

**TO: LICENSING AND SAFETY COMMITTEE**  
**11 JUNE 2015**

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**COUNCILLOR HANDBOOK**  
**Chief Officer: Environment and Public Protection**

**1 INTRODUCTION**

- 1.1 This report brings to the attention of Members the "Taxi & Private Hire Vehicles Licensing" Councillor Handbook issued by the Local Government Association in March 2015. A copy is attached to the report as Annex A

**2 SUPPORTING INFORMATION**

- 2.1 The legal area of the Taxi & Private Hire Vehicles Licensing can be challenging even for those of us who have dealt with it for a number of years. The existing licensing system is outdated and in need of urgent reform to meet the demands placed upon the services today. Much lobbying is going on and whilst there have been some minor tweaks major reform has so far not been implemented.
- 2.2 This handbook attached as Annex A has been developed to assist members understand the key issues concerning Taxi & Private Hire Vehicles Licensing and presents some tools that have been developed to assist effective regulation within the area.
- 2.3 On page 37 of the document Members are asked to gauge the effectiveness of their Local Authority in providing a competent Licensing service by seeking answers to twelve questions. To assist you officers have drawn up the following responses to those questions.

**3 QUESTIONS AND RESPONSES**

- Q1. *Are the needs and safety of passengers placed at the centre of your licensing system?*
- A1. Yes the Council has agreed a number of conditions that are applied to licences for the sole purpose of providing a safe environment for customers. In addition officers are required to validate on going compliance by checks on drivers and their vehicles and respond to complaints from the travelling public. Where non compliance is found an enforcement process has been agreed leading to warning, suspension, revocation of licence and ultimately prosecution. The role of the Licensing team is to ensure that journeys carried out in licensed vehicles are done so safely and in comfort; that the policy and guidance set by the Committee is followed by the licensed trade.
- Q2. *Are drivers assessed against agreed and appropriate standards to ensure they are 'fit and proper' and entitled to hold a licence? Many Councils require applicants to undertake group 2 medical checks, enhanced Disclosure and Barring Service (DBS) checks and local knowledge tests before they are licensed to carry the public.*
- A2. Drivers who wish to be licensed within our district undergo thorough checks to ensure that they meet the requirements to be considered 'fit and proper'. In addition to the medical, DBS and knowledge tests mentioned above, our drivers are subject to additional checks such as an enhanced practical driving test designed for licensed

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drivers and an emergency first aid course. This gives us as much information as is reasonably possible to ensure that we can make a robust decision.

Once licensed, drivers are required to notify us if there has been any change in their circumstances, such as a medical issue or criminal conviction/caution. We also investigate complaints against drivers, vehicles and operators to ensure that all those who are licensed behave in the expected manner.

At regular intervals drivers are required to repeat the medical and DBS checks, and where there is cause for concern, drivers may be requested to repeat the enhanced practical driving test.

Q3. *Are your drivers provided with training on disability awareness, spotting child sexual exploitation and other locally relevant issues?*

A3. As part of the guidance document given to all drivers and applicants, a section is devoted to advice for dealing with people who have a disability. For example, how the needs of someone with a visual or hearing impairment might be different and also how best to assist passengers who have a mobility impairment.

Additionally, as part of the practical driving test, drivers who will be driving wheelchair accessible vehicles are required to undertake a 'wheelchair exercise' as part of the enhanced practical driving test, where they must demonstrate how to safely load and unload a wheelchair as well as how to safely secure it within their vehicle.

Q4. *Does your Council have a taxi and PHV licensing policy document, which has been subject to regular review and has regard to the Department for Transport's Best Practice Guidance (last issued March 2010) and has been consulted on with the trade and user groups?*

A4. We do have a guidance booklet containing licence conditions and information relevant to licensees and applicants. This booklet is available to download from the licensing section of our website and is also supplied to applicants and re-issued to licence holders in the event of any amendments. This booklet contains all of the essential information that applicants and licence holders require, including guidelines for the application process as well as details of our enforcement policy and other rules and procedures.

This document is reviewed on a regular basis, usually each year by the Committee. As part of this review, licensees are consulted and invited to make comments which will then be taken into consideration before the document is finalised.

Q5. *Do your taxi licensing officers have a regular dialogue with neighbouring Councils, with a view to adopting consistent standards, developing a common approach and to share relevant information?*

A5. Licensed vehicles are not restrained to authority borders and therefore it is essential that we work with our neighbours. Officers frequently discuss matters with colleagues from neighbouring authorities, with regular (once every two months) liaison meetings as well as ongoing discussion as is required to deal with individual matters. This ensures that specific incidents can be dealt with as well as the discussion of matters which effect licensing on a wider scale.

Every local authority has power to set its own policy. The above mentioned liaison meetings have a clear aim to share intelligence and develop common practices but

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as each authority has its own policy, there will sometimes be differences of opinion on what constitutes 'fit and proper'.

- Q6. *Do you have sufficient information and understanding to challenge or defend your Council's taxi and PHV licensing activity in the context of an overview and scrutiny committee?*
- A6. The Licensing and Safety Committee have a pivotal role in the provision of the licensing function. They set policy and the conditions which apply to the licensing function, receive reports from officers on changes in legislation and charges, agree priorities and work plans and Members acting as a Licensing Panel also make decisions upon the granting, suspension or revocation of individual licences.
- Q7. *Does your Council have a multi-agency enforcement programme with the police, DVSA and neighbouring Councils? Such operations help ensure the public remain safe.*
- A7. We regularly (at least once every two months) conduct multi-agency enforcement exercises both within our district and further afield, such as at Heathrow Airport. We work closely with the Thames Valley Police Roads Policing unit during enforcement checks and at other times as and when required. Licensing Officers do not have the authority to 'pull over' licensed vehicles so the Police can help in this regard, and also they are able to carry out real time checks on DVLA licences, MOTs and insurance details.
- Q8. *Does your Council have adequate numbers of accessible taxis – to ensure people who are vulnerable in society such as disabled users can utilise the service?*
- A8. All of the Hackney Carriage vehicles licensed within our district are wheelchair accessible. Our private hire fleet is mixed with some 'standard' vehicles and some which are wheelchair accessible. This provides sufficient availability of accessible vehicles both for advanced hire and hailing on the street.
- Drivers are also not permitted to refuse jobs on the grounds that the passenger is disabled, a wheelchair user or uses an assistance dog (unless they are exempt on medical grounds).
- Q9. *Does your Council have effective consultation methods with taxi and PHV representatives and taxi users? Many Councils have taxi liaison forums which meet on a regular basis.*
- A9. When policies are due for review, the trade, as well as any other interested party, are able to put forward any comments that they wish to be taken into consideration. These comments are then examined and adopted into policy where appropriate.
- If any specific issues are raised by the trade or taxi users then we readily engage with the enquirer to resolve matters.
- Q10. *Are vehicles subject to agreed and routine stringent testing to ensure they are mechanically safe and suitable to transport the public?*
- A10. All vehicles licensed by this authority undertake regular mechanical testing by a suitable garage, authorised by the Council for this purpose. This inspection consists of both mechanical checks to the standard of an MOT, and checks of the interior and exterior of the vehicle to ensure that it meets the Council's comfort and appearance

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standards. For vehicles under 5 years of age these checks take place annually, for vehicles over 5 years of age they take place every six months.

Q11. *Are your licensing fees and charges sufficient to provide the resources for an efficient licensing service but which does not create a surplus? If there is a surplus, is this returned through a reduction in future fees?*

A11. Fees are set at a level to ensure cost recovery as much as possible. The Council must not make a profit in the provision of the licensing regime, and if there are any surpluses or deficits from fees levied in previous years these must be taken into account when setting any new fees. Officers can confirm that overall the Licensing service is running at a deficit and there are no surpluses to take into account.

Q12. *Does your Council license stretched limousines under eight passenger seats? Many vehicles are operating unlicensed and unchecked as some Councils refuse to license such vehicles.*

A12. Stretched limousines are suitable for licensing as private hire vehicles, on the assumption that they meet all of the usual vehicle requirements. At present there not any vehicles of this type licensed within the district but we have previously licensed such vehicles.

### Contact for further information

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