

To: General Purposes Licensing Committee

Date: 22 February 2012 **Item No:**

Report of: Head of Environmental Development

Title of Report: Amendments to Taxi Licensing Regulations and Guidelines

Summary and Recommendations

Purpose of report: To seek approval from the Committee to the additions and amendments to the current Taxi Licensing regulations, guidelines, criteria to the licensing of Hackney Carriage and Private Hire Vehicles, Drivers and Operators.

Report Approved by:

Finance: Emma Burson

Legal: Daniel Smith

Policy Framework: A vibrant and sustainable economy

Recommendations:

Committee is recommended to:

- i) agree to the additions and amendments to the regulations, guidelines, and criteria relating to the licensing of Hackney Carriage and Private Hire Vehicles, Drivers and Operators as set out in Appendices 1 to 3; and**
- ii) delegate authority to the Head of Environmental Development to make the necessary textual changes to the Regulations and Guidelines put forward in this Report .**

INTRODUCTION

1. Following a review in 2010 of the procedures and processes previously in place within the Taxi Licensing function, on 1st March 2011 the General Purposes Licensing Committee approved the implementation of revised procedures, regulations, guidelines and criteria applicable to the licensing of Hackney Carriage and Private Hire vehicles, drivers and operators.
2. The Licensing Authority has operated under the revised procedures, regulations, guidelines and criteria for almost 12 months. Whilst significant progress has been made during this time, the Licensing Team Leader has identified further areas which require modernisation through the amendment and implementation of conditions.

3. These latest proposed amendments will ensure that our regulations and guidelines are robust, transparent, and provide assistance to new applicants, existing licence holders and the Licensing Authority in carrying out their duties.
4. The proposed amendments to the regulations and guidelines are intended to run parallel with the proposed revisions contained within the Policy on the Relevance of Warnings, Offences, Cautions and Convictions, and provide clear guidance to all users.
5. Approval of the content of this report and the proposed revisions to the Policy on the Relevance of Warnings, Offences, Cautions and Convictions will greatly assist in the development of a Statement of Taxi Licensing Policy that is modern, wide ranging and fit for purpose.
6. The revisions that are appended have already been reviewed by the Chair and Vice-Chair of the Committee on 6th January 2012, and are presented in accordance with their input.

BACKGROUND

7. As a Licensing Authority, we have a statutory power to licence vehicles and drivers who wish to provide Hackney Carriage and Private Hire services within Oxford. These powers are primarily provided under two Acts: Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976
8. The following types of licence are issued by Oxford City Council: Hackney Carriage and Private Hire Drivers, Hackney Carriage and Private Hire Vehicles, Private Hire Operators.

RESEARCH AND CONSIDERATIONS

9. In considering the current procedures, guidelines, conditions, criteria and policies, the Licensing Team Leader carried out a benchmarking exercise with other Licensing Authorities, the Institute of Licensing and the guidance provided by Department for Transport Best Practice.
10. Advice was also sought from the Members of the Hackney Carriage and Private Hire Licensing Sub-Committee.
11. The views of the Trade were also sought, most notably from the Chair of the City of Oxford Licensed Taxicab Association (COLTA) and various members of the Private Hire Operators Association.
12. The Licensing Team Leader sought to obtain further support for these revisions from the new Chair of the City of Oxford Licensed Taxicab Association and the remaining members of the Private Hire Operators Association at the Taxi Trade meeting held on 7th February 2012, and will update the Committee at this meeting.

13. Copies of the draft revised “Application Packs” detailing the revisions are attached as appendices to this report.
14. The amendments to the existing conditions and regulations and the new additional conditions are intended to provide clear guidance to all parties as to their duties and responsibilities.
15. The amendments, whilst not exhaustive, do capture the majority of scenarios that the Licensing Officers, the Head of Environmental Development, and the Hackney Carriage and Licensing Sub-Committee have dealt with, or will deal with, in connection with the Taxi Licensing function.
16. Owing to the volume of changes, it is deemed practical to highlight them as appendices rather than list each one individually within this report.

LICENSING OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS AMENDMENTS TO REGULATIONS AND GUIDELINES

17. The Hackney Carriage and Private Hire Drivers Licence Application Pack is attached as **Appendix One**, and the new and amended regulations, criteria, conditions and policies are presented in bold black italic type to Members for easy identification on pages 6 – 12.

LICENSING OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES AMENDMENTS TO REGULATIONS AND GUIDELINES

18. The Hackney Carriage and Private Hire Vehicle Licensing Application Pack is attached at **Appendix Two**, and the new and amended regulations, criteria, conditions and policies are presented in bold black italic type to Members for easy identification on pages 9, 10, 14, 15, 17 and 19.

LICENSING OF PRIVATE HIRE OPERATORS AMENDMENTS TO REGULATIONS AND GUIDELINES

19. The Private Hire Operator Licence Application Pack is attached as **Appendix Three**, and the new and amended regulations, criteria, conditions and policies are presented in bold black italic type to Members for easy identification on pages 4 – 5.

FINANCIAL IMPLICATIONS

20. Full details of the charges to be increased and implemented to ensure a full cost recovery for the service provided by the Taxi Licensing function can be found in the appended application packs, and in the report entitled Fees & Charges that will be presented to the Committee at this meeting.

LEGAL IMPLICATIONS

21. There is no legal requirement for a licensing authority to set any policy on hackney carriage and private hire licensing. However, authorities may if they wish decide to set policies in order to assist in consistent decision making. Policies may guide but not bind the authority. Good policies are easy to follow and are based on evidence not speculation.
22. Any new hackney carriage and private hire policy recommended by the Committee will require approval by Council. Reviews of existing policy do not require Council approval.

RECOMMENDATIONS

23. Committee is recommended to:
 - i) agree to the additions and amendments to the regulations, guidelines, and criteria relating to the licensing of Hackney Carriage and Private Hire Vehicles, Drivers and Operators, as set out in Appendices 1 – 3; and
 - ii) delegate authority to the Head of Environmental Development to make the necessary textual changes to the Regulations and Guidelines put forward in this Report.

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Background papers:

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