

Classification	Item No.
Open / Closed	

Meeting:	Full Council
Meeting date:	22 November 2023
Title of report:	Proposed Hackney Carriage & Private Hire Policy Revisions following Public Consultation
Report by:	Executive Director (Operations)
Decision Type:	Council
Ward(s) to which report relates	All

Executive Summary:

This report sets out the outcome of the Public Consultation relating to Hackney Carriage and Private Hire policy revisions and the outcome of an earlier report to the Licensing & Safety Committee.

Recommendation(s)

Full Council is requested to adopt the proposals following the decision of the Licensing and Safety Committee on the 19 October 2023 and confirm the delegated authority to amend the implementation date of any of these standards to the Head of Public Protection in conjunction with the Chair of Licensing & Safety Committee. Any changes to the amendment dates would be reported to the Licensing & Safety Committee.

BACKGROUND

- 1.0 A report was considered by members of the Licensing & Safety Committee on the 20 July 2023. Members at this meeting gave their approval for the Licensing Service to carry out a public consultation in relation to the review of Council Policy in relation to Hackney carriage and Private Hire.
- 1.1 The public consultation took place between the 7 August 2023 and the 15 September 2023. The questionnaire was developed and hosted on-line on 'One

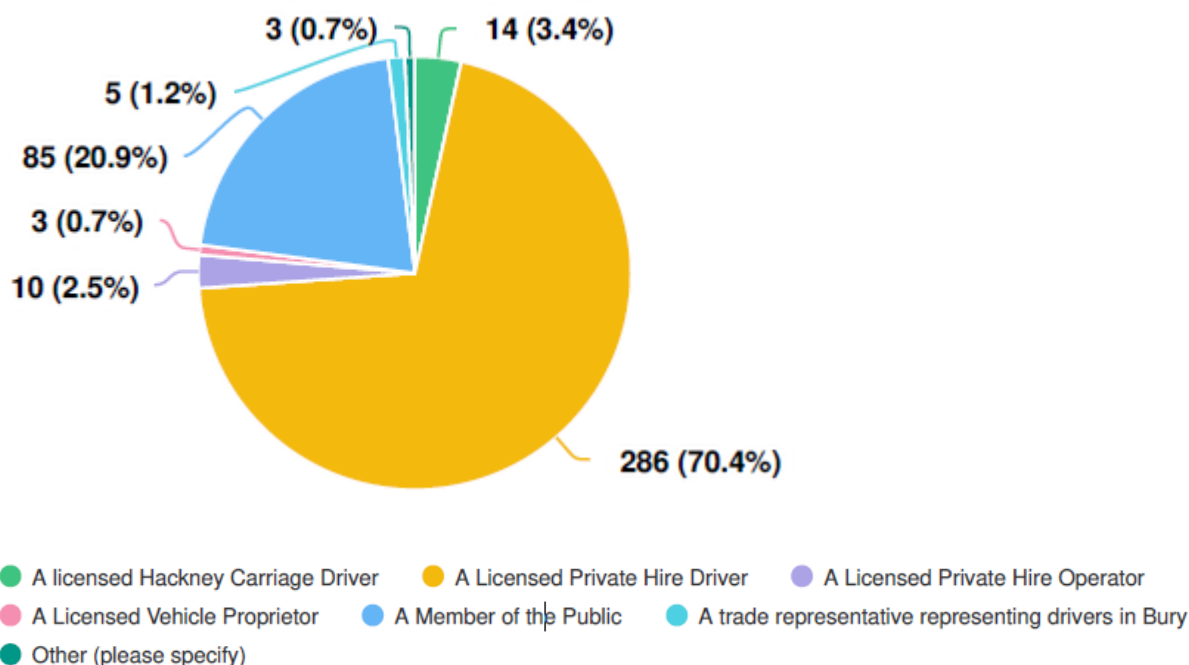
Community’, the council’s engagement and consultation portal. Hard copies of the questionnaire were made available on request (none were requested). Emails were also accepted as a response. The survey was promoted on the council’s social media platforms, via the one community newsletter and through direct emails to stakeholders.

1.2 The Licensing Service discussed the public consultation with trade representatives at a Trade Liaison meeting on the 3 August 2023 to enable them to advise their members of the proposed consultation. Following this engagement, a dedicated email address was set up for any issues/concerns/difficulties to be communicated quickly and directly to the Licensing Service.

1.3 In addition to the Trade Liaison meeting, the Licensing Service sent emails on 7 August 2023 and 30 August 2023 promoting the consultation. These emails were sent to 911 drivers, 30 Private Hire Operators and 5 trade representatives on each occasion. The Council’s Engagement Officer promoted and worked with the trade groups and the Council promoted the consultation by social media.

2.0 Findings of the Consultation

2.1 The public consultation which took place between 7 August 2023 and 15 September 2023 was accessed by 1,195 people, with 436 informed participants leading to 405 who were actively engaged with the consultation. The breakdown in participants included licensed drivers from the private hire and hackney carriage trade, licensed private hire operators, licensed vehicle proprietors, members of the public and trade representatives.



3.0 Consultation Findings Overview

3.1 The following table shows the response summary to the published proposals showing whether responders agreed or disagreed.

Proposal	Agree	Disagree
Front plates/livery	88%	12%
Mandatory door signs	83%	17%
Driving standards assessment	76%	24%
Knowledge tests	46%	54%
Re-application	91%	9%

4.0 Licensing and Safety Committee (The Committee)

- 4.1 On 19 October 2023 the Executive Director Operations submitted a report which was considered by Members of the Licensing & Safety Committee on the outcome of the Public Consultation regarding proposed changes/revisions to Hackney Carriage and Private Hire Policy.
- 4.2 The Committee was asked to consider the following options.:-
- To adopt the proposals outlined within the report.
 - To refuse to adopt the proposals outlined within the report.
 - To modify any of the proposals as determined by the committee.
- 4.3 In addition, the Committee was asked to provide delegated authority to amend the implementation date of any of the standards to the Head of Public Protection in conjunction with the Chair of the Licensing and Safety Committee. Any changes to the amendment date would be reported to a subsequent Licensing and Safety Committee meeting.
- 4.4 The Head of Public Protection presented the report and reminded Members of an earlier report that was considered by this Committee on 20 July 2023, where members gave their approval for the Licensing Service to carry out a public consultation in relation to the review of Council Policy in relation to Hackney carriage and Private Hire.
- 4.5 The consultation which was developed and hosted on-line on 'One Community' took place between 7 August 2023 and 15 September 2023 and e-mails were also accepted as a response. The survey was promoted on the council's social media platforms, via the one community newsletter and through direct emails to stakeholders.
- 4.6 The Licensing Service discussed the public consultation with trade representatives at a Trade Liaison meeting on 3 August 2023 to enable them to advise their members of the proposed consultation. It was agreed and that a dedicated email address would be set up for any issues/concerns/difficulties to be communicated directly to the Licensing Service.
- 4.7 A public consultation was accessed by 1,195 people, with 436 informed participants leading to 405 who were actively engaged with the consultation. Participants included licensed drivers from the private hire and hackney carriage trade, licensed private hire operators, licensed vehicle proprietors, members of the public and trade representatives.

- 4.7 The table in 3.1 above showed the general response to the published proposals showing whether responders agreed or disagreed. The committee also evaluated and considered responses including the trades views.
- 4.9 Bury Council needed to strike the right balance between fulfilling its duty to ensure greater public safety whilst responding to the changing nature of the hackney carriage and private hire industry. The reality was that where any local authorities take a more stringent line on any of these policy areas, it is likely to result in continued reductions in drivers and vehicles licensed by the Council in Bury resulting in even less control and influence over the safety standards of the fleet working within our Authority area.
- 4.10 Current existing vehicle licence conditions were included in the report for reference. These conditions required amendment to reflect the changes to council policy by the decision of the Committee.
- 4.11 Revised new hackney carriage vehicle licence conditions were reviewed and considered by the Committee.
- 4.12 Following legal advice, the proposed changes to vehicle licence conditions including livery could only be applied to all 'new applications' and 'on renewal' for all existing vehicle licences.

Delegated decision:

It was agreed by the Licensing and Safety Committee: -

- (1) That the new Hackney Carriage vehicle licence conditions be approved and adopted subject to the below modifications for new and renewal applications.
- (2) That the new Private Hire vehicle licence conditions be approved and adopted subject to the below modifications for new and renewal applications.
- (3) That delegated authority was granted to amend the implementation date of any of these standards to the Head of Public Protection in conjunction with the Chair of Licensing and Safety Committee. Any changes to the amendment date(s) would be reported at a subsequent Licensing and Safety Committee meeting.
- (4) That the new standards be approved and replace the current standards in relation to plates and livery: -

Bury Council requires all Hackney Carriage and Private Hire vehicles to display a rear plate and a front vehicle windscreen vehicle identification sign.

In respect of Private hire vehicles, they must display the following as well as the plate:

- *An operator window sign, in a council issued window mounted wallet (which can be changed by the licensed driver to advise passengers of the operator currently being used to fulfil the booking). The window mounted wallet is to be displayed in the bottom passenger side of the vehicle windscreen alongside the (new) vehicle identification sign. A window wallet, issued by the Council, must be displayed at all times. The operators name must be clearly legible, printed in a digital format (not handwritten) with operators logo if applicable, and must fill the corresponding wallet/holder space.*
- *A rear passenger door sticker (on each rear door), issued by the Council, stating "Private hire vehicle not insured unless pre booked with operator"*
- *Passenger window signs, issued by the Council, shall be affixed permanently to all passenger windows of the vehicle and are not removed whilst the vehicle is licensed. The window signs must contain plate number, registration number, expiry date and the number of passengers the vehicle is licensed to carry.*
- *We do not allow any signage to be mounted on magnets.*
- *The operator signage in use must be approved by the Council and issued by the Operator.*

(5) That the current standard remain in place as outlined below in italics:-

All applicants will need to provide proof that they have passed the practical driving assessment for taxi drivers, issued by either of our approved driver training companies

(6) That the current standard remain in place as outlined below in italics ons:-

Ensure that any fire extinguisher is in a serviceable condition (where applicable).

Ensure that the vehicle has a full and complete first aid kit (check that contents are not out of date)

(7) That the current standards would see the removal of the geographical elements only (paper A, B and D) and replaced with the new standard conditions, retaining current condition paper C:-

Paper a) Three locations to be located by the use of a physical map

Paper b) Road names of where premises are located (15 questions)

Paper c) Conditions (10 questions)

Paper d) Journeys by the shortest route between two specific locations (from memory)

The knowledge test will remain a mandatory requirement and be revised and enhanced to cover other topics in greater depth which are relevant to public safety i.e., licence conditions, safeguarding, road signs etc. This

would also include elements relating to the use of modern journey technology, such as route finding planning and directional technology.

- (8) That the new standard be approved in relation to re-application conditions (Currently there is no standard):-

Driver (applicants) will be able to be relicensed following a break in their licence of no longer than six months (of their hackney carriage/private hire driver licence) where applicants can demonstrate ALL of the following criteria:-

- *The driver/applicant has previously sat the written Knowledge test and passed there is no requirement to resit, however if the driver has not sat the written knowledge test they will be expected to complete the knowledge test before the licence is granted;*
- *The driver/applicant has completed all the pre-requisites required by the Council i.e., Safeguarding training, driving assessment (subject to removal under this consultation) and the communication and numeracy skills assessment (If applicable);*
- *The driver/applicant has undertaken a group 2 Medical within the last 4 months;*
- *The driver/applicant has previously undertaken an enhanced DBS which was within 6 months of the date of issue of the certificate or if the driver has an Enhanced DBS Certificate registered with the DBS update service;*
- *The Licensing Service are provided the right to place an application for a Hackney Carriage/Private Hire Drivers licence before the Licensing and Safety Committee if they deem it appropriate.*

Key considerations

This is a Council Function that is delegated to the Licensing and Safety Committee by the Council's Constitution.

This paper is in the public domain.

Community impact / Contribution to the Bury 2030 Strategy

The decisions in this report continue to support the objectives in Bury's Let's do it Strategy by encouraging and enabling a licensed fleet of drivers, vehicles, and operators, that are safe, greener, skilled and provide a professional level of service to residents and visitors.

The proposals in the report seek to encourage new applications as well as encourage existing licence holders to remain licensed with Bury. This in turn will enable Bury to retain levels of control and influence over local licence holders and support growth and place making in Bury as a place destination to live, visit, and work.

The report seeks to balance these objectives against the desire to support the licensed trade to remain viable and assist in their continued recovery from the impacts of the

pandemic and make Bury licensed drivers and vehicles the preferred travel option for passengers.

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty requires us to consider how we can positively contribute to the advancement of equality and good relations and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

The Licensing Service undertook an EIA as part of this policy review process. The assessment looked at the proposed Hackney Carriage / Private Hire Vehicles and Private Hire Operators changes to determine whether any amendments to address equality impacts are required to ensure the Licensing Authority fulfil its duties under Equalities Act 2010. The EIA has been reviewed and updated following the consultation findings analysis.

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Failure to approve the above conditions will increase the potential risk of licence holders obtaining licenses from authorities outside of Bury, outside of our local control. The reduction in local licence holders has a financial impact with reduced income through loss of renewals of existing licences due to licence shopping and	It is anticipated that following the approval of the above proposed changes, the revised standards will attract new applications for individuals wishing to become licensed in Bury and attract licence holders currently licensed elsewhere to return to locally controlled Bury Licensing Service.

increased out of town licensed vehicles in Bury.	
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Consultation:

A public consultation was undertaken between 29 March 2023 to 17 September 2023.

Legal Implications:

Under sections 47(1) and 48(2) of the Local Government (Miscellaneous Provisions) Act 1976, the Council may attach any such conditions to the grant of a hackney carriage or private hire vehicle licence as it considers to be reasonably necessary. Any person aggrieved by any conditions attached to their licence may appeal to the magistrates' court.

Financial Implications:

The cost of the licensing function is funded through the fees and charges levied by the Council. Reduction in licensed drivers, vehicles and operators has a corresponding financial implication due to reduced revenue and loss of economies of scale of this statutory function. This proposal will consult on changes that should increase retention and new applications and therefore prevent a loss of income.

Report Author and Contact Details:

Mr M Bridge

Licensing Office

3 Knowsley Place

Duke Street

Bury

Telephone No: 0161 253 5208

Email: m.bridge@bury.gov.uk

Background papers:

Licensing and Safety Committee report – 19 October 2023



Consultation
Findings Report HC

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
EIA	Equality Impact Assessment