

LICENSING COMMITTEE	AGENDA ITEM No. 4
8 DECEMBER 2016	PUBLIC REPORT

Cabinet Member(s) responsible:	Councillor Walsh – Communities and Environment Capital	
Contact Officer(s):	Terri Martin – Regulatory Officer - Licensing Peter Gell – Head of Regulatory Services Kerry Leishman – Licensing and Business Manager	Tel. 453561 Tel. 453419 Tel. 453502

PROPOSED TAXI POLICY

R E C O M M E N D A T I O N S	
FROM The Licensing Team	Deadline date : N/A
<p>Request Members determine the following eight taxi and private hire matters, in order to incorporate proposals into a consultation on a draft taxi policy:</p> <ol style="list-style-type: none"> 1 Vehicle ages and critical failure (section 6) 2 Whether to amend the current driving test requirements (section 7) 3 Whether to replace our current health check for a group 2 health check for all drivers (private hire and hackney carriage) at application and three year renewal (section 8) 4 To introduce a requirement for operators to have a complaints procedure and to retain records of complaints (section 9) 5 To introduce a requirement to display required information within vehicles (section 10) 6 To introduce a three stage trigger point system for all drivers (section 11) 7 To introduce waiting areas for private hire vehicles to designated car parks on the outskirts of the city centre (section 12) (subject to service director approval) 8 To consult and adopt DfT model bye laws (conditions applicable to hackney carriage drivers) (section 13). 	

1. ORIGIN OF REPORT

1.1 This report is submitted to the committee following a review of best practice.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is to obtain the committee’s views and direction of the proposed development of an overarching draft taxi policy for consultation.

2.2 This report is for the committee to consider under its Terms of Reference No. 2.5.1.3 (a) To exercise the functions of the authority as listed in Schedule 2.5.4, where these are not delegated to officers as listed at section 2.5.3, namely hackney carriage and private hire vehicle licensing.

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	No
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4. Background

4.1 Taxi and private hire legislation is primarily concentrated in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The aim of the

legislation is to protect the public. The legislation provides a broad framework for the licensing of drivers, vehicles, and operators, but allows local authorities to set their own standards and conditions, to ensure the public travel in safe well maintained vehicles driven by competent drivers. Unlike the Licensing Act 2003 and the Gambling Act 2005, there is no legislative requirement to have an overarching policy document, however it is considered best practice to have one.

- 4.2 Currently Peterborough has the following sets of standards and conditions:
- Peterborough Conditions of Fitness for Hackney Carriage Vehicles
 - Private Hire Operators Licence Conditions
 - Peterborough City Council Private Hire Vehicle Licence Conditions
 - Peterborough City Council Private Hire Drivers Licence Conditions
 - Guidelines Relating to the Relevance of Convictions / Cautions in Relation to Taxi Licensing
 - Peterborough City Council Limousine and Speciality Vehicles Licence Conditions

5. Development of an overarching policy

- 5.1 The Local Government Association (LGA) strongly encourages licensing authorities to create a unified policy that brings together all procedures in one policy. They state; *‘Creating a single, unified policy that is reviewed on a regular basis will provide clarity for drivers and operators, as well as strengthening the councils position if there is a challenge against a decision in court.’*
- 5.2 In consideration of the LGA’s comments, a policy is being developed which will underpin and expand on the current standards and conditions, (as listed above, which have already been agreed and approved by committee), as well as providing guidance on procedural matters when making applications, recommending best practice and providing further information on other relevant matters, such as other relevant legislation, safeguarding etc.
- 5.3 In developing the overarching policy consideration has been given to available guidance such as, Department for Transport (DfT) Taxi and Private Hire Vehicle Licensing Best Practice (March 2010) and LGA Taxi and PHV Licensing Councillors’ handbook (England and Wales) September 2016, and case law. This has given rise to some questions on our current standards and conditions which we would like direction from the committee prior to consulting on a draft policy.

6 Consideration point 1 – Vehicle age limits and critical failures

- 6.1 We currently have an age limit beyond which we will not licence a vehicle. We also de-licence a vehicle, if at a certain age, it fails a mechanical inspection on a critical matter, see appendix A for critical failure list. See table below for current conditions, which were set by committee in February 2012 following requests from the trade.

	Hackney Carriage	Private Hire
Maximum age at time of first being licensed	3 years	6 years
Maximum age limit for a vehicle beyond which it will not be licensed	15 years	10 years
Age at which vehicle is tested six monthly instead of annually	6 years	6 years
Critical failure age	12 years	8 years

There is also a mileage limit for new private hire vehicles when entering the trade, see table below

Age (months)	0 - 12	13- 24	25 - 36	37 - 48	49 - 60	61 - 72
mileage (maximum)	No restriction	No restriction	No restriction	No restriction	65,000	75,000

- 6.2 The reasoning behind setting a restriction is to put measures in place in order to achieve the required level of mechanical safety and that the interior and exterior of the vehicle is of a standard that is expected by the licensing authority.
- 6.3 The licensing committee took the following matters into consideration when setting the above standards:
- The opinions of the trade (both the private hire association and the hackney carriage federation)
 - The improvement of vehicle technology resulting in higher quality built vehicles which are designed to last longer, and in turn supports the worlds sustainable resources.
 - Public Carriage Office (PCO) guidelines (now part of TfL (Transport for London))
 - Environmental impact
- 6.4 The adoption of the above standards allowed vehicles to be utilised for longer than the previous standards. Critical failure was introduced at this time due to concerns that vehicles being on the road for the extra years could result in safety issues for passengers, the driver and the general public. This being an issue if vehicles were not subject to routine planned preventative maintenance in order to ensure safety. If a vehicle failed its test for any critical item, it must be assumed that the vehicle had not been part of a regular maintenance programme thus resulting in the vehicle being delicensed. See Appendix A for critical failure criteria.
- 6.5 Maintenance is a key factor with any vehicle and good practice for all commercial vehicles is to be part of planned preventative maintenance programme where all vehicles are routinely serviced to ensure safety and quality. The council expects this level of commitment from drivers and it should be noted that the twelve monthly and six monthly tests carried out by the testing centre is to confirm the level of safety and quality, rather than highlight to the driver what maintenance needs to be carried out.
- 6.6 **Matters to be considered**
 Since the introduction of these standards, the trade have questioned why a vehicle should be delicensed on a critical failure at a particular age. The trade would like the opportunity to get the vehicles repaired and re-present them for testing within a period of 30 days for another inspection rather than have them de-licensed (option 2).
- 6.7 DfT guidance states *'It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a Local Authority will not licence vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles, for example, twice yearly for vehicles more than five years old.'*
- 6.8 TfL still licence hackney carriage vehicles until they are 15 years old at which point they are de-licensed. This can be extended for a further five years (to a total of 20 years old) if the vehicle has been converted from diesel to LPG (Liquid Petroleum Gas) or, CNG (Compressed Natural Gas) or, Bio methane, or if it meets the Euro 5 emission standards.
- 6.9 An initiative similar to that operated by TfL where low emission vehicles have a five year longer life within the trade, could also be adopted in Peterborough. This could be implemented to encourage the trade to seriously consider the viability of investing in lower emission vehicles (option 4).
- 6.10 **Members are asked to consider if the current standards as detailed in the above tables, should be retained or if they should be amended.**

The following options are for members to consider.

- Option 1 -** Retain the status quo in all regards
Option 2 - If a vehicle has a critical failure at the appointed age, suspend the vehicle, rather than delicense, and allow for a retest within 30 days

- Option 3 -** Remove age restrictions so that vehicles can be licensed for unlimited duration so long as they pass mechanical tests, with ability for retest within 30 days for critical failures.
- Option 4 -** Extend the age limit for an extra five years for low emission vehicles, for each type, so that a low emission hackney could be licensed up to 20 years and a private hire up to 15 years old.

7 Driving tests

- 7.1 Prior to becoming a licensed driver (hackney carriage and private hire) all applicants are currently required to take a driving test which assesses; driving ability, control of the vehicle, awareness of controls within the vehicle, and local knowledge without the use of satellite navigation equipment. Hackney carriage drivers must also be able to demonstrate that they can safely load and unload a disabled person confined to a wheelchair into the vehicle and ensure that the wheelchair is safely secured and the passengers seat belt is secured.
- 7.2 Applicants for hackney carriage drivers licence are asked to drive to five streets and two places of interest within Peterborough chosen randomly, and must be able to drive the shortest route between them, as the law requires that the driver must not unnecessarily prolong a journey. Due to the immediate booking ability of these vehicles and drivers, they must have a good local knowledge of the area. The requirement for hackney carriage drivers to have a driving test is to remain.
- 7.3 Applicants for private hire drivers licence are currently asked to drive to three districts and two places of local interest within Peterborough chosen randomly, and must be able to drive the shortest route between them.
- 7.4 One of the key differences between the vehicles is that a private hire vehicle, unlike a hackney carriage, cannot ply for hire, which means that all journeys are pre-booked in advance through a licensed operator and the fare is agreed at this point. As it is pre-booked, the driver has the opportunity to check the details of the route with a map or satellite navigation equipment before starting the journey. Also the fare is pre-agreed so if it is not the shortest route, the passenger is not financially penalised.
- 7.5 DfT best practice guidance states *'So it may be unnecessarily burdensome to require a would be PHV driver to pass the same 'knowledge test as a Taxi driver, though it may be thought appropriate to test candidates ability to read a map and their knowledge of key places such as main roads and railway stations.'*
- 7.6 We are not necessarily non-compliant with the DfT best practice, as the two 'knowledge' tests are different. The hackney carriage test requires knowledge of streets with five nominated, whereas the Private Hire test requires knowledge of districts (general areas e.g. Paston or Bretton) with three nominated. Both require two places of interest.
- 7.7 In formulating and devising the draft policy, we looked at many other local authority policies to assess best practice. Our findings indicate that most other local authorities use external providers for the driving test. This ensures that the person undertaking the role of examiner is specifically trained in this role.
- 7.8 DfT notes that DSA (Driving Standards Agency) provide a driving assessment specifically designed for taxis. However, from 31 December 2016, DSA will no longer offer this service, but other assessors are available, such as ROSPA and Blue Lamp Trust. These providers have experience of delivering taxi testing alongside the DVSA and can provide this service nationally using DVSA approved fleet assessors.
- 7.9 **Members are asked if they wish to retain the current system or replace with one of the options provided below.**

- Option 1 - Retain current in house driving tests for hackney carriage drivers and private hire drivers
- Option 2 - Retain driving tests for hackney carriage and private hire drivers but use an external provider
- Option 3 - Remove the requirement for a private hire driver to take a driving test.

7.10 There is no option for hackney carriage driving tests to be removed, due to the immediate nature of booking and the safety requirement for disabled passengers. However, there is the option for it to be provided by an external provider.

8. **Should we retain our current health checks or should we adopt the group 2 medical**

8.1 The council can only licence drivers which are 'fit and proper'. To achieve this, the council requires information from various sources, one of which is a completed health check from the applicants doctor. The applicant is required to provide the completed health check with the submission of their application, and is required again at 55 years, 60 years, 65 years and annually thereafter. Any fees incurred for this medical check to be completed are the responsibility of the driver.

8.2 The current checklist, includes questions regarding the drivers general health, such as blood pressure, sight, hearing, and any pre-existing conditions which may affect their driving ability such as epilepsy vertigo, etc. It asks the doctor for their opinion on the drivers ability to undertake the role of a licensed driver, so it may be subjective.

8.3 The group 2 medical is nationally recognised standard, it asks similar questions, but is prescriptive rather than subjective. For example, on blood pressure, it provides a maximum and minimum tolerance and asks about other relevant medical conditions which may affect a persons ability to drive. It is a requirement by DVLA (Driver and Vehicle Licensing Agency) for those who wish to drive heavy goods vehicles (HGV) such as lorries, and public service vehicles (PSV) such as buses and minibuses. The HSE (Health and Safety Executive) also recommend it for those who drive predominately at night. DVLA and DfT also recommend it as best practice for taxi and private hire drivers, but accepts that it is for each local authority to determine. See link below:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/526635/assessing-fitness-to-drive-a-guide-for-medical-professionals.pdf

8.4 It is essential that licensed drivers are in good health as they are expected to carry passengers luggage, will drive on the road for longer periods than most car drivers and may have to assist disabled passengers and therefore we must be satisfied that the applicant/licence holder is fit enough to undertake these tasks and that any pre-existing medical condition is disclosed and under control to the satisfaction of a general practitioner (GP) and the council.

8.5 Research indicates that a majority of other councils have already adopted the group 2 medical requirements, including neighbouring authorities, (South Kesteven District Council, Fenland, South Holland District Council, Rutland and East Northampton). All authorities which have adopted the group 2 medical requirements, require a medical certificate for new applications, there are however differences of when a subsequent certificate would be required.

8.6 Some authorities require a new medical at the age of 45 then every five years until the driver is 65 then annually. Some require every five years until 65 then annually, others require every three years, which is consistent with the drivers badge renewal and DfT best practice.

8.7 **Would Members like to retain the current health check or adopt the group 2 medical standard? With a requirement for a new group 2 medical to be submitted with all new applications, then every three years upon renewal and then annually thereafter when the driver reaches 65.**

9. Should we introduce a requirement for operators to have a formal complaints policy and procedure and for these records to be retained and made available to officers?

9.1 The current requirement for operators regarding complaints is contained within Section 12 of our operator's licence conditions. Please see below:

12 (a) The operator shall, on receipt of any complaint relating to a contract for hire or purported contract for hire relating to or arising from his/her business, immediately notify the complainant of his/her rights to forward the complaint to the council.

12 (b) Any complaint shall be investigated immediately by the operator and the complainant notified of the outcome within 24 hours.

12 (c) Where a complaint is investigated by an authorised officer of the council the operator shall conform to any directions of the officer in respect of that complaint.

9.2 The proposal is to amend these conditions by requiring operators to have a formal process and procedure in place, which is freely available to customers, for the complaints to be documented and records retained and made available to an authorised officer.

9.3 Most other types of businesses which provide a service are already required to have a system for dealing with complaints, as it is a requirement of The Provision of Services Regulations 2009 and/or covered by the Consumer Rights Act 2015.

9.4 If a customer is aggrieved in any way by the service provided either by the operator or the driver, they should be able to contact the operator and make their complaint to them for appropriate resolution. The operator should have the right to try and resolve the complaint in the first instance without unnecessary regulatory burden. Responsible operators should monitor complaints to ensure that the drivers and vehicles they utilise, continue to meet safety standards and the expectations of the traveling public.

9.5 Where customers have approached the operator and remain dissatisfied with the outcome, they should be informed that they can further their complaint to the licensing department, thereby affording customer protection.

9.6 The proposal is to remove the existing conditions in section 12 and replace them with the following:

12 (a) Operators must have a complaints procedure and policy in place which must be freely available to all customers. The policy and procedure must as a minimum include and document the following matters:

- (i) the way in which customers can complain, including the operators business name and telephone number,
- (ii) when the complaint was made (date and time),
- (iii) who made the complaint,
- (iv) the nature of the complaint,
- (v) when the complainant can expect to be contacted by the operator regarding the complaint (not more than 72 hours from receipt),
- (vi) the resolution offered by the operator, and
- (vii) that the complainant may further their complaint to the licensing department if they remain unsatisfied with the operators resolution.

12 (b) The operator is responsible for ensuring that the complaint records are documented in a written or electronic format, contain all the information required in 12 (a) (ii) to (vi), be retained for a minimum period of six months and made available to an authorised officer.

12(c) These requirements are to remain the responsibility of the operator who accepted the booking, even where the booking has been subcontracted.

12(d) All vehicles utilised by the operator (except where subcontracted to another operator) must clearly display the following information in a conspicuous

unobscured place, which can be easily read by a passenger travelling in the rear and front of the vehicle, the business name of the operator, the following text 'Please call (insert telephone number) should you have a complaint about your journey'.

12(e) Operators must monitor complaints to see if there are any trends, or if they relate to particular drivers or vehicles. Where a trend is apparent, appropriate action must be taken by the operator to address the issue.

12(f) If an operator is made aware of a safeguarding or serious complaint relating to the 'fit and proper' status of a driver, they must notify the council immediately and provide details of the actions taken by the operator.

9.7 The operator is the controlling influence of the business and they need to accept the responsibility for ensuring that their customers travel in a manner which is safe and promotes good customer service. Responsible operators will want to ensure continued customer satisfaction but must inform the licensing department if any serious concerns come to their attention. The proposed conditions allow a certain amount of self-regulation without intervention, whilst still affording customer protections. The requirement for operators to monitor complaints will provide a clear focus on where improvements can be made.

9.8 **Would members like to retain the current conditions in section 12 of the private hire operators licence conditions, or would they like to replace them with the new section 12 conditions (a to f) as proposed above?**

10 To introduce a requirement to display required information within vehicles

10.1 Following on from the above we would like members to consider if it is appropriate for vehicles to display certain other required information in a conspicuous place within the vehicle.

10.2 The required information would be in addition (and complementary) to the above, and include, the vehicle registration number, the licence plate number and the drivers badge number and photo. All of this information would be expected to be on one notice in two parts to allow them to be interchanged.

Part one containing the operator information and telephone number for a complainant to contact, the vehicle registration number and licence plate number.

Part two to contain the drivers badge number and photo.

10.3 This would then allow for drivers to drive for more than one operator and for operators to allow vehicles to be driven by different drivers. The introduction of this would afford further customer protection, by providing all the information in a transparent manner, should the customer have cause to complain.

10.4 Most people, when using private hire vehicles, do not automatically make a note of the licence plate number, registration number, or the drivers badge number before they get in a private hire vehicle, as most journeys take place without incident, this isn't always a problem. However, if the person does have concerns, they can only get the information after they have exited the vehicle and it is being driven away. They may also feel it is confrontational to request to see the drivers badge, especially if they have had a difficult journey.

10.5 By requiring the display of this information inside the vehicle, a customer who had concerns, could see and make note of, or photograph the notice, so that they can contact the operator with all the information they need to make a complaint or raise their concerns. This would also be more efficient for the operators as it would enable them to quickly and easily identify the driver or vehicle in question.

10.6 The proposal would be to add a condition to the current private hire operators licence conditions and to the private hire drivers licence conditions, as the responsibility to display the required information is incumbent on both parties. Part one of the notice on the operator and part two of the notice on the driver.

10.7 The proposal would be to further extend condition 12(d) (of the private hire operators licence conditions) above to read;

12(d) All vehicles utilised by the operator (except where the booking is subcontracted to another operator) must clearly display the following information in a conspicuous unobscured place which can be easily read by a passenger travelling in the rear and front of the vehicle,

The business name of the operator,

The following text 'Please call (insert telephone number) should you have a complaint about your journey'.

The vehicle registration number, and

The vehicle licence plate number

This will be further referred to as the part one notice

10.8 It would also add the following condition to the private hire drivers licence conditions.

Prior to accepting any bookings, the driver must ensure that his drivers badge number and photo (hereafter referred to as the part two notice), is displayed in the vehicle in a conspicuous unobstructed way to enable a person in the front or back of the vehicle to read it.

10.9 **Do members wish to implement the requirement to display certain required information within the vehicle, thereby requiring the extra condition within the operators licence conditions and the extra condition on the private hire drivers licence conditions?**

11 To introduce a three stage trigger point system for all drivers

11.1 Officers deal with complaints and issues relating to drivers on a daily basis. Serious complaints with relevance to their fitness as a driver are investigated and appropriate action is taken. However, less serious complaints and minor infringements are not investigated to the same degree. But the accumulation of several complaints and infringements could highlight that there is a cause for concern with a particular driver.

11.2 In developing the draft policy we want to be transparent about our investigation and enforcement protocols and our constant strive for compliance in the interests of public safety. It is therefore proposed that the policy reflects that an accumulation of complaints will not go unnoticed and certain breaches of conditions or legalisation and complaints of a serious nature may be acted upon immediately.

11.3 It is proposed that there is a trigger point system in place and actions may be taken if certain trigger points are reached.

Trigger point one will be reached if three complaints are received regarding the same driver within a six month rolling period.

Trigger point two will be reached if during a further period of six months another two complaints are received.

Trigger point three will be reached if a complaint of a serious nature and or a breach of certain conditions or legislation is made. It will also be reached if during the period of 12 months six complaints are received.

- 11.4 Each incident, complaint, breach, or infringement against a driver will be considered on the individual circumstances of each case and as an accumulation.
- 11.5 When trigger point one is reached, an officer will review the drivers record and the issues which lead to the trigger point being activated. This may highlight an issue which requires the officer to contact the driver, or ask him to attend the council offices to see if support can be offered, such as a training need, or if any other action may be required.
- 11.6 When trigger point two is reached, the officer will again review the drivers record and the driver will be requested to attend an interview to discuss each issue which lead to the trigger point being activated. Other enforcement action may be considered if appropriate.
- 11.7 When trigger point three is reached this may lead to a formal warning, prosecution, immediate suspension or revocation of the drivers licence, even in the first instance, where there is an immediate public safety risk.
- 11.8 Members may be cautious in adopting and implementing any points based system against drivers as it has caused concern within the trade where councils have implemented such systems. These concerns are where an automatic sanction is applied if a certain limit is reached. The system we propose does not automatically lead to a sanction, just that the officer will review the history of what triggered the stage point then take appropriate action which could be to do nothing.
- 11.9 **Do members wish the policy to reflect the three stage trigger point system?**
- 12 To introduce waiting areas for private hire vehicles to designated car parks on the outskirts of the city centre, (subject to Service Directors Approval)**
- 12.1 Within the current private hire drivers licence conditions, condition number eight provides, *'The driver of a private hire vehicle shall return the vehicle to base, having allowed a passenger to alight, unless the vehicle is hired and required to proceed to another location.'*
- 12.2 This condition was introduced to avoid and ease congestion and to further prohibit the illegal practice of private hire drivers plying for hire or touting. It does however, have the inadvertent negative effect on the environment with the extra 'toing and froing' using fuel and it can also add to congestion where the operators base is situated.
- 12.3 It is proposed that this condition is removed and replaced with the following: *'Once a passenger has alighted the vehicle, the driver may park the vehicle whilst waiting for the next booking, so long as there are no parking restrictions, it is not causing an obstruction, and not within the city centre. private hire vehicles and drivers waiting for their next booking within the city centre will be required to wait in the following designated car parks, Wellington Street, Worrina, or Pleasure Fare.'*
- 12.4 The introduction of this amendment is intended to still keep the city centre free of congestion and added pollution, and does not create extra congestion at the operators office, it also cuts down the fuel usage and overall environmental impact.
- 12.5 The policy will also advise private hire drivers, that the parking orders within the car parks require drivers to switch off their engines, the car parks chosen are covered by CCTV and any illegal plying for hire or touting by drivers will be subject to enforcement action.
- 12.6 Members need to be aware that should they agree to the proposed amendment of this condition, it would be subject to approval from the service director, as the TRO (Traffic Regulation Order) will need to be amended to allow the private hire vehicles to park and wait in their vehicles without purchasing a ticket.
- 12.7 **Do members agree to the amendment of the condition which will introduce waiting areas for private hire vehicles to designated car parks on the outskirts of the city centre?**

- 13. Do members agree to consult and adopt the DfT model byelaws for hackney carriage drivers?**
- 13.1 The Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 allow for conditions to be applied to hackney carriage vehicle licenses, concerning such matters as design, appearance etc.
- 13.2 There is conflicting case law when it comes to attaching conditions to a hackney carriage drivers licence. However, The Town and Police Clauses Act 1847 allows for local authorities to adopt byelaws for regulating hackney carriage proprietors and drivers. The byelaws are effectively conditions put in place when a licence is issued.
- 13.3 The DfT have produced a set of model byelaws for hackney carriages as a basis for local authorities, which cover the range of standard controls which most local authorities would want to impose and the DfT would expect local authorities to base their byelaws on the model.
- 13.4 The existing byelaws are too restrictive and do not reflect DfT best practice and are in need of modernisation. Therefore it is proposed at some stage in the near future we will be applying to Secretary of State for new byelaws to reflect modern practice.
- 13.5 By modernising and adopting the model set of byelaws, it will put the 'conditions' applicable to hackney carriage drivers on a statutory footing thereby allowing action to be taken if they are breached. Please see appendix B for the DfT model byelaws.
- 13.6 Do members agree to the proposal of adopting and consulting on the DfT model byelaws?**
- 14. ANTICIPATED OUTCOMES**
Members will provide a direction for the development of an overarching private hire and hackney carriage policy for consultation in line with best practice.
- 15. CONSULTATION**
After members determine the contents of this report, a draft policy will be formulated and the consultation process will take place with stakeholders, starting mid December 2016 for six weeks until early February 2017.
Following consultation a report with the final draft policy will be presented to the committee for approval for adoption in March 2017.
- 16. REASONS FOR RECOMMENDATIONS**
It is considered best practice by the LGA (Local Government Association) and the DfT (Department of Transport) to have an overarching policy in place. The creation of an overarching policy will provide clarity for drivers and operators, as well as strengthening the councils position if there is a challenge against a decision in court.
- 17. ALTERNATIVE OPTIONS CONSIDERED**
Retain the status quo
- 18. FINANCIAL IMPLICATIONS**
The costs incurred will relate to the fee for the consultation advert and the potential TRO amendment, which are likely to be under £1,000. All costs will be offset from income revenue. Any increase in service delivery costs will be assessed and the licensing fees charged can be adjusted to ensure the regime operates on a cost recovery basis.
- 19. BACKGROUND DOCUMENTS**
Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)
Town and Police Clauses Act 1847
Local Government (Miscellaneous Provisions) Act 1976
DfT Hackney Carriage Byelaws Guidance notes and model byelaws 2014

House of Commons Briefing Paper Taxi and private hire vehicle licensing in England and Wales August 2016
DfT Taxi and Private Hire Vehicle Licensing Best Practice Guidance March 2010
LGA Taxi and PHV licensing Councillors' handbook (England and Wales) September 2016

20 APPENDICES

Appendix A Critical failure List
Appendix B DFT model Byelaws

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