

Licensing Committee

23 May 2017



Title	Taxi Licensing Policy		
Purpose of the report	To make a decision		
Report Author	Rob Thomas		
Cabinet Member	Councillor Nick Gething	Confidential	No
Corporate Priority	Delivering quality of life services		
Cabinet Values	Community and Accountability		
Recommendations	To approve the adoption of: 1. a Draft Policy for Private Hire and Hackney Carriage Licensing and 2. the Surrey Boroughs and Districts Convictions Policy. subject to there being no objections during a six-week consultation		

1. Key issues

- 1.1 This report provides for consideration a Draft Private Hire and Hackney Carriage (Taxi) Licensing Policy (attached as **Appendix A**).
- 1.2 Spelthorne BC first became responsible for licensing the taxi and private hire trade in 2000. The original policy was therefore adopted in 2000 with a number of changes approved by the Licensing Committee incrementally since then. Therefore one of the purposes of updating the policy is to make sure it is available as one document.
- 1.3 Spelthorne is part of a Surrey-wide forum for licensing matters. One of the proposals from the forum is that the 11 boroughs adopt a Surrey-wide convictions policy (attached as **Annex A**) so that applicants with relevant convictions cannot obtain a licence in one Surrey authority whilst being refused in another.
- 1.4 The draft policy also seeks to provide clearer guidelines within which members of the trade are expected to work. It will also provide clarity and consistency for staff as well as giving guidance to members who may be called upon to determine an applicant's suitability.
- 1.5 The Council's Penalty Points Scheme is annexed to the policy.
- 1.6 Key proposed changes and new implementations include: -
 - a) Applicants are now able to provide a Disclosure and Barring Service (DBS) enhanced certificate they have obtained themselves or via another organisation as long as it is dated within the last six months.

- b) The requirement for new applicants to sit the Driver and Vehicle Standards Association (DVSA) enhanced driving test for taxi and private hire drivers (which has recently been discontinued) has been replaced by the Blue Lamp Trust's (or equivalent) driving test.
- c) Applicants will no longer complete a data protection mandate with Intelligent Data Systems (IDS) to permit the Council to check their DVLA driving licence record. Instead, they will be required to provide a code enabling the Licensing department to check their record online via the Government's portal. This will eliminate the need to pay for a subscription with IDS, and provide a more up-to-date version of a driver's record at any given time since the Government website is updated more regularly.
- d) New applicants are now limited to sitting each of the Council's knowledge tests three times in any 12-month period. This is to make sure they have the required level of knowledge to pass.
- e) The age requirement for annual medicals has been increased, from 60 to 65 years of age. This is in line with other authorities.
- f) Operators are now required to submit a standard DBS disclosure or Police National Computer (PNC) check before the issue of a licence. This must be repeated every five years.
- g) Medical forms will only be accepted from an applicant's own GP or doctor registered at their usual medical practice where access to their medical history is available.
- h) Renewal applications will not normally be accepted more than six weeks in advance of a licence's expiry.
- i) Drivers who have a legitimate reason which precludes them from carrying assistance dogs (i.e. an allergy) must obtain proof from their GP and provide it to the Council's Licensing department.
- j) There is no longer a requirement for vehicles to carry a spare wheel, as new cars are not manufactured to do.
- k) At the time of a vehicle inspection, Licensing Officers can consider MoT advisories and require they be rectified, particularly in respect of worn or defective tyres.
- l) There is now specific criteria regarding which vehicles can be considered for plate display exemption certificates.
- m) It is proposed that a six-week consultation with the trade and other interested parties should take place in order to ensure the process is fair and transparent, and to allow the Council's Licensing Committee to consider any relevant concerns before the policy is adopted.

2. Options analysis and proposal

- a) to agree, subject to there being no objections at consultation, to adopt the policy
- b) to propose modifications to the policy.

The preferred option is for the Licensing Committee to approve the draft Taxi Licensing Policy to go out for consultation. If there are any objections, then it is proposed that these be considered by a further Licensing Committee.

3. Financial implications

- 3.1 Modifications to the policy and consultation will be met within existing budgets.
- 3.2 There is a small saving from the change to online checking of DVLA records.

4. Other considerations

- 4.1 Decision-making and operational matters will also be informed by other guidance and legislation such as Department of Transport best practice, Home Office guidance on the right to work, and the Equalities Act 2010.

5. Timetable for implementation

- 5.1 A consultation with the trade and other interested parties will take place for six weeks. If there are no objections, then it is proposed that the policy will come into force the day after the last day for objections. Any objections will be referred to a further Licensing Committee at the appropriate time.

Background papers:

Licence condition forms C, K, N and P(HC)
Hackney carriage byelaws

Appendices:

Appendix A – Licensing Policy annotated with comments and highlighting key changes
Annex A – Surrey-wide convictions policy
Annex B – Spelthorne Borough Council’s Penalty Points Scheme