



Report for: ACTION
Item Number: 5

Contains Confidential or Exempt Information	NO
Title	Review of RBWM's Private Hire and Hackney Carriage Operator, Vehicle & Driver Policies and Conditions
Responsible Officer(s)	Craig Miller, Community Protection & Enforcement Services Lead
Contact officer, job title and phone number	Steve Johnson – Enforcement Principal – 01628 683555
Member reporting	Councillor Majeed
For Consideration By	Licensing Panel
Date to be Considered	13 th October 2015
Implementation Date if Not Called In	1 st February 2016
Affected Wards	All
Keywords/Index	Hackney Carriage / Private Hire / Taxis

<p>Report Summary</p> <ol style="list-style-type: none"> 1. RBWM requires all Private Hire Drivers, Vehicles and Operators and all Hackney Carriage Drivers and Vehicles to comply with published RBWM Policies and Conditions, which are reviewed every few years. 2. This report proposes some amendments to the Policies and Conditions and seeks to start the process by consulting on the proposed changes.

If recommendations are adopted, how will residents benefit?	
Benefits to residents and reasons why they will benefit	Dates by which residents can expect to notice a difference
If approved, the proposals will ensure safety standards for the travelling public.	1 st February 2016

1. Details of Recommendations

RECOMMENDATION:
That Members authorise the Community Protection and Enforcement Services Lead to commence consultation with the trade on the proposed amendments outlined in the report and to report back to the January 2016 meeting of the Panel.

2. Reasons for Recommendation(s) and Options Considered

2.1. RBWM requires all Private Hire Drivers, Vehicles and Operators and all Hackney Carriage Drivers and Vehicles to comply with published RBWM Policies and

Conditions, which are reviewed every few years to ensure that they are still relevant and sufficient to ensure the safety of the travelling public.

2.2. The Licensing team has recently undertaken a review of the current Policies and Conditions and a number of amendments are now proposed as detailed in the following paragraphs.

2.3. Medicals for Drivers

Currently Private Hire and Hackney Carriage drivers need to provide a medical certificate before they are granted a licence and every five years thereafter. It is proposed that this should continue – but with the additional requirement that drivers should have a full medical every year once they have reached the age of 65. Members will be aware that drivers are already required to inform the Council if they have any medical issues which may affect their ability to drive.

2.4. Internal Identification Plates

The Council's licensing team receives up to circa 100 complaints about Private Hire and Hackney Carriages every year from members of the public. Passengers frequently have difficulty identifying the vehicles which are the subject of the complaints. Currently, once passengers are inside a vehicle there is no way of them ascertaining any details of the vehicle. It is proposed that an identification plate be required inside both Private Hire and Hackney Carriage vehicles displaying vehicle licence and registration numbers. This system is already in use in many other local authorities.

2.5. Temporary Vehicle Licence Fees

Private Hire and Hackney Carriage drivers can apply to RBWM for temporary vehicle licences following accidents or mechanical problems. The vehicles can be licensed for up to three months and the current fee is £80.00 – a figure which has not changed for some years. This figure no longer covers the work involved and has not kept up with fees charged by other local authorities. The proposal is that the fee should be increased to £120.00.

2.6. Road Knowledge Testing Fee

Private Hire and Hackney Carriage drivers are tested on their knowledge of the Policies and Conditions for drivers before they are licensed. In addition, Hackney Carriage drivers are tested on their knowledge of the Royal Borough's roads. The current fee for this test is £16.00, which no longer covers the work involved in administering the test and is far less than the fee charged by other local authorities. Slough Borough Council for example currently charges £40.00. The recommendation is that the RBWM fee should be increased to £30.00

2.7. Annual Driver Checks

At the September 2015 Panel, Members discussed new legislation coming into force on 1st October 2015 that establishes a standard duration of 3 years for Hackney Carriage and Private Hire Vehicle driver licences and 5 years for Private Hire Vehicle operator licences, with licences able to be granted for a period of less than 3 or 5 years - but only in the circumstances of an individual case. Members asked for new conditions to be introduced to ensure that drivers' details were still able to be checked on an annual basis.

It is therefore proposed that henceforth drivers applying for a 3 year licence must apply for an enhanced DBS at the time of application and will be subject to a DVLA licence check at that time. Each year, after the licence has been issued, the driver

will be subject to another DVLA licence check and will be issued with a new badge, using a current photograph.

2.8. Convictions

Currently RBWM's Policies and Conditions state that applicants for a Private Hire or Hackney Carriage drivers licence must show 3 to 5 years free from conviction, depending on the circumstances. In view of the number of applicants who have a substantial number of convictions, it is proposed that this shall change to 5 years in all circumstances.

2.9. Horse Drawn Hackney Carriages

RBWM has licensed horse drawn Hackney Carriages for many years. Two such licensed vehicles currently operate in Windsor. The rules in relation to these vehicles have been in effect for some time and are attached to the individual licences. They have never been included in the full set of licence conditions. It is proposed therefore that an additional section, relating to horse drawn vehicles, be added to RBWM's Policies and Conditions.

2.10. The various draft amended Policies and Conditions are attached to this report as Appendices A to C.

2.11. Drivers, proprietors and operators have a reasonable expectation that they will be consulted on any changes to the Policies and Conditions that apply to them. Consequently, Members are at this stage simply being asked to authorise consultation with the trade – with the results of that consultation to return to Panel in January 2016.

Option	Comments
1. Carry out the Recommendation and commence consultation with the trade	This is the recommended option as it allows the trade the opportunity to give their views on the proposed changes
2. Impose the proposed changes without consultation	This would raise the possibility of challenge by way of judicial review to the imposition of conditions which have not been consulted upon
3. Decide not to amend the Policies and Conditions	The proposals are all designed to enhance the safety of the travelling public and a decision not to amend the Policies and Conditions would jeopardise that.

3. Key Implications

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by
A reduction in the number of complaints regarding Private Hire and Hackney Carriage	8+ complaints per month.	5-8 complaints per month.	2-4 complaints per month.	Less than 2 complaints per month.	From 1 st February 2016.

drivers and vehicles					
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4. Financial Details

a) Financial impact on the budget (mandatory)

There are no financial implications as a result of this report

5. Legal Implications

Conditions can be attached to vehicle licences by virtue of Sections 47 & 48 Local Government (Miscellaneous Provisions) Act 1976. Hackney Carriage Drivers have special bylaws to govern their behaviour and Private Hire Drivers can have conditions imposed under Section 51 of the Act.

6. Value for Money

N/A

7. Sustainability Impact Appraisal

There are no significant sustainable development impacts resulting from this.

8. Risk Management

Risks	Uncontrolled Risk	Controls	Controlled Risk
Judicial Review or appeal conditions	The proposed Policies and Conditions could be judicially reviewed or challenged by way of individual appeals to the magistrates court	The process in determining the Policies and Conditions is considered fair and reasonable and balances the needs of the applicants with the duty to protect the public	Medium

9. Links to Strategic Objectives

The main links are to:

Residents First

- Improve the Environment, Economy and Transport
- Work for safer and stronger communities

10. Equalities, Human Rights and Community Cohesion

None

11. Staffing/Workforce and Accommodation implications:

None

12. Property and Assets

None

13. Any other implications:

None

14. Consultation

Authority for consultation is being sought at this stage. The draft conditions will be on the Councils website and all drivers and operators will be written to directly. The results will be reported back to Members at the January panel.

15. Timetable for Implementation

Consultation will commence after the Panel and comments will be referred back to the January Panel. Any amendments to RBWM's Policies and Conditions will take effect as from 1st February 2016.

16. Appendices

Appendix A - Hackney Carriage Driver & Vehicle Draft Policy and Conditions

Appendix B - Private Hire Driver & Vehicle Draft Policy & Conditions

Appendix C - Private Hire Operator Draft Policy & Conditions

17. Background Information

Sections 47, 48 & 51 Local Government (Miscellaneous Provisions) Act 1976

18. Consultation (Mandatory)

Name of consultee	Post held and Department	Date sent	Date received	See comments in paragraph:
Internal				
Cllr Burbage	Leader of the Council			
Cllr Cox	Lead Member			
Cllr Majeed	Licensing Panel Chairman			
Simon Fletcher	Strategic Director of Operations			
Neil Allen	Shared Legal Services			
External				
	RBWM's Hackney Carriage Drivers and Private Hire Drivers and Operators	Consultation will commence after the Panel		

Report History

Decision type:	Urgency item?
	No

Full name of report author	Job title	Full contact no:
Steve Johnson	Enforcement Principal	01628 683555