



Report for: ACTION
Item Number: 4

<b>Contains Confidential or Exempt Information</b>	<b>NO</b>
<b>Title</b>	Review of RBWM's Private Hire and Hackney Carriage Operator, Vehicle & Driver Policies and Conditions
<b>Responsible Officer(s)</b>	Simon Fletcher Strategic Director of Operations
<b>Contact officer, job title and phone number</b>	Craig Miller Head of Community Protection & Enforcement Services – 01628 683598 Steve Johnson Enforcement Principal – 01628 683555
<b>Member reporting</b>	Councillor Majeed
<b>For Consideration By</b>	Licensing Panel
<b>Date to be Considered</b>	12 <sup>th</sup> January 2016
<b>Implementation Date if Not Called In</b>	1 <sup>st</sup> February 2016
<b>Affected Wards</b>	All
<b>Keywords/Index</b>	Hackney Carriage / Private Hire / Taxis

<p><b>Report Summary</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>2. At a previous Licensing Panel on 13<sup>th</sup> October 2015, Members authorised consultation with the trade on proposed amendments to the Policies and Conditions.</li> <li>3. This report details the responses received and asks Members to approve amended Policies and Conditions.</li> </ol>
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<b>If recommendations are adopted, how will residents benefit?</b>	
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 <sup>st</sup> February 2016

**1. Details of Recommendations**

**RECOMMENDATION:**  
**That Members approve the amended Private Hire and Hackney Carriage Policies and Conditions attached to this report at Appendices A to C.**

## **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. In mid-2015, the Licensing team undertook a review of the current Policies and Conditions and proposed a number of amendments. The proposed amended Policies and Conditions are attached as Appendices A to C and details of the amendments to the current position are set out in this report below at paragraphs 2.7 to 2.13.
- 2.3. At the 13<sup>th</sup> October 2015 Licensing Panel, Members authorised consultation to be carried out with the trade on the proposed amendments and this was achieved by informing all Private Hire Operators and Hackney Carriage representatives of the proposals - and by publishing the proposals on the Council's website.
- 2.4. One written response has been received – from Mr Mohammed Yasin, “Chairman of the RBWM taxi association” – and this is attached at Appendix D. Some of the response deals with matters falling outside of this consultation and is not relevant to the proposals that are the subject of this report. Those matters have been struck through in Appendix D and will be picked up outside of this particular process.
- 2.5. In addition, on 21<sup>st</sup> December 2015, Mr Yasin and Mr Nas Jaraal – a representative of Hackney Carriage drivers based in Windsor and also a GMB union representative – met with Cllrs Cox and Majeed and officers from the Licensing team to discuss the items listed in the written response. Nothing additional to the matters listed in Appendix D was raised at that meeting.
- 2.6. The following paragraphs set out details of the proposed amendments to the current Policies and Conditions, together with details of what the response received said in each respect.

### **2.7. Medicals for Drivers**

#### Proposed Amendment

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.

#### Consultation Response

“The licensing department wants to introduce a medical check for every year after the age of 65. But rather than every year, this should surely be 2 yearly, since the retirement age is increasing”.

### **2.8. Temporary Vehicle Licence Fees**

#### Proposed Amendment

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.

Applications for temporary licences are, by definition, made at short notice. Arranging appointments involves redeploying staff resources away from other work, having to liaise with insurance companies, checking documentation and providing information to insurance companies and solicitors regarding disputed claims.

Drivers often miss arranged appointments or fail to provide the necessary documentation with the result that on a regular basis the process can take up to 3 days to complete for each emergency appointment.

The proposal therefore is that the fee should be increased to £120.00.

#### Consultation Response

“The licensing department want to raise this by 50%. However we were given a taxi fare rise of 3% last time. So if the council are going to raise this fee, this should be in keeping with the rate of inflation rather than a 50 % increase. The price currently is £80, but the council want to increase this to £120”.

## **2.9. Annual Driver Checks**

### Proposed Amendment

At the September 2015 Panel, Members discussed new legislation coming into force on 1<sup>st</sup> 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 also be subject to a driving licence check at that time. Each year, after the licence has been issued, the driver will be subject to another licence check and will be issued with a new badge, using a current photograph.

Like most other local authorities nationally, RBWM uses an enhanced driving licence checking system through a company called Intelligent Data Systems (UK) Ltd (“IDS”).

The IDS system costs £7.50 per driver but provides much more detailed information than does the free DVLA service. This includes providing information proactively throughout the year on any changes to the status of RBWM's licensed drivers and allowing checks on licences issued outside of England, Scotland and Wales – both are things that the DVLA system does not provide.

Ensuring that drivers are fit and proper and that the public may travel safely is of course paramount and the IDS service allows RBWM to undertake this better than does the DVLA system.

### Consultation Response

“From June 2015 this service is free from the DVLA website; we wonder how the council can charge us £7.50 for this service which is free. We request the panel to remove these charges and make the council refund this fee to the drivers”.

## **2.10. Internal Identification Plates**

### Proposed Amendment

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.

### Consultation Response

Nothing received

## **2.11. Road Knowledge Testing Fee**

### Proposed Amendment

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.

### Consultation Response

Nothing received

## **2.12. Convictions**

### Proposed Amendment

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.

### Consultation Response

Nothing received

## **2.13. Horse Drawn Hackney Carriages**

### Proposed Amendment

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.

### Consultation Response

Nothing received

**2.14.** Members are now invited to consider the proposed amendments and the response to the consultation and to approve a set of amended Policies and Conditions.

Option	Comments
1. Approve the proposals detailed in Appendices A to C.	This is the recommended option as the proposals are designed to enhance the safety of the travelling public.
2. Make additional amendments to the drafts set out in Appendices A to C in order to take into account the consultation responses.	Members may wish to reflect some or all of the trade views by further amending the draft Policies and Conditions.
3. Decide not to approve any amendments to the current Policies and Conditions.	The Policies and Conditions are reviewed in order that they are still relevant and sufficient to ensure the safety of the travelling public. Not updating them would prevent this from happening.

#### 4. 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 drivers and vehicles	8+ complaints per month.	5-8 complaints per month.	2-4 complaints per month.	Less than 2 complaints per month.	From 1 <sup>st</sup> February 2016.

#### 5. Financial Details

##### Financial impact on the budget (mandatory)

There are no financial implications as a result of this report

#### 6. 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.

#### 7. Value for Money

N/A

#### 8. Sustainability Impact Appraisal

There are no significant sustainable development impacts resulting from this.

#### 9. 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

**10. 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**

As outlined in Section 2, consultation was undertaken with the trade.

**15. Timetable for Implementation**

Any amendments to RBWM's Policies and Conditions will take effect as from 1<sup>st</sup> 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
- Appendix D - Consultation Response

**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:

<b>Internal</b>				
Cllr Burbage	Leader of the Council	05/01/2016	05/01/2016	
Cllr Cox	Lead Member	04/01/2016	04/01/2016	
Cllr Majeed	Licensing Panel Chairman	04/01/2016	04/01/2016	
Simon Fletcher	Strategic Director of Operations	04/01/2016	04/01/2016	
Will Cottrell	Shared Legal Services	05/01/2016		
<b>External</b>				
	RBWM's Hackney Carriage Drivers and Private Hire Drivers and Operators	Consultation took place between October and December 2015		

### Report History

<b>Decision type:</b>	<b>Urgency item?</b>
	No

Full name of report author	Job title	Full contact no:
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