Taxi and Private Hire Policy

Recommendation to Licensing Committee

That the Committee approves the draft taxi and private hire licensing policy for a 12-week period of public consultation.

Reason(s) for recommendation:

To obtain the views of persons whom the Council could affect by exercising its functions in relation to taxi and private hire services and to use those views to formulate policy.

1. Purpose of Report

1.1 The report informs the Committee of work carried out to develop a draft taxi and private hire policy for consultation.

1.2 It asks the Committee to approve a public consultation on the draft policy which is set out at Appendix 1.

2. Strategic Priorities

2.1 The taxi and private hire licensing policy will contribute to our fundamental themes and priorities as follows:

Economy – supporting businesses, growth and employment

Sustainability – safe borough.

2.2 It is best practice to publish a policy which sets out our general approach to regulation and enforcement activities in relation to taxi and private hire services. This helps us maintain a consistent approach, builds public confidence and assists in supporting business.
2.3 The policy is intended to strike a balance between the right of an applicant to make an application for a taxi or private hire licence, against the right of any person to travel in any taxi or private hire vehicle in safety and comfort. A successful balance will help the taxi and private hire businesses to develop whilst providing assurance to the public.

3. Background

3.1 The current taxi and private hire licensing policy was approved by the Licensing Committee on 6 July 2011.

3.2 Since then, the Law Commission has completed a review of the legal framework relating to taxis and private hire vehicles with a view to making it simpler and more modern. The Commission published its final report and a draft bill on 23 May 2014.

3.3 We recognise that some parts of our current policy are unclear or confusing, some requirements may be unnecessary whilst other important ones have not been included.

3.4 The Law Commission’s review presented the opportunity for us to review our existing policy and engage at an early stage with stakeholders to developing principles from which we can formulate a policy. The Commission’s main proposals are:

- maintaining a distinction between taxis and private hire vehicles
- setting national standards for taxis, private hire vehicle and drivers
- allowing Council’s to set additional local standards for taxis only
- freeing up cross-border working for private hire services
- introducing a uniform national licence fee for private hire services
- allowing Council’s to continue to limit taxi numbers
- introducing new rules in respect of equality and accessibility to taxi and private hire services
- enhancing licensing officers existing powers to allow them to stop a licensed vehicle on a road, issue fixed penalty notices and impound vehicles
- allowing applicants to ask Council’s to
- their decisions before making an appeal to the magistrate’s or crown court
- allowing taxi conditions to be subject to a streamlined judicial review procedure

3.5 On 8 January 2014, the Licensing Committee approved a timetable for developing a draft taxi and private hire policy for consultation.

3.6 Following that meeting, we wrote to all members of the licensed taxi and private hire trade and informed them that we would be setting up a series of workgroups to develop a revised policy for wider public consultation.
3.7 We currently license 167 taxis, 328 private hire vehicles, 206 taxi drivers, 325 private hire drivers and 44 private hire operators. We needed to keep the workgroups small to help productivity and we invited four randomly selected licence holders, a nominated committee member from the Guildford Hackney Association (GHA) and an elected councillor from the Licensing Committee to each workgroup.

3.8 The workgroups examined our current policy over a number of weeks and focussed on the following five specific aspects of taxi and private hire licensing:

   a) drivers
   b) vehicles
   c) private hire operators
   d) convictions, cautions and endorsements
   e) compliance and enforcement

3.9 The groups were very constructive and we thank all those drivers taking part for their ideas and views.

4.0 Key Issues arising

General Feedback

4.1 The general view was that our existing policy is too cumbersome, often confusing and would benefit from being shorter and more concise. The view is that some of our requirements and conditions are ambiguous or unnecessary and on occasions, contradictory.

Drivers

4.2 The groups supported a vigorous approach to new applicants for licences in order to attract high calibre drivers and vehicles. This was particularly evident during discussions on the relevance of convictions, cautions and motoring endorsements and we have tried to reflect this in the draft policy.

Compliance and enforcement

4.3 There was support for a different approach to compliance and enforcement with a move away from the existing penalty points system which they considered ineffective. We have tried to reflect this in the compliance and enforcement section of the draft policy.

Vehicles

4.4 The group felt that our current policy is too prescriptive, however, they agreed that a clear distinction should exist between taxis and private hire vehicles and although there were differing views on what it should be they supported the introduction of livery on taxis.
Other issues

4.5 The groups did not specifically discuss deregulation of taxi numbers, wheelchair accessible vehicles, or vehicle livery as part of the initial consultation phase although these were raised by the trade. We therefore propose to consult more widely so that we can take views and other information into account.

Taxi numbers

4.6 The Council removed a cap on the number of licensed taxis in 2004. This means that provided an applicant meets all the relevant requirements there is no preclusion from operating as a taxi purely because a certain number already operate.

4.7 When the Law Commission review was initiated, the indication was that they would recommend that numbers would be deregulated nationally. This has not been the case and the decision has been left to Local Authorities.

4.8 The view of the GHA is that taxi numbers have increased to a point where it is impacting upon drivers income.

4.9 In 2004 there were 96 taxis compared to 167 currently licensed. This is a 74% increase over the 10 year period. On average there have been 14 additional taxis each year during the last 5 years.

4.10 We have not made any change to the current policy but propose to seek wider views as part of the consultation and commission an unmet demand survey before taking a view.

Wheelchair accessible vehicles

4.11 In 2004 the Council decided that all taxis would be wheelchair accessible by 2009. The implementation was delayed for existing vehicle plates but currently all new vehicle plates must be wheelchair accessible. The feedback we received is that this is unfair on new drivers/operators because customers prefer to use taxis that are saloon cars and wheelchair accessible vehicles cost more to purchase and operate.

4.12 As this has been raised as an issue we feel that it is important to consult more widely so that the Committee can take a balanced view on the matter. For example, the current policy could be retained, but if these are genuine additional costs it may be possible to offset these through a reduction in fees etc.
Livery

4.13 Drivers have differing views on whether a livery for taxis is necessary, and if so what it should be.

4.14 Moving towards a uniform livery for taxis within the Borough would give a local identity, present a more professional image, assist the public by making taxis more readily identifiable and assist in deterring touting.

4.15 There are valid concerns, including what should the livery be, who should pay for it, when would it become compulsory and the impact on drivers who use their car for personal use as well as for their trade.

4.16 We propose to consult further to obtain views on whether we should move towards a common livery for taxis and on a range of specific possible options including:

- no change to current policy
- a standard full car colour
- a standard part car colour
- options on colours
- alternative options including Guildford branding on doors
- a timescale for introduction should we adopt such a policy

4.17 The group discussions helped us to agree a number of principles which we have used to produce the draft policy at Appendix 1. This sets out our approach in respect of taxi and private hire licensing. The main areas of change from the existing policy are:

- removal of unnecessary and onerous licence conditions
- a more streamlined and efficient process to obtain a licence
- a proposal to introduce livery for all taxis
- removal of a penalty points system for non-compliance
- improving the format and readability of the policy by consolidating a number of sections under specific headings

5.0 Consultation

5.1 Wide consultation is critical to helping us develop a balanced and fair policy which is clear and transparent.

5.2 If the Committee approves the draft policy, we will carry out a wider consultation to engage with those stakeholders who did not have the opportunity to participate in the workgroups.
5.3 We will follow our Consultation Standards and use a number of consultation methods over a 12 week period to ensure we reach as many stakeholders as possible. We will:

- advertise the consultation in the local newspaper and on our website
- contact all licence holders to ask for their views on the main proposals for change
- make a questionnaire available on the Council’s website with the facility to complete the consultation on-line
- send the questionnaire to user groups
- use Twitter and Facebook to inform the public of the consultation and to direct them to our online consultation page
- hold a series of focus groups on the main proposals for change

5.4 We will then analyse the comments, prepare the final policy for approval and present a further report to the Licensing Committee on 19 November 2014.

6. Financial Implications

6.1 There are no financial implications for the Council as a result of carrying out a public consultation on the draft taxi and private hire licensing policy. We receive income through licence fees and this covers the cost of carrying out this function.

7. Legal Implications

7.1 The Council is the licensing authority for the purposes of taxi and private hire licensing under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1867.

7.2 Neither Act requires the Council to prepare a taxi and private hire licensing policy. However, it is best practice to prepare a policy which contains the principles that it proposes to apply in exercising its functions.

8. Human Resource Implications

8.1 Engaging with stakeholders and the creation of a draft licensing policy can be managed from within existing human resource.

9. Conclusion

9.1 The current policy is confusing and in need of revision. Our initial consultation with drivers and operators has been very positive and the draft policy provides a clearer and more transparent basis for consultation.
9.2 There are some difficult issues where there are differing views, including taxi numbers, wheelchair accessibility, taxi livery, and it is important that we get feedback to help shape future policy.

9.3 By consulting widely with operators, drivers, users and user groups we will be able to shape the policy to provide a balanced approach to these and other issues.

10. **Background Papers**

   Guildford Borough Council’s Taxi and Private Hire Licensing Policy (July 2011)

   The Law Commission’s report on taxi and private hire services (May 2014)

   The Law Commission’s project on the reform of taxi and private hire services

   Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (March 2010)

   Minutes of the Licensing Committee meeting held on 8 January 2014

   Minutes of the Licensing Committee meeting held on 6 July 2011

   Guildford Borough Council’s Consultation Standards (April 2014)

10. **Appendices**

   Appendix 1 Draft taxi and private hire licensing policy