

Report of	Meeting	Date
Corporate Director (Neighbourhoods)	Licensing and Public Safety Committee	10 June 2009

TAXI AND PRIVATE HIRE - CONSULTATION ON DEPT OF TRANSPORT REVISED GUIDANCE

PURPOSE OF REPORT

1. To advise Members of a current consultation being undertaken by the Department of Transport concerning revised guidance to local authorities on taxi and private hire vehicles and to seek Members response to the Department of Transport current consultation on the proposed revisions to the guidance.

RECOMMENDATION(S)

2. Members are asked to confirm that the Council responds to the consultation and approve the responses proposed.

EXECUTIVE SUMMARY OF REPORT

3. The Department of Transport issued guidance to local authorities on the implementation of licensing controls for taxis and private hire vehicles in 2006. This guidance is currently being reviewed and the Department of Transport is conducting an open consultation on the review between 5 May 2009 and 28 July 2009.
4. Previous guidance has been well received and utilised by local authorities and this review provides the Council with an opportunity to influence any future guidance that is issued.
5. The draft proposed guidance is appended to this report (Appendix A) and poses twenty four questions.
6. For Members convenience the questions are replicated below with proposed responses which have been drafted the Neighbourhoods Directorate Licensing Team

REASONS FOR RECOMMENDATION

(If the recommendation is accepted)

7. To participate in the consultation process and ensure the Council's views are represented

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

Non participation in the consultation process was rejected as the Council's views ought to be considered as part of the consultation process.

CORPORATE PRIORITIES

9. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances	√	Develop the Character and feel of Chorley as a good place to live	√
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	√

CONSULTATION QUESTIONS AND PROPOSED RESPONSES

10. The consultation questions are reproduced below with proposed responses in bold. These should be read in conjunction with the draft Guidance at Appendix A

Q1. Have you found the Best Practice Guidance useful?

Yes - the best practice guidance is useful in terms of proposed future changes to the licensing conditions for drivers and vehicles.

Q2. Has your local authority, since publication of the Guidance in October 2006, undertaken a review of its taxi and PHV licensing policies?

Since October 2006 private hire and hackney carriage vehicle licence conditions have been changed, via the Council's Licensing Committee to ensure vehicle licensed as taxis are suitable to carry the number of licensed passengers and their luggage comfortably and safely.

Q3. Can you offer any examples of instances where local policies have been amended to reflect the advice in the original Best Practice Guidance?

Paragraph 27 of the guidance mentions general criteria for types of taxis and maintaining flexibility for new vehicle types. Conditions have been changed to ensure a wide range of vehicles fit our licensing conditions but excludes vehicles which would not be suitable as taxis such as very small vehicles.

Q4. Do you consider that any issues in the original guidance where changes are not proposed should be revised?

No - the draft revised guidance appears to be comprehensive.

Q5. Do you consider that there are issues which are not currently covered in the Guidance which could usefully be covered?

Proposed revisions to the Guidance

In many cases, the proposed revisions have been included to reflect developments since the original guidance was published (eg the fact that we have now published guidance about stretched limousines and the fact that the Legislative Reform Order concerning the amalgamation of taxi licensing zones has now been made). In other cases, we are proposing a substantive change to the guidance which the Department is providing (for example on medical fitness). We would welcome feedback on any of the revisions which we have proposed in the draft guidance.

Disability access and the type of vehicles being used is currently being looked at in detail, however the consultation does not appear to take into account the physical abilities of a taxi driver who may have to assist disabled passengers, pushing a large person in a wheelchair up a ramp is not something all taxi drivers are capable of doing safely. Consideration should be given to assessing drivers abilities to assisting disabled passengers.

Q6. Do you have any comments on the proposed guidance about accessibility (paras13-19)? [Note, there is a separate consultation exercise about accessibility standards for taxis; this consultation asks about the advice we are currently offering to local authorities.]

Our experience is that access to taxis for disabled people is a complicated subject and we have found that taxis designed for disabled access are not always popular with people who do not have disabilities. This can present problems when passengers seek to choose a saloon car in preference to a disabled access vehicle.

Q7. Do you have any comments on the proposed guidance about the duty to carry assistance dogs (paras 20-21)?

The guidance regarding the duty to carry assistance dogs gives the option of dealing with any breaches of this legislation either via the magistrates court or through the licensing enforcement regime. We feel that there needs to be consistency in how these matters are dealt with particularly in view of the large fines that can be imposed.

Q8. Do you have any comments on the proposed guidance about duties under the Part 3 of the Disability Discrimination Act 1995 (paras 22-25)?

The responsibilities under section 3 of the Disability Discrimination Act 2005 can be addressed by adequate training of drivers. This Council intends to introduce proposals for appropriate BTEC or NVQ training for drivers later this year.

Q9. Do you have any comments on the inclusion of a reference to the national inspection standards drawn up by the Public Authority Transport Network (para 32)?

National inspection standards are useful when formulating testing conditions for taxis and we would welcome their inclusion.

Q10. Do you have any comments on the proposed guidance about drivers' personal security (paras 29; and 33-35)?

Drivers personal security is important and we actively encourage drivers to fit security devices such as CCTV cameras driver screens.

Q11. Do you have any comments on the proposed guidance about stretched limousines (paras 38-40)?

Stretched limousines should not be excluded from taxi licensing, however ensuring they are safe is a complex problem requiring specialist knowledge. Any guidance on structural and load standards would be welcomed. We currently reviewing our policy with respect to these types of vehicle in consultation with the national limousine association.

Q12. Do you have any comments on the proposed guidance about criminal record checks on drivers (paras 54-57)?

We currently check driver's criminal records via CRB to an enhanced level. Since the abolition of the Rehabilitation of Offenders Act we have formulated comprehensive guidance for Committee Members when considering convictions relating to taxi drivers. These are used as a reference tool for Members when making decisions to revoke or suspend taxi driver's licences.

Q13. Do you have any comments on the proposed guidance about the Notifiable Occupations Scheme (paras 58-61)?

The notifiable occupations scheme is heavily reliant on the police and courts knowing that an individual is a taxi driver. If they are unaware that a person is a taxi driver they will not notify the Licensing Authority of any

convictions. Drivers, knowing that a conviction can affect their licence, have a tendency not to inform the courts of their occupation if they can avoid it. Intelligence sharing between neighbouring authorities and the police is effective but guidance on developing a national scheme would enhance this.

Q14. Do you have any comments on the proposed guidance about Immigration checks (para 62)?

Employers are under a legal obligation to check the immigration status of employees, Councils do not employ taxi drivers, and the majority are self employed even if they work for a large operator. Councils can either have a simple procedure such as a question on a driver's application or renewal form asking if the applicant has the legal right to work in the UK or they can ask for documentation to support the applicant's right to work in the UK. However the paperwork issued by immigration authorities is easily forged and we would welcome guidance on how a more robust approach to immigration checks can be applied.

Q15. The Government is minded to remove reference to the exceptional C1 arrangements in the original guidance. However, in making a final decision, we would welcome feedback from stakeholders about the possible change. Do you have any evidence about the extent to which taxi/PHV drivers are currently licensed on the basis of the C1 arrangements (paras 63-64)?

We do not have any driver's who are licensed under the C1 arrangements which refer to insulin treated diabetes.

Q16. Do you think that it is appropriate for the proposed guidance to make no reference to the use of the C1 arrangements for insulin-treated drivers; please explain your reasons (paras 63-64)?

We currently rely on the extensive DVLA guidance already in place for C1 licensing arrangements so we feel that it does not need to be repeated in this guidance.

Q17. Do you have any comments on the proposed guidance about medical fitness (other than comments in relation to the C1 arrangements) including the proposed references to use of medical practitioners who are trained in the application of Group 2 medical standards? Would this add to costs? If so, would this be justified? (paras 63-66)?

If an applicant for a taxi drivers licence fails to meet group two medical standards for fitness to drive they have a right to put the application before committee members to decide if they should be granted a licence, it is unwise to ask committee members to make decisions based on medical evidence as they are not qualified to make medical decisions, they should be advised by a suitably qualified medical practitioner, this would incur extra cost but it would be minimal as our experience is that the number of drivers who are referred on medical grounds is negligible.

Q18. Do you have any comments on the proposed guidance about language proficiency (para 69)?

Our knowledge test for taxi driver's ensures they have sufficient language skills to communicate effectively with passengers. Guidance on how to apply this in a manner that ensures local authorities equality and diversity commitments are adequately met would be welcome.

Q19. Do you have any comments on the proposed guidance about other training (para 70)?

The Council are considering implementing either NVQ or BTEC training for drivers and consider this level should be implicit in any guidance issued.

Q20. Do you have any comments on the proposed guidance about topographical knowledge (paras 71-72)?

The Council have separate tests for hackney carriage and private hire driver's to test their local knowledge as a condition of licensing. The guidance should be more explicit on what 'bearing in mind' means.

Q21. Do you have any comments on the proposed guidance about criminal record checks on PHV operators (para 74)?

Unspent conviction checks for operators would be appropriate where the operator was not a licensed taxi driver. Licensed taxi driver's already have an enhanced CRB check.

Q22. Do you have any comments on the proposed guidance about the repeal of the PHV contract exemption (paras 78-79)?

Since the abolition of the private hire exemption under Sec. 53 of the Road Safety Act 2006 we have found that many vehicles technically fall within private hire licensing. Whilst some are easily enforced, such as chauffer driven vehicles operating under contract hire, others are not easily enforced such as private hospital cars taking patients to hospitals. We would welcome additional clarification within the guidance on this matter.

Q23. Do you have any comments on the proposed guidance about enforcement (paras 80-84)?

The Council undertakes enforcement by way of spot checks and operations with VOSA and the police. Suspension notices are issued for major faults which constitute a danger and defect notices are issued for minor faults. Consideration could be given to delegating powers to local authority officers to issue fixed penalty tickets for construction and use offences such as defective tyres.

Q24. Do you have any comments on the proposed guidance about taxibuses (para 90)?

The Council fails to see the need for a taxi bus service since the needs of passengers are felt to be adequately met by normal taxi and bus services.

IMPLICATIONS OF REPORT

11. This report has implications in the following areas and the relevant Corporate Directors' comments are included:

Finance		Customer Services	√
Human Resources		Equality and Diversity	√



Legal	√	No significant implications in this area	
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There are no background papers to this report.

Report Author	Ext	Date	Doc ID
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