

Taxi and Private Hire licensing

Licensing Committee

Date: 8th September 2016

Author: Licensing Manager

Wards: All

Locality Affected: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1 To advise the Licensing Committee of the Council's processes and procedures that are in place to determine suitability of persons holding taxi and private hire drivers licences in line with the best practice contained in the LGA's 'Taxi and Private Hire Licensing Councillors Handbook', (2016) .
- 1.2 Taxi licensing has come under scrutiny nationally with high profile cases linking taxi and private hire licence holders to failures in safeguarding and child sexual exploitation in the north of England. The Licensing Manager commissioned an internal audit of our own taxi licensing service when she took responsibility for it in May 2014. The audit found a number of areas requiring improvement, including the extent and content of the knowledge test, and tighter controls over criminal records of those applying for licences to drive. The Audit 's recommendations have now been implemented but decisions as to whether a person is appropriate to hold a licence are complex and there is a constant need to review and refresh our processes and procedures to ensure that they remain fit for purpose.

2. Recommendations

The Committee is recommended to:

- 2.1 Note the officers assessment of the Borough Council's taxi licensing service against the key criteria contained within the LGA's 'Taxi and Private Hire licensing Councillors Handbook', (2016), and
- 2.2 In light of the LGA's 'Taxi and Private Hire licensing Councillors Handbook', (2016), and the contents of this report, advise on additional training requirements, (if any) pertaining to this issue.

3. Detail

Background

- 3.1 As taxi licensing authority for its area, Swindon Borough Council is responsible for licensing operators, drivers and vehicles, including hackney carriages (taxi's)
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Further information on the subject of this report can be obtained from Kathryn Ashton, (01793) 466113, or kashton@swindon.gov.uk.

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and private hire vehicles. The process by which an individual secures, renews or retains a licence to drive requires the authority to determine whether they are a fit and proper person to do so. In Swindon, this process is undertaken by officers within the taxi licensing team. However, where evidence indicates that there may be issues of concern, or where a licence has been revoked or suspended, decisions may come before the Taxi Licensing Sub-Committee. It is then a decision of the Committee as to whether that person should be able to hold a drivers licence.

- 3.2 The process in determining whether a person is fit and proper to hold a licence requires them to undertake a knowledge test, an English test, safeguarding training, a medical and a DBS check. We are also in the process of introducing disability awareness into the test, including full awareness of access issues and their responsibilities to disabled customers. Where DBS checks indicate activity of concern, further detail is sought from the police.
- 3.3 Determining suitability of drivers is one aspect of ensuring that our taxi and private hire service is fit for purpose in safeguarding and protecting its customers. Other elements of best practice exist and it is important that we are able to demonstrate that we remain vigilant and confident that our procedures and decision making is proportionate but as secure as it can be.

Content

- 3.4 To assist Members in their role as decision makers, the Local Government Association (LGA) has recently published a 'Taxi and Private Hire licensing Councillors Handbook', (2016). The Head of Planning, Regulatory Services and Heritage sent this to all Committee members on 27th July. The Handbook contains useful advice to assist decision makers when considering applications, renewals, revocations and suspensions of licenses that are brought before them. If clarification is required on any matters contained in the Handbook, the Licensing Manager and Head of Planning, Regulatory Services and Heritage will respond verbally to any questions or feedback that Committee members may have on it.
- 3.5 To help provide some context officers have completed a short self-assessment against the questions contained on page 37 of the Handbook. This self-assessment is provided as a 'health check' for the service and is attached at Appendix 1.

4. Alternative Options

- 4.1 The Council has a statutory responsibility to licence taxi and private hire operators, drivers and vehicles. In doing so, it must be content that the drivers are fit and proper people to hold a licence. The Committee has received

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introductory training on this issue, and have been sent a copy of the LGA's 'Taxi and Private Hire licensing Councillor's Handbook', (2016). Committee members may decide that this is sufficient for them to make decisions, or they may feel that they require additional training.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 If additional training is required, and there is a cost to that training, it will be met from the appropriate training budget.

Legal and Human Rights Implications

- 5.2 Legal and Human Rights considerations have been taken fully into account in compiling this report. The recommendations of this report are compatible with Convention Rights as they are fully in accord with the requirements of relevant legislation. The Council is required to comply with the statutory provisions referred to in the report, which the guidance contained within the report and the LGA document will ensure that it does. All other legal and human rights implications have been considered in the preparation of this report.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 Sound processes and appropriately trained decision makers will reduce risks of harm to users of the service.

Diversity Impact Assessment

- 5.4 A Diversity Impact Assessment has not been completed for this report.

Risk Management

- 5.5 Sound processes and appropriately trained decision makers will reduce risks of harm to users of the service.

6. Consultees

- 6.1 The Board Director, Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 LGA – 'Taxi and Private Hire licensing Councillor's Handbook', (2016).

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8. Appendices

8.1 Appendix 1 – Assessment of taxi licensing activities against the LGA's Handbook

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Appendix 1 – Assessment of taxi licensing activities against the LGA's Handbook

Are the needs and safety of passengers placed at the centre of your licensing system?

Yes, the fit and proper person check includes a knowledge test, safeguarding assessment, English test and a disability awareness module is also in preparation to be introduced imminently. All drivers must also pass a medical and hold an up to date DBS certificate, which is reviewed every 3 years in accord with best practice. The Council's Taxi Licensing team work closely with the police to obtain details of convictions. The Scheme of Delegation allows the Head of Planning, Regulatory Services and Heritage and the Licensing Manager to suspend a licence with immediate effect where up to date information comes to light that gives cause for concern. Revocation is through the Taxi Licensing Sub Committee.

The safety of passengers through the condition of vehicles is safeguarded by regular safety checks undertaken by trained officers.

One area which a recent Taxi Licensing Panel raised as an issue is the potential for cameras to be installed in cabs to assist surveillance and monitor driver and passenger behaviours and incidents. Such a requirement would need to be based on evidence and a sound assessment of risk and benefit. It would also necessitate a revision to Council policy and consultation with the trade, and would require the endorsement of the Licensing Committee.

Are drivers assessed against agreed and appropriate standards to ensure they are 'fit and proper' and entitled to hold a licence? Many councils require applicants to undertake group 2 medical checks, enhanced Disclosure and Barring Service (DBS) checks and local knowledge tests before they are licensed to carry the public.

Yes, these are requirements of our 'fit and proper person test', along with an English test, safeguarding and (imminently) disability awareness modules.

Are your drivers provided with training on disability awareness, spotting child sexual exploitation and other locally relevant issues?

Yes, see above. This is a requirement as part of the 'fit and proper person test'.

Does your council have a taxi and PHV licensing policy document, which has been subject to regular review and has regard to the Department for Transport's Best Practice Guidance (last issued March 2010) and has been consulted on with the trade and user groups?

Yes.

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Do your taxi licensing officers have a regular dialogue with neighbouring councils, with a view to adopting consistent standards, developing a common approach and to share relevant information?

Yes, but this dialogue is informal, and/or on an as and when required basis. We particularly liaise with Wiltshire, Reading, Oxford and Vale of White Horse Councils, where licensed drivers may work locally across borders. Relevant information is shared, though standards remain inconsistent. Swindon now places a higher requirement on licence holders than many other Local Authorities.

Do you have sufficient information and understanding to challenge or defend your council's taxi and PHV licensing activity in the context of an overview and scrutiny committee?

Yes. The Council's service has recently been subject to an internal Audit. The Audit was requested by the Licensing Manager on taking responsibility for the service. Both the Licensing Manager and Head of Planning, Regulatory Services and Heritage have attended Audit Committee to defend the improvements made to the service following the Audit.

Does your council have a multi-agency enforcement programme with the police, DVSA and neighbouring councils? Such operations help ensure the public remain safe.

Yes. This is the LADO process, which operates along the same channels as the process described above.

Does your council have adequate numbers of accessible taxis – to ensure people who are vulnerable in society such as disabled users can utilise the service?

Yes, we have 1,100 accessible licensed Hackney and Private Hire vehicles. All Hackney Carriages are wheelchair accessible.

Does your council have effective consultation methods with taxi and PHV representatives and taxi users? Many councils have taxi liaison forums which meet on a regular basis.

Yes. We have a Taxi Forum, which has met regularly over the past 18 months. However, taxi drivers are struggling to form a consensus over representation on the Forum, which has stalled over recent months as a result.

Are vehicles subject to agreed and routine stringent testing to ensure they are mechanically safe and suitable to transport the public?

Yes. All licensed vehicles under 5 years of age are called in for inspection twice a year. All licensed vehicles over 5 years of age are called in for inspection 3 times a year. Any licensed vehicle that reaches 12 years of age is taken off the road.

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Are your licensing fees and charges sufficient to provide the resources for an efficient licensing service but which does not create a surplus? If there is a surplus, is this returned through a reduction in future fees?

Licence fees have been reviewed in the last 12 months and now reflect the costs of providing the service. Due to regular review and benchmarking of costs, there has been no surplus in fees in recent years.

Does your council license stretched limousines under eight passenger seats? Many vehicles are operating unlicensed and unchecked as some councils refuse to license such vehicles.

Not at present, though we are working on a process to licence these vehicles. However, there is no intelligence that there is a problem with unlicensed stretch limousines in Swindon.