

ROTHERHAM BOROUGH COUNCIL

1.	Meeting:	Commissioner Ney's Meeting
2.	Date:	29th June 2015
3.	Title:	Hackney Carriage and Private Hire Licensing Policy
4.	Directorate:	Environment and Development Services

5. Summary

- 5.1 The council's proposed policy in relation to Hackney Carriage and Private Hire Licensing has been subjected to a period of consultation.
- 5.2 Following consideration of the consultation responses, Commissioner Ney proposed a number of amendments to the policy; these were discussed with the Advisory Licensing Board on 16th June 2015 and are detailed in the report below.
- 5.3 This report now seeks the Commissioner's approval of the policy and its immediate application in relation to Hackney Carriage and Private Hire Licensing in Rotherham. A full review of the policy will take place 12 months after it has been introduced.

6. Recommendations

Commissioner Ney is asked to:

- 6.1 **Approve the Rotherham MBC Hackney Carriage and Private Hire Licensing Policy (attached as Appendix A to this report).**
- 6.2 **Approve the immediate application of the policy to any application for a driver, vehicle or private hire operator licence that is determined after the 6th July 2015.**
- 6.3 **Approve the immediate application of the policy to all licensed drivers, vehicle proprietors and private hire operators (who are in possession of a valid licence on 6th July 2015) subject to the implementation plan attached as Appendix B to this report.]**
- 6.4 **Agree that the implementation and impact of the policy should be monitored during the initial 12 months following introduction, and a full review of the policy undertaken 12 months after the policy has been introduced.**

7. Proposed policy

7.1 The proposed policy is attached to this report as Appendix A. The policy is the result of the largest overhaul of Rotherham MBC licensing policy and practice ever to have taken place. Once implemented the policy is designed to bring about significant improvement in the regulation of the taxi and private hire trade in Rotherham and ensure that the standard of our drivers, vehicles and operators are second to none.

7.2 As a result of the responses received during the consultation, and discussions with the Advisory Licensing Board and licensed trade representatives, the following amendments have been made to the proposed policy:

7.3 Requirement for CCTV in vehicles.

The council considers that the installation of CCTV is essential for the protection of passengers and the driver and will provide reliable information in the event of a complaint / dispute. The draft policy required the installation of a suitable CCTV system that was capable of recording video only. This was due to case law that suggested that the permanent use of audio recording was in breach of privacy laws. However, a further review of this case has shown that audio recording may be used in certain circumstances. The council considers that the use of audio recording is essential in certain situations; therefore it is proposed that the requirement in relation to CCTV be amended as follows (wording has been added at the request of the trade associations to clarify the requirement during times when the vehicle is being used for domestic purposes):

CCTV equipment, capable of recording both audio and video, must be installed in all licensed vehicles. The CCTV system must be operational at all times that the vehicle is being used as a licensed vehicle (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes).

Video recording must be active at all times. Audio recording must be active in any of the following circumstances:

- i. An unaccompanied child (i.e. under 18) or vulnerable adult is being carried in the vehicle, or*
- ii. Between the hours of 2200hrs and 0600hrs,*

In addition, audio recording must be activated by the driver at any time where the driver and customer are involved in

a dispute or the driver feels threatened by the behaviour of a passenger.

There must also be the facility for the passenger to activate audio recording (independent of the driver) should the passenger wish to do so.

Once activated, the audio recording must continue for an uninterrupted period of 15 minutes.

7.4 Considering the important role that CCTV will play in the protection of the driver and passengers, the council considers that it should be introduced as soon as reasonably practicable. Enquiries have been made of suppliers of suitable CCTV systems, and the council believes that the requirement for CCTV to be installed within 3 months is achievable, and therefore systems will be required in all licensed vehicles within three months.

7.5 The council has developed a specification that a CCTV system must meet in order to be considered suitable for installation in a vehicle licensed by Rotherham MBC. This specification is attached as Appendix C to this report.

7.6 Requirements in relation to vehicle colour.

The policy (as it was at the start of the consultation period) proposed the following requirements in relation to vehicle colour:

- Hackney Carriages must be coloured white with a black bonnet and black boot lid, and
- Private Hire Vehicles must not be coloured white.

7.7 These requirements were proposed so that members of the public could rapidly identify a Hackney Carriage and distinguish it from a Private Hire Vehicle.

7.8 Having considered the responses to the consultation, Commissioner Ney was of the view that the desired outcome could be achieved by improved signage and notices on licensed vehicles (which will be required to be permanently fixed to the vehicle). The requirements in relation to vehicle colour have therefore been removed from the policy (however the current requirement in relation to Hackney Carriages being coloured white will remain in effect).

7.9 Requirements in relation to vehicle age.

Having taken into consideration the responses received as part of the consultation, and comments received from the licensed trade, it is proposed to amend the proposal in relation to vehicle age as follows:

- Vehicles that are not already licensed on 6th July 2015 will not be licensed if the vehicle is more than five years old.
- Once licensed, vehicles will be considered suitable for licensing until the vehicle is 10 years old (or 12 years old in the case of purpose built wheelchair accessible vehicles) – this is subject to all other vehicle requirements being met.
- Any vehicle that is licensed on 6th July 2015 will be considered suitable for licensing until the vehicle is 10 years old (or 12 years old in the case of purpose built wheelchair accessible vehicles) – this is subject to all other vehicle requirements being met.
- Vehicles older than the ages specified above will only be considered suitable for licensing if they meet the exceptional criteria outlined in the policy.

7.10 In order to ensure that standards are maintained in relation to vehicles, the mandatory inspection frequency (by RMBC appointed vehicle inspectors) will be amended as follows:

- Vehicles aged up to three years on the date that the licence commences will be subjected to one mandatory test per year,
- Vehicles aged between three and five years on the date that the licence commences will be subjected to two mandatory tests per year,
- Vehicles aged between five and ten years on the date that the licence commences will be subjected to three mandatory tests per year.

7.11 No further amendments to the policy (as it was at the start of the consultation period) are proposed.

7.12 The introduction of the proposed policy will result in a number of key changes to current licensing practice. These key changes are summarised in Appendix D to this report.

7.13 The implementation and impact of the policy will be monitored during the initial 12 months after it is introduced, if necessary the council will review and revise the implementation if required.

7.14 A full review of the policy will be undertaken 12 months after the policy has been introduced.

8. Finance

8.1 The policy has financial implications for both taxi professionals and the council.

- 8.2 For taxi professionals it is inevitable that there will be additional costs relating to the application process (in particular the training course) and also relating to vehicle signage, the provision of newer vehicles and if any specific vehicle upgrades are required. The total cost can only be determined by the owner of the vehicle.
- 8.3 The council is currently reviewing the structure and operational arrangements in relation to licensing, and is exploring different ways of working that will reduce the impact that these proposals will have on service costs.

9. Risks and Uncertainties

- 9.1 The existing policies are compliant with current legislation. New legislation is likely following the Law Commission report in 2014, but this may take several months if not years, before it actually reaches the statute book. In the meantime not strengthening our current standards may mean that we are not able to offer Rotherham taxi customers the level of safety, comfort and reassurance that they could expect.
- 9.2 Failure to introduce this policy not only risks massive reputational damage to the Council / Licensed trade, but more importantly may expose members of the public to unacceptable risks to their safety.
- 9.3 Maintaining the existing licensing position also runs the risk that the current poor perception of the Rotherham taxi trade continues, custom dwindles, revenues decline and vehicle standards fall.
- 9.4 Operators and drivers may be concerned about the impact of the proposed new processes and the impact on their business and customers.

10. Policy and Performance Agenda Implications

- 10.1 This policy has a direct link with the Corporate Plan 2013-16. In particular it addresses priority two, 'protecting our most vulnerable people', and priority three 'ensuring all areas of Rotherham are safe'.

11. Background Papers and Consultation

- 11.1 The policy has been subjected to two periods of general consultation. In addition, numerous meetings have been held with groups representing the licensed trade. Written submissions have been received from these groups and other groups with an interest in the council's proposals (such as the group representing victims of child sexual exploitation and their families).
- 11.2 Further background information is available in the reports presented to the Licensing Board (pre February 2015) and Commissioner Ney's meeting (post February 2015).

12. Contact Name:

12.1 Alan Pogorzelec, Business Regulation Manager, 254955,
alan.pogorzelec@rotherham.gov.uk

Enclosures:

Appendix A Rotherham MBC Hackney Carriage and Private Hire Licensing Policy.

Appendix B Implementation Plan.

Appendix C CCTV Specification.

Appendix D Key changes to current licensing practice.