



DERBY CITY COUNCIL

TAXI LICENSING AND APPEALS COMMITTEE 20 December 2006

Report of the Director of Environmental Services

TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE

RECOMMENDATION

1. To consider whether to amend any current licensing policies in the light of the 'Best Practice Guidance'.

SUPPORTING INFORMATION

- 2.1 In November 2006 the Department for Transport released a 'Best Practice Guidance' for taxi and private hire vehicle licensing. A copy of the document is attached in Appendix 2. The document does not cover all aspects of taxi licensing but restricts its scope to those issues which have 'caused difficulty in the past or that seem of particular significance. The document is written in very general terms and acknowledges that licensing authorities will develop their individual licensing policies that reflect local needs and priorities. It is recognised, therefore that some licensing policies may depart from the guidance issued if there are grounds to do so.
- 2.2 The guidance document was produced following discussions with a 'focus group'; this included trade representatives, certain licensing authorities, and other interested parties.
- 2.3 The taxi licensing policies and procedures in place in Derby largely reflect the 'best practice' set out in the guidance. However, there are exceptions to this and the purpose of this report is to allow members to consider whether they wish to amend any current policies in the light of the guidance.
- 2.4 There are three main areas of difference:
 1. Licensing of Multi-Purpose Vehicles (MPVs) as private hire vehicles. The guidance suggests that it may be 'too restrictive to rule out considering MPVs, or to licence them for fewer passengers than their seating capacity'. This authority does licence MPVs but restricts the passenger numbers to four, even though most have passenger seating capacity for six. This matter has previously been considered in great detail by this committee and members considered that the passenger numbers should be restricted to four in the interests of public safety. This is because of the restricted access/egress from the third row of seats, and in the event of an accident passengers may be unable to get out of the vehicle. Members also considered that if all seven seats in the vehicle were in use the MPV would not meet the Council's standard for luggage capacity.

Officers believe that the Council's current policy does reflect best practice having regard to public safety which, as the guidance agrees, is the principal reason for licensing. The policy decision was taken after careful consideration and is in-keeping with the high standards set for all licensed vehicles. Officers recommend, therefore, that the current policy is retained.

2. Duration of drivers' licences. The guidance suggests that 'it is not necessarily good practice to require licences to be renewed annually' and "three years..... is in general the best approach'. Officers strongly disagree with this on public safety grounds. As members will be aware from cases heard at Taxi Licensing Sub-Committees, there is an ongoing problem of drivers failing to report both criminal and driving convictions to the Council, and these often only come to light at licence renewal. To extend this period would result in offenders' fitness to hold a licence not being considered for up to three years. This is unacceptable and would seriously damage the public's confidence in the fitness of licensed drivers.

The guidance recognises this concern but argues that, as a result of Home Office guidance to Police authorities in April 2006, police notifications (of offences by licensed drivers) to licensing authorities will improve the situation. This is not the case. The Taxi Licensing Section does not often receive conviction reports from the police; it is more likely that convictions are detected via reports in the local media. It should be borne in mind that the police will not necessarily know that an offender is a licensed driver and, if there is a fear that the licence may be at risk, the driver is likely to conceal the fact.

The overwhelming majority of licensing managers within the larger city/urban licensing authorities consider this part of the guidance to be seriously flawed. In the interests of public safety they consider 12-month licences to be 'best practice' in this case. In a survey of comparable licensing authorities 16 out of 17 respondents confirmed that their drivers' licences are for 12 months only (the other has 24 month licenses). Only one of these authorities is considering reviewing their current policy.

3. Duration of Operators licences. The guidance suggests that 'a requirement for annual licence renewal does not seem necessary or appropriate for private hire operators, whose involvement with the public is less direct than a driver' and '...a licence period of five years may well be appropriate in the average case'. Licensing officers consider that this period is too long and that it has few benefits to either the operator or the licensing authority. In terms of licence fees, there would be only a marginal reduction in fee levels, since only a small proportion of the costs are derived from the issue of the licence. If fees had to be paid at the start for a full five-year licence this would be prohibitive for the operators; if given the option of paying the fee in annual instalments there is virtually no administrative saving to the authority. In a survey of comparable licensing authorities 16 out of 17 respondents issue operators' licences annually and have no plans to change this approach; the remaining authority currently issues three-year licences but is considering changing to annual licences. Officers consider that annual licences still represent the best option for all parties. However, if the committee decided to pursue longer licence periods officers would need to investigate the practical and financial issues that may arise and report back at a later date.

- 2.5 The concerns of licensing officers (as set out in 2.4) were forwarded to the Department for Transport at the draft stage; these are acknowledged but appear to have been ignored in the final document.

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Background papers:	None
List of Appendices:	Appendix 1 Implications Appendix 2 Copy of Best Practice Guidance document

APPENDIX 1

IMPLICATIONS

Financial

1. If licence duration periods were extended this would have an impact upon the licensing administration process, although this would not be as significant as it may appear. This is because most licence renewals are now dealt with on a 'one-stop' basis, minimising the impact on the licence-holder and the Taxi Licensing Section. If annual payments continued (even though the licence duration was longer) the administrative saving would be negligible. Since the licence fees cover the full cost of providing the service, including enforcement, fee levels would probably remain unaltered.

Legal

2. The Council's current policies and procedures comply with the relevant legislation. Although there is a need to have regard to government guidance the Council may depart from this if it has a justification (e.g. public safety considerations).

Personnel

3. None

Equalities impact

4. The Council is committed to ensuring the highest levels of public safety for all hackney carriage and private hire vehicle customers.

Corporate priorities

5. Taxi Licensing contributes to the priority of **improving customer service, in the city centre and locally.**