

**LICENSING AND SAFETY COMMITTEE
8 FEBRUARY 2010**

**REVIEW OF GUIDANCE NOTES AND CONDITIONS FOR HACKNEY CARRIAGE
AND PRIVATE HIRE VEHICLE OWNERS, OPERATORS AND DRIVERS
(Chief Officer: Environment and Public Protection)**

1 PURPOSE OF DECISION

- 1.1 The Council issues guidance notes on an annual basis to owners, drivers and operators of hackney carriages and private hire vehicles. These notes are intended to set out the legal requirements, licence conditions and give guidance to the trade.
- 1.2 The guidance notes are updated on an annual basis to reflect changes in law and Council policy and to clarify matters where there may have been confusion.

2 RECOMMENDATIONS

2.1 That the Committee:

- i) notes the changes made to the Guidance Notes,**
- ii) provides comment on the proposed changes to the Licensing Team Leader by 19 February 2010 and**
- iii) agrees that the Guidance Notes may be amended and re-issued following consultation with and agreement of the Chairman of the Licensing and Safety Committee.**

3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 3.1 The legal implications are identified within the report.

Borough Treasurer

- 3.2 There are no significant financial implications arising from the recommendation in this report.

Equalities Impact Assessment

- 3.3 There are no implications arising from the recommendation in this report.

Strategic Risk Management Issues

- 3.4 There are no strategic risk management implications arising from the recommendation in this report.

4 SUPPORTING INFORMATION

4.1 Attached to this document at Appendix A are the proposed new Guidance Notes. The only material changes are to clarify

a) that all licensed drivers, including Home to School drivers, are required to undertake the Council's first aid course and

b) that for the purposes of Appendix A within the guidance book the word "conviction" includes a caution issued under the provisions of Home Office circular 016/2008 . This is known as a simple caution and is used for the disposal of lower level crime where the offender admits the offence in writing. This process removes the need for the matter to be heard and determined by a court. A simple caution is not a criminal conviction however it is an admission of guilt, forms part of an offender's criminal record, will be disclosed upon any CRB check and maybe used by a court within sentencing should further offences be committed within a 5 year period. It may also be used within licensing to determine the fitness of a person to hold a licence. The change to Appendix A removes any ambiguity that may have existed in the minds of applicants or licence holders.

4.2 The aim is to publish the new guidance by 1 April 2010. Any comments in respect of content or layout should be submitted to Laura Driscoll prior to 19 February 2010 so that the comments can be considered and, where appropriate, included.

Background Papers

Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers (April 2009)

Contact for further information

Laura Driscoll, Licensing Section - 01344 352517
laura.driscoll@bracknell-forest.gov.uk

Doc Ref

G:\SECS1\LICENSING & SAFETY COMMITTEE\2010\January\Review of Guidance Notes and Conditions.doc

Equality Impact Assessment Record

EIA Guidance

Please ensure that you have read the Council's EIA Guidance booklet, available on Boris, before starting work on your EIA, it should be read in conjunction with this form. If anything is unclear please contact your departmental equality representative listed below. This form is designed to summarise the findings of your EIA. **Please also keep a record of your other discussions in producing the impact assessment.**

Drafting your EIA

The boxes in this form are designed to expand please ensure that you add data, consultation results and other information to back up any assertions that you make. A draft of this record form must be sent to the Councils Equality Officer Abby Thomas and your departmental equality representative(s) (listed below) who will send you comments on it before it is finalised and signed off by your Chief Officer. This step is important to check the quality and consistency of EIAs across the Council.

Departmental Equality Representatives

ECC Jane Eaton
CS Abby Thomas

SCL Graham Symonds and Ilona Cowe
CXO Stephanie Boodhna

Publishing

The Council is legally required to publish this EIA record form on the Councils website. Please send a copy of the final version of the EIA record form to the Councils Equality Officer Abby Thomas to publish.

Date of EIA	4 January 2010	EIA Guidance
Directorate	Environment, Culture and Communities	
		Page Ref.
Part One - Initial Screening Record		
1. Activity to be assessed	Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers	
2. What is the activity?	<input checked="" type="checkbox"/> Policy/strategy <input type="checkbox"/> Function/procedure <input type="checkbox"/> Project <input type="checkbox"/> Review <input type="checkbox"/> Service <input type="checkbox"/> Organisational change	
3. Is it a new or existing activity?	<input type="checkbox"/> New <input checked="" type="checkbox"/> Existing	
4. Who are the members of the EIA team?	Laura Driscoll, Licensing Team Leader	
5. Initial screening assessment. If the answer to either of these questions is 'yes' then it is necessary to go ahead with a full Equality Impact Assessment.	1. Does the activity have the potential to cause adverse impact or discriminate against different groups in the Councils workforce or the community? The guidance notes and conditions in respect of the operating of taxis are reviewed and revised (if necessary) annually. The document has been in place for some years now and there is only one material change this year to clarify understanding of a particular condition, which does not impact on a particular community group.	
	2. Does the activity make a positive contribution to equalities? The Guidance Notes and Conditions document provides advice and guidance to taxi drivers and operators in respect of assisting disabled persons to use taxis.	
6. Did Part 1: Initial Screening indicate that a full EIA was necessary?	<input type="checkbox"/> Yes – full EIA completed and recorded below. <input checked="" type="checkbox"/> No – full EIA not completed record ends here, please ensure this record is signed by the Chief Officer in box 19 overleaf and then email to abby.thomas@bracknell-forest.gov.uk	
		See Pages 9 - 10

<p>11. What evidence is there to suggest an impact/adverse impact?</p>	<p>A) Evidence of Impact. Overwrite with the data, information or research that was used in the EIA. Include any evidence if relevant of a positive impact on equalities.</p> <p>B) Evidence of adverse impact. Overwrite with the data, information or research that was used in the EIA</p>	
<p>12. On what grounds can impact or adverse impact be justified?</p>		<p>See Pages 14 -15</p>
<p>13. Have any examples of good practice been identified as part of the EIA?</p>		
<p>14. What actions are you currently undertaking to address issues for any of the groups impacted/adversely impacted?</p>		<p>See Pages 14 -15</p>
<p>15. What actions will you take to reduce or remove any differential/adverse impact?</p> <p>Please also list any other actions you will take to maximise positive impacts.</p>	<p>List the actions that you have planned as a result of the EIA.</p> <p>The action plan should include references to any additional monitoring or research that was identified in the information-gathering part of the process. It should also include references to any information that is still required or was not retrievable at the point of assessment.</p>	<p>See page 16</p>
<p>16. Into which action plan/s will these actions be incorporated?</p>		
<p>17. Who is responsible for the action plan?</p>		
<p>18. Chief Officers signature.</p>	<p>Name: Steve Loudoun</p> <p>Signature.....</p>	
<p>19. Which PMR will this EIA be reported in?</p>	<p>Environment and Public Protection 4th Quarter 2009/2010</p>	