

AMENDMENT OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE (TAXI) LICENSING POLICY

Responsible Cabinet Member: Councillor Legg (Cabinet member for Customer Service)

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Executive Summary:

Milton Keynes Council (“the Council”) licences Hackney Carriage vehicles under the Town and Police Clauses Act 1847 (“1847 Act”) and Hackney Carriage and private hire drivers, private hire vehicles and private hire operators under the Local Government (Miscellaneous Provisions) Act 1976 (“1976 Act”).

The Regulatory Committee considered the draft Policy annexed to this report at its 15 March 2017 meeting and proposed that the revised Policy be formally adopted by Cabinet.

1. Recommendations

1.1 That the revised Hackney Carriage and Private Hire Vehicle (Taxi) Licensing Policy annexed to this report be adopted to take effect from 1 May 2017.

2. Issues

2.1 The Council’s Policy details how it considers applications for those who wish to be licensed as drivers and proprietors of Hackney Carriages and private hire vehicles and those who wish to operate them. The Policy also sets out the conditions and requirements that the Council has of licence holders and their vehicles.

2.2 Various consultations and forums have taken place since the Council first began to consult on a Policy in 2013. Members of the Hackney Carriage and private hire trade regularly made the following requests:

- (a) That vehicle licences should be granted for a duration of 1 year.
- (b) That vehicles should be tested twice a year (every 6 months), and;
- (c) Purpose built Hackney Carriages should be permitted to load wheelchairs from the rear as well as the side.

2.2 Officers also considered that the Council’s procedures which required vehicles, depending on their age, to be licensed either every 6 or 4 months were out-dated, unnecessary and over bureaucratic. This resulted in administrative burdens for both the Council and those it licences.

- 2.3 However, officers were also aware that these out-dated procedures had become necessary as the Council had no maximum age Policy meaning vehicles needed to be tested more frequently and the Council did not have the relevant procedures in place to monitor compliance with licence conditions if a 12 month licence was granted.
- 2.4 Over the last couple of years officers have carried out the necessary procedural reforms to give effect to these changes and undertook a consultation in the autumn of October 2016 to ascertain that the above were still desired by the trade. A draft policy based on the results, and including the necessary revisions to safeguard the public, was considered by the Regulatory Committee at its December 2016 meeting which resolved that a formal consultation be carried out on the draft Policy.
- 2.5 This formal consultation was carried out in January and February 2017 and consisted of 2 online surveys (one for the trade and one for members of the public), meetings with Hackney Carriage and private hire panels and, in respect of licensing rear loading hackney carriages, by contacting a number of charitable groups for comment. The results of this consultation were considered by the Regulatory Committee at its meeting on 15 March 2017 who resolved to recommend that the draft Policy be approved by Cabinet with the addition of some amendments proposed by Legal Services.
- 2.6 The Policy has been revised to allow for vehicle licences to be granted for 12 months (the maximum duration permitted by law), vehicles to be tested twice a year and for Hackney Carriages to also be rear-loading. Additionally the revised Policy also includes:
- (a) A maximum age limit of 10 years on all vehicles (subject to an exemption);
 - (b) A maximum age of 6 years for vehicles to be first licensed with the Council;
 - (c) Relaxation on tinted windows;
 - (d) A refresh of Appendix E (how the Council considers the relevance of convictions);
 - (e) Revised licence conditions; and
 - (f) Additional operator licence conditions.

Maximum Vehicle Ages

- 2.7 From 1 January 2018 there will be a maximum age of 10 years for all licensed vehicles (both private hire and Hackney Carriages), subject to an exemption process in exceptional circumstances, where vehicles over 10 years may still be licensed.
- 2.8 The Council will impose a maximum age of 6 years for vehicles that are presented to be licensed with the Council for the 1st time. For private hire and hackney saloon vehicles this is 1 year lower than the present age of 7, but

2 years higher than those that are purpose built Hackney Carriages, presently required to be 4 years or under.

Tinted Windows

- 2.9 The current Council Policy does not permit a licensed vehicle to have its rear windows tinted. Rear windows are presently required to have a visual light transmission of 70%. This is the figure that is set by national Regulations for the front windows of a vehicle. The Council's justification for not having tinted windows was to protect the public by ensuring that the public and relevant enforcement agencies could see into a vehicle. Officers have observed that they can still see clearly into a vehicle which is 50% tinted and it is believed that it is reasonable to reduce the measurement stated in the Policy from 70% to 50%.

Appendix E

- 2.10 Appendix E details how the Council considers the relevance of criminal convictions when determining if an applicant or licence holder is "fit and proper". The appendix has been refreshed to ease its reading. There has been no change to the time periods between convictions and when the Council might consider someone to have been rehabilitated and granted a licence. Officers have however added paragraphs detailing how the Council will deal with allegations and when the Council will revoke or suspend with immediate effect.

Licence Conditions

- 2.11 The legislation does not permit the Council's executive to adopt licence conditions. The relevant appendices to the Policy that impose conditions have therefore been adopted by the Regulatory Committee at its March 2017 meeting.

Conclusion

- 2.12 The adoption of the new Policy will reduce administrative burdens on both the trade and the Council. The Council can now adequately monitor the compliance of licence holders and the relevant suspensions or revocations will occur in respect to those who fail to adhere to the Council's requirements. It is expected that the measures proposed in the draft Policy will allow the Council to continue to reduce its administration and lower the fees paid by the Licensed trade without compromising public safety.

3. Options

- 3.1 The Recommendation:

That the draft proposed Policy, incorporating the suggested changes, annexed to this report be adopted by Cabinet with effect from 1 May 2017.

- 3.2 Alternative

To not adopt the draft Policy and detail the reasons so that Officers can make the relevant amendments.

4. Implications

4.1 Policy

The Council is not obliged to have a Policy but it is considered good practice. The Councils "Taxi" Policy has been effective over the last few years in improving the regulation of the trade. It has been referred to in "trade" articles as the most stringent in the Country.

4.2 Resources and Risk

The amended policy allows the Council to implement procedures and practices that will reduce the cost of licences paid by the trade. Failure to adopt the Policy may result in the trade paying more in licensing costs as the Taxi Licensing service would be restricted to continue to apply outdated procedures.

The adoption of the policy is intended to work hand in hand with the new fees structure. It is anticipated that the new policy will increase the competitiveness of the Milton Keynes licence fees and therefore increase the demand above current levels, enabling current budgeted income levels to be achieved

N	Capital	Y	Revenue	N	Accommodation
N	IT	N	Medium Term Plan	N	Asset Management

4.3 Carbon and Energy Management

The reduction in Vehicle ages will long term ensure newer and environmentally friendly vehicles join the Council's fleet. This is considered to be important as the Council looks to reduce the use of the private car and car parking and provide alternative transport choices to residents.

4.4 Legal

The Council is not obliged to have a policy. However the Policy supports the decision making framework of officers and Regulatory Sub-Committees and ensures that decisions made by the Council that are adverse to a licence holder follow a considered, clear and transparent process. The legal team have thoroughly reviewed the Policy.

4.5 Other Implications

None

N	Equalities/Diversity	N	Sustainability	y	Human Rights
N	E-Government	N	Stakeholders	y	Crime and Disorder

Background Papers: Report with Annexes to Regulatory Committee "Amendment to Taxi Licensing Policy" 15 March 2017.