

ROTHERHAM BOROUGH COUNCIL

1.	Meeting:	Licensing Board
2.	Date:	Monday 27th October 2014
3.	Title:	Hackney Carriage and Private Hire Licensing Policy
4.	Directorate:	Neighbourhoods and Adult Services

5. Summary

The publication of the Jay report has had a significant impact on public confidence in Rotherham's taxi and private hire industry. This report outlines how RMBC can improve and strengthen its regulation of the industry to ensure that the standards applied in Rotherham are amongst the most stringent operating anywhere in the country. This approach is intended to ensure that using taxis in Rotherham is a safe, reliable, and pleasant experience, providing reassurance for local people, and as a result Rotherham has a high quality, sustainable taxi trade.

6. Recommendations

Licensing Board is asked to:

- 6.1 Consider the draft Hackney Carriage and Private Hire Policy and agree that the policy can be the subject of public consultation.**
- 6.2 Request a further report detailing the outcome of the public consultation by February 2015.**
- 6.3 Request a final draft of the policy, revised in the light of public consultation is returned to the licensing Board by February 2015.**

7. Background

The Alexis Jay report into historical cases of child abuse in Rotherham, published in August 2014, included a number of references to the local taxi trade and taxi drivers. This has impacted significantly on the public perception of the industry and those working within it.

To tackle the potential issues raised by the report and to provide public reassurance, the Council has revisited its approach to taxi trade regulation with a view to improving and strengthening current arrangements.

The Licensing Board received a report on 15th September 2014 which recommended that a new comprehensive hackney carriage and private hire policy was introduced. The Board requested that this policy be presented on the 27th October 2014. If approved by the Board it is intended that the report will go out to eight weeks' public consultation before returning to the Board with appropriate recommendations and progressing to Full Council for consideration.

This report concerns the new policy which is attached at Appendix A. The policy will encompass a range of matters relating to the taxi trade which are currently dealt with as individual policy or guidance documents. The main elements of this policy will relate to driver, vehicle and operators' standards.

Currently local authorities are able determine their own approach to regulation based on a wide range of Acts of Parliament and guidance documents. Consequently wide variation exists in the standards that apply to the trade from one area to another.

The Law Commission has recently undertaken a review of taxi licensing, publishing its report and a draft bill on the 23rd May 2014. If this passes into law as it currently stands, this would herald the introduction of national standards for all taxis (i.e hackney carriages) and private hire vehicles, set by the Secretary of State, with the power for local licensing authorities to set additional standards for taxi services only. Local authorities would, however, remain responsible for issuing licences and enforcement in relation to both taxis and private hire vehicles.

Given the possibility that the draft bill could take a considerable period of time before it reaches the statute book, it is proposed that in the meantime, Rotherham introduces new more stringent standards in accordance with industry best practice, and guidance issued by Local Government Regulation in September 2010.

8. Proposed Policy

The attached policy seeks to raise the standards of the taxi trade operating within the borough. For the first time it brings together in one place the various individual policies which have been used to regulate the trade.

The main elements of this relate to:

I. Driver Requirements

- The application process.
- A more stringent approach to the 'Fit and Proper Person' test.
- The requirement for Disclosure and Barring Service checks
- Similar background checks for individuals who have resided abroad
- An approach to convictions, cautions and concerns which will prevent anyone who is believed to have committed the most serious violent or sexual offences from working as a taxi driver
- A higher threshold in relation to other offences, especially those concerning dishonesty
- Training requirements
- Medical assessments
- Licence duration

II. Vehicle Requirements

- Vehicle specifications
- Insurance
- Vehicle age
- Identification as private hire or hackney carriage

III. Operator Conditions

- Requirements for licence
- Conditions
- Insurance
- Potential additional fees if operators work with out of borough drivers.

IV. Limousines and special purpose vehicles

V. Compliance, enforcement and quality assurance.

The easy-to-read policy sets out a clear approach to these matters suitable for use by officers, members of the trade or the general public. It contains a series of separate appendices which set out in specific detail the individual elements of the policy.

9. Significant Changes

The policy represents probably the biggest overhaul of licensing policies conducted by this authority at any single point in the last 20 years. As such it introduces a number of major changes.

The main changes include:

I. The application and vetting process.

- Drivers will have to successfully complete at their own expense the BTEC Level 2 Certificate “The introduction to the role of the professional private hire and taxi driver”. This course will ensure that drivers understand a wide range of relevant matters including customer care, disability awareness, and matters relating to adult and child safeguarding.
- There will be a new tougher communication and knowledge test
- The introduction of a dress code.

II. Past convictions, cautions and concerns

- The report recommends that the licensing board should ensure that they have sufficient information to make an informed decision on any potential previous criminality. For citizens of the UK that have not lived abroad this is ordinarily achieved by having an Enhanced Disclosure and Barring Service report. Applicants that have lived abroad for considerable periods will need to satisfy the board that they can prove their previous good character.
- New, significantly more rigorous standards will be applied to the consideration of past criminality. This is particularly the case in respect of offences concerning sexual activity, violence or children and vulnerable adults. Matters concerning dishonesty or drug dealing will also be dealt with more robustly.

III. Consolidated and updated vehicle standards

- The consolidation of a range of previous policies
- Specific conditions relating to car emissions
- Age restrictions for vehicles
- New requirements relating to the identification markings of both Hackney Carriages and Private Hire Vehicles

IV. Revised Limousine and special vehicle standards.

- Specifically the licensing by this authority of limousines with less than 9 seats.

V. Taxi Quality Assurance

- The introduction of a 'scores on the doors' type approach – similar to that employed to grade the level of hygiene within food premises - to offer a degree of quality assurance to customers, to include CCTV as part of the highest standard.
- A mystery shopping process to assess customer experiences.

10. Next Steps

If agreed by Board, it is proposed that the policy becomes the subject of an eight-week public consultation process.

It is proposed that the consultation process comprises the following elements:

- The production of a consultative document summarising the main elements of the new policy. To be distributed to all operators (for sharing with their drivers) and hackney carriage drivers, and other interested bodies on demand
- Publicity for the consultation, including information released to print and broadcast media with links to information online (see below)
- The production of a consultation questionnaire
- The publication on the web of all policy documents, the summary consultation document and the consultation questionnaire.
- Three separate invite only meetings to be held with a small number of representatives from the Hackney Carriage, Private Hire and Operator representative bodies.
- A meeting and/or written consultation with the three MPs,
- A report to the Overview and Scrutiny Management Board to enable member opinion to be included.
- A programme of telephone interviewing to canvass the opinions of approximately 500 members of the public.
- The opportunity for the licensing board to review the outcome of the consultation process, prior to recommending the policy for Council approval.

During this period and subject to feedback an equality analysis will be undertaken by the council's community engagement service.

11. Finance

This report has financial implications for both taxi professionals and the council.

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.

For the council, it is likely that fewer applicants will seek to be licensed in Rotherham, this will reduce licence fees. Again this cannot be determined at this point.

12. Risks and Uncertainties

The existing policies are compliant with current legislation. New legislation is likely following the Law Commission report earlier this year, 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. To achieve this, it is our intention that Rotherham will have some of the highest standards in England.

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.

Operators and drivers may be concerned about the impact of the proposed new processes and the impact on their business and customers.

13. Policy and Performance Agenda Implications

This policy has a direct link with the Corporate Plan 2013-16. In particular it addresses priority 2, 'protecting our most vulnerable people', and priority 3 'ensuring all areas of Rotherham are safe'.

It is particularly relevant at this time as it deals with one of the major areas of attention for the Corporate Governance Inspection.

14. Background Papers and Consultation

These changes will need to be subject to public consultation, see above.

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