

<b>General Licensing Committee Meeting</b>	
<b>Meeting Date</b>	27 October 2016
<b>Report Title</b>	Update on the Hackney Carriage Licensing Function
<b>Cabinet Member</b>	Cllr Alan Horton Cabinet Member for Safer Families and Communities
<b>SMT Lead</b>	Mark Radford – Director of Corporate Services
<b>Head of Service</b>	Mark Radford – Director of Corporate Services
<b>Lead Officer</b>	Angela Seaward, Senior Licensing Officer
<b>Key Decision</b>	No
<b>Classification</b>	Open
<b>Forward Plan</b>	<b>Reference number:</b>
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. Approve the form of the draft statement of Hackney Carriage and Private Hire as attached as Appendix 1 for consultation</li> <li>2. Receive a further report setting out the responses to the consultation and the final draft policy for approval and referral to full council.</li> <li>3. Note the changes made to the Knowledge Test format</li> </ol>

## **1 Purpose of Report and Executive Summary**

- 1.1 This report provides Members with information and guidance on a new draft 'Statement of Hackney Carriage and Private Hire policy', which requires Members approval for public consultation.
- 1.2 Since the last version to the 'Statement of Hackney Carriage and Private Hire policy' there have been a number of changes as a result of the restructure of the hackney carriage function. This new draft policy forms a secure foundation on which to determine applications and carry out enforcement to ensure the safety of public when using licensed hackney carriage and private hire vehicles.
- 1.3 The opportunity has also been taken to revise the document to align it more closely with the Department for Transport Best – Hackney Carriage and Private Hire Vehicle Licensing: Best Practice Guidance.
- 1.4 The policy been substantially revised. Section 2 details specific areas for consideration by members

- 1.5 Before the policy can be finally approved for adoption by Council, consultation must take place in order for Members to give appropriate weight to the views of those persons/bodies it is required to consult with.

## **2 Background**

### **Hackney Carriage and Private Hire Function**

- 2.1 Swale Borough Council has a statutory duty under the Local Government (Miscellaneous Provisions) Act 1976, as amended, to provide a licensing function in respect of Hackney Carriage and Private Hire vehicles.
- 2.2 The aim of the function is all about providing a safe environment for those using the vehicles and also for ensuring that the drivers are knowledgeable and understand their responsibilities to the travelling public e.g. particularly around safeguarding for vulnerable children and adults.
- 2.3 The function has historically sat in the technical services team. In September 2015 was combined with the Leisure Services team and the Hackney Carriage Inspector role and administration resource transferred accordingly. Discussions were held with managers to transfer the function to the Licensing department to bring together all licensing functions under one service area and to enable more generic working to enforce across a range of functions.
- 2.4 In September 2016 the service transferred the responsibility to the Licensing Department under the Director of Corporate Services.

### **Knowledge Test Amendments**

- 2.5 The Knowledge Test is an integral part of the licensing process. It consists three parts including questions about topographical knowledge of the local road network, the Highway Code and Swale's policy and local conditions. A consistent, high standard of driver competence makes our Hackney Carriages safer and provides a better quality service for passengers.
- 2.6 General Licensing Committee agreed for a review of the Knowledge Test to be undertaken at the meeting 7<sup>th</sup> July 2016.
- 2.7 We have undertaken research into a new computerised knowledge test to also incorporate Safe Guarding and an English Test as well as the topographical knowledge of the local area, Highway code and Swale's policy and local conditions

### **Review of Driver Standards Agency Test**

- 2.8 The DSA test requirement was removed by committee on 21st January 2016. The removal of this assessment has led to an increase of applications for the

Dual Driver Badge as we are the only authority in close proximity not carrying out the test. In practice this means that once a driver obtains a Dual Driver Badge, deregulation allows subcontracting of work outside the Borough and, therefore, we receive a disproportionate number of applications.

- 2.9 As part of our proper vetting processes the authority has to be able to determine that the driver to be fit and proper for the safety of the public. Without insisting on a DSA type test, which are now provided by accredited private companies. We are unable to carry out the assessment of driving standards to be at the highest level.
- 2.10 Members are asked to consider the re-instatement of the test although the test is no longer carried out by the DSA there is still provision for this assessment to be carried out.

### **Review of the Penalty Point System**

- 3.1 In reviewing the existing penalty points it is considered that some are disproportionate and require review to make the penalty point system more extensive to assist drivers understanding and enforcement of any breaches.
- 3.2 Members are asked to consider the proposed new penalty point system as shown in appendix J of the policy.

### **Proposals**

- 4 Agree the changes made to the Knowledge Test format
- 4.1 Agree the new Hackney Carriage and Private Hire Licensing Policy

### **5. Consultation Undertaken or Proposed**

- 5.1 A key part of the policy review will be engaging the views of drivers, operators and members of the public. This will be undertaken as per the standard Swale Borough Council process following approval of the draft policy by committee.

### **6. Implications**

<b>Issue</b>	<b>Implications</b>
Corporate Plan	A Council to Be Proud of Setting the right governance structures to ensure the best quality service possible.
Financial,	The proposals do not have any financial or resource implications.

Resource and Property	
Legal and Statutory	The refresh of the Policy allows the Council to meet its statutory obligations as part of the Local Government (Miscellaneous Provisions) Act 1976.
Crime and Disorder	Having robust conditions in place means that the service is managed correctly and improves security of the residents. Provision of the service also supports the safety of the night time economy.
Sustainability	Hackney carriages play an important role in the provision of public transport in the Borough and provide a positive impact to sustainable transport for the Borough. By improving the process for licensing new drivers the Council will be supporting the local economy and Operators in the Borough.
Health and Wellbeing	n/a
Risk Management and Health and Safety	By reviewing the Policy Conditions and retaining the Knowledge Test, the Council is still fulfilling its obligation to ensure only appropriate people are offered licenses to operate and drive in the Borough.
Equality and Diversity	The review of the Knowledge Test has improved the offer to those with learning difficulties.

## 7. Appendices

- 7.1 The following documents are to be published with this report and form part of the report:
- Appendix I: Draft statement of Hackney Carriage and Private Hire policy – to follow.

## 8. Background Papers

n/a