropshire Council 10<sup>th</sup> October 2016
- 7.1.29 Emails Terry Spooner, Managing Director, Ultimate Taxis Ltd 25<sup>th</sup> August 2016, 12<sup>th</sup> October 2016

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