

Title of meeting: LICENSING COMMITTEE - 24 FEBRUARY 2016
FULL COUNCIL - 22 MARCH 2016

Subject: Town Police Clauses Act 1847 and Part II, Local Government
(Miscellaneous Provisions) Act 1976
Hackney Carriage and Private Hire Matters - Draft Statement of
Licensing Policy

Report by: DIRECTOR OF CULTURE & CITY DEVELOPMENT

Wards affected: ALL

Key decision: No
Full Council decision: Yes

1. Purpose of report

- 1.1 To receive, recommend for approval and to adopt the draft statement of licensing policy for the control, supervision and enforcement of the respective hackney carriage and private hire trades within the City of Portsmouth. Further, to note and approve the summary of recommendations together with the scheme of working delegations to the Licensing Committee and appropriate head of service.
- 1.2 To note the prior consultation on the draft policy and to take into consideration any received comments from trade representatives, individual licence holders, members of the public and members alike and to incorporate such relevant amendment(s) to the policy as the committee consider appropriate.
- 1.3 To recommend to council the formal approval of the statement of licensing policy for a 3 year period commencing on 01 April 2016 and to seek approval for the Licensing Committee to retain future responsibility for the control and administration of the policy.

2. Recommendations

To the Licensing Committee:

1) That the report and draft statement of licensing policy for the control, supervision and enforcement of the hackney carriage and private hire trades within the City of Portsmouth together with the scheme of delegations and relevant appendices be noted and approved (subject to any final amendments) by the Licensing Committee with effect from 01 April 2016.

2) That the policy be reviewed by the Licensing Committee every 3 years with the appropriate head of service authorised to make such minor typographical and other corrective administrative amendments from time to time and as required.

To the Council:

1) That the council notes and approves the recommendations and resolutions of the Licensing Committee and resolves to delegate the hackney carriage and private hire statement of licensing policy together with the scheme of delegations to the Licensing Committee and appropriate head of service.

2) That the council delegates approval to the Licensing Committee to retain overall responsibility for the policy, to include any future amendments, variations, substitutions or deletions as may be required and after appropriate consultation.

3) That the policy commence with effect from 01 April 2016.

3. Background

3.1 The Licensing Committee received a report from the Licensing Manager in November 2014 and instructed that the head of service "undertake a thorough review of hackney carriage and private hire policy in respect of drivers, vehicles and private hire operators". Minute 07/2014 refers.

3.2 In the initial preparation of the policy review the head of service has consulted with and/or has had regard to verbal or written representations received from:

- licensed drivers, vehicle proprietors and operators
- Recognised hackney carriage and private hire trade representatives
- Adams Morey as the council's nominated vehicle testing and inspection provider
- The Portsmouth Disability Forum via the council's Equalities Advisor
- The Chief Officer of Police
- The Chief Fire Officer
- The Blue Lamp Trust
- DVLA and DVSA
- Local Insurance brokers
- Fleet garages to include Scope Leasing, Outlook and FTVL
- The council's Environmental Health Manager
- The council's Transport Fleet Manager

- 3.3 The review also recognises and has taken into consideration, where appropriate, the Department for Transport "Taxi and Private Hire Vehicle Licensing - Best Practice Guidance - March 2010" (shown in blue italics in the policy review papers) together with the Freight Transport Association best practice (PATN) guide for the inspection of hackney carriage and private hire vehicles.
- 3.4 The previously expressed views of the committee are contained generically in the review - having been stated, in general terms, at paragraph 1.7 on page 4 of the review introduction.

The Licensing Committee met informally on 13 November 2015 to consider the draft policy. A number of minor amendments were discussed and will be incorporated within the draft policy. The committee also met informally with recognised trade representatives on 17 February 2016.

The proposed final amendments are attached as **appendix 1C**.

The policy was made available for consultation between 29 December 2015 and 05 February 2016 via the following means:

- The PCC web via "consultations"
- Copies made available in the Licensing Service public reception area
- Copies distributed to all licensed private hire operators within the city
- Copies distributed to all recognised trade representatives within the city
- Copies distributed to all the big "fleet" garages within the city

All drivers, vehicle proprietors and operators have been previously invited to contribute to the review exercise by way of their respective 2015 and 2016 renewal papers.

- 3.5 Subject to approval, the individual recommendations relating to driver and vehicle age limits or other specified requirements **will not** be applied retrospectively but will normally apply, in general terms, from any approved commencement date(s).
- 3.6 Any operator, vehicle or driver application (or other matter due for consideration) which is subsequently received AND is at variance with the adopted policy guidelines; will nevertheless be considered, on individual merit, using the guiding principles at paragraphs 3.0 - 3.3 at page 5 of the policy document.
- 3.7 The policy review has considered the question of fees and charges associated with the hackney carriage and private hire trades. Any proposed variations to such fees will be the subject of a separate report by the Licensing Manager and appropriate head of service and subject to any statutory public consultation as required.
- 3.8 The policy will be kept under review every 3 years.

4. Reasons for recommendations

- 4.1 To approve the draft licensing policy in accordance with the previous instruction and resolution of the Licensing Committee for the head of service to undertake a thorough review of the hackney carriage and private hire trades. To further recommend to council the approval of the policy and appropriate delegations to the Licensing Committee and head of service.
- 4.2 To provide clear and precise policy directives for applicants, licence holders, their legal representatives, the Licensing Committee and officers alike.
- 4.3 To formally delegate approval from full council to the Licensing Committee to retain overall future responsibility for the policy, to include any future amendments, variations, substitutions or deletions as may be required and after appropriate consultation.

5. Equality impact assessment

An EIA has been completed.

6. Legal implications

The legal implications are embodied in the review document.

7. Finance comments

None applicable directly to this report but recommended guiding principles for "Fees and Charges" are contained within chapter 16 of the policy review document.

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Signed by:

Appendices:

1. Draft Statement of Licensing Policy for the control, supervision and enforcement of the hackney carriage and private hire trades to include:

- **A)** Public Authority Transport Network (PATN) Best Practice Guidance for the inspection and testing of hackney carriage and private hire vehicles
- **B)** Conditions of licence for hackney carriage vehicles, private hire operators, private hire vehicles and private hire drivers together with the hackney carriage byelaws
- **C)** Proposed and recommended further amendments to be included within the draft policy - attached as a separate document

2. Copies of representations and comments received (redacted where necessary)
3. LGA Taxi and Private Hire licensing - councillors' handbook

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Nil	Nil

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

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Signed by: