

BABERGH DISTRICT COUNCIL

From: Head of Environment	Report Number: P37
To: Regulatory Committee	Date of Meeting: 18 July 2014

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING – HACKNEY CARRIAGE VEHICLE LICENSING POLICY AND CONDITIONS (PERIODIC REVIEW / REVISION)

1. Purpose of Report

- 1.1 To report back to the Regulatory Committee on the above issue following the completion of a short period of consultation with stakeholders and the public.

2. Recommendations

- 2.1 That the Committee consider any consultation responses.
- 2.2 That the revised policy, criteria and conditions relating to Hackney Carriage licensing in the controlled zone of 'All of Babergh District' be adopted with immediate effect.

The Committee is able to resolve this matter.

3. Financial Implications

- 3.1 Licence fees are payable upon application and set on a cost recovery basis, which does not include enforcement action costs against unlicensed operators. Licence fees are periodically reviewed.
- 3.2 Any person aggrieved by any conditions attached to a hackney carriage proprietor's licence may appeal to the magistrates' court. Appeals on refusals to grant a hackney carriage proprietor's licences are to the Crown Court. General challenges on policy are to the High Court.

4. Risk Management

- 4.1 The overarching purpose of licensing is public protection. In the context of vehicle licensing the considerations and parameters for decision-making are expressed in the previous report relating to this matter (Paper P18).
- 4.2 The strategic priorities most closely linked to this matter are (a) enabling growth whilst protecting and enhancing the environment; and (b) supporting and facilitating active, healthy and safe communities.

5. Consultations

- 5.1 A suitable period of consultation on the proposed revisions with the trade and any other stakeholders has now been undertaken, via various channels, between 30 May 2014 and 07 July 2014. This included direct engagement with existing licence holders and a public press notice.

6. Equality Analysis

- 6.1 The Council's approved hackney carriage scheme is actively promoting equality for disabled persons. Prior to 2009 there were no wheelchair accessible hackney carriages available in the district. The revisions now proposed will not alter the requirement for new taxi plates to be issued to higher specification wheelchair accessible vehicles only.

7. Shared Service / Partnership Implications

- 7.1 None directly arising from this report. The Babergh and Mid Suffolk taxi and private hire licensing scheme will be 'root and branch' reviewed and aligned in the light of the national changes to licensing law now being proposed. This item is also on the work plan of the Suffolk Licensing Officers' Group and greater consistency across district and borough boundaries is likely to be the outcome of that work. Some benchmarking with cross-border Authorities beyond Suffolk will also be appropriate.

8. Key Information

- 8.1 Further to the previous report (Paper P18) to the Regulatory Committee on 30 May 2014, the Licensing Team has completed a short consultation exercise. No formal comments have been received in relation to the proposed criteria, policy and conditions update. Those members of the trade spoken to during day-to-day business have highlighted no concerns or objections to the proposals.
- 8.2 The Law Commission has now published a series of recommendations and a Bill to modernise the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976, but it will not now be presented in the lifetime of the current Government. A second Bill - the Deregulation Bill – does make some more limited changes to taxi and private hire licensing arrangements and that is proceeding now through the relevant process towards approval (currently being read in the House of Lords).
- 8.3 The current set of proposed revisions and updates should greater assist the Authority with administering its licensing functions (including any onward appeals) as well as providing the trade and consumers of taxi services with some greater clarity around locally set standards and vehicle specification.
- 8.4 It is also worthy of note that the recently published Law Commission report makes mention that it is considering the feedback given to it by some Local Authorities that there should be a requirement in the national standards (to be set by regulation) that "the overall length [of taxis] should not exceed five meters" - which would appear to be compatible with the proposed revisions Babergh District Council has developed for its own controlled zone.

9. Appendices

Title	Location
Paper P18 to Regulatory Committee 30 May 2014.	Attached

10. Background Documents

None.

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