

STOCKTON-ON-TEES BOROUGH COUNCIL

CABINET RECOMMENDATIONS

PROFORMA

Cabinet Meeting5th March 2009

1. Title of Item/Report

Hackney Carriage and Private Hire Licensing Policy Review

2. Record of the Decision

Consideration was given to a report that presented the views and comments received from the Licensing Committee, trade and other interested parties following consultation on the proposed Hackney Carriage and Private Hire Licensing Policy. Cabinet was asked to determine the final policy.

Following initial consultation with the trade and interested parties the Licensing Committee at their meeting held on 13th October 2008, agreed a draft consolidated policy document in respect of Hackney Carriage and Private Hire licensing and that further consultation be carried out with the trade and other interested parties on the proposed policy.

Consultation had been undertaken and the Licensing Committee considered the responses received, together with officer's comments at their meeting on the 27th January 2009. At that meeting the Members agreed various amendments that should be incorporated into the draft policy and certain issues that Cabinet may wish to consider. Cabinet was provided with a copy of the minutes of that meeting and a copy of the revised draft policy.

Cabinet was given details of further amendments to the proposed policy document as a result of information being received from the Independent Safeguarding Authority and also following the receipt of Counsel's opinion.

Also, since carrying out the consultation exercise the Department of Transport had issued a consultation document "Improving Access To Taxis". The document looked at four options of which Cabinet were given details. Officers would consider and respond to the consultation, in consultation with the cabinet member before the closing date of 24 April 2009.

It was explained that the issue that Licensing Committee Members

requested be given further consideration was in relation to random drug testing of drivers. The trade suggested that this should only be required when there was clear and independent information which suggested a driver may be abusing any substance; there should be no cost to the driver if tests were negative and safeguards should be in place for the testing regime and the individual concerned.

The Licensing Committee was concerned that, while there were benefits of random drug testing particularly for public safety, there were issues regarding residual level of narcotics in the blood system, the need for consistency for drug testing across all Council employees whose duties included driving, and the trade being fully informed of the processes. The Committee therefore recommended that drug testing should be deferred until these issues had been examined.

It was noted that Officers believed that the introduction of random drug testing would increase public safety, improve the reputation of the reputable licensees and assist the authority in fulfilling its duties under section 17 of the Crime and Disorder Act 1998.

Members of Cabinet were therefore requested to include the requirements for random drug testing in the Hackney Carriage and Private Hire Licensing Policy proposed in paragraph 198 -199, page 23. It was explained that Officers would develop detailed guidance notes regarding the manner in which the random drugs tests would be undertaken and would consult further with the trade on them in time for its proposed introduction date of 1st July 2009.

Cabinet was informed of the implementation dates that Licensing Committee and officers considered appropriate.

RESOLVED that:-

1. The requirements for random drug testing of drivers be included in the Hackney Carriage and Private Hire Licensing Policy with effect from 1st July 2009.
2. Officers investigate the introduction of random drugs testing for all who drive vehicles or operate heavy machinery on behalf of the Council.
2. The Hackney Carriage and Private Hire Licensing Policy as presented in Appendix Two be approved
3. The implementation dates for the Hackney Carriage and Private Hire Licensing Policy be approved as follows:-

- (a) The policy to take effect from 6th March 2009;
- (b) The new meter provision to apply to existing vehicles from 1st April 2012;
- (c) Euro II emission standard to apply at next licence renewal i.e. Sept/Oct 2009;
- (d) Standards for tinted windows to apply at next licence renewal i.e. Sept/Oct 2009;
- (e) Training requirements for drivers/private hire operators (PHO) re NVQ and BTEC qualifications to be obtained within 12 months from next licence renewal (PHO licences will be renewed in Nov 2009; driver renewals are dealt with each month as they are granted for 12 months from the date of issue); and
- (f) Existing vehicles that have previously been categorised as 'accident damaged' on their V5 document should not have their licence renewed at the Sept/Oct 2010 renewals.

5. The revised specification for wheelchair accessible vehicles (WAVs), detailed at Appendix A in the draft policy (at Appendix Two to this report) be approved. The policy determines that all new applications for hackney carriage vehicle licences shall be required to comply with this specification, until the total number of WAVs licensed reaches 25% of the total hackney carriage fleet, which equates to 70 vehicles, when the policy will then be reviewed. Existing licensed saloon hackney carriages can be replaced by another saloon vehicle until this policy is next reviewed (i.e. in three years time or when the total numbers of WAVs reach 70, whichever is the earlier).

3. Reasons for the Decision

The introduction of the proposed Hackney Carriage and Private Hire Licensing Policy will improve public safety, protect reputable traders and assist in ensuring that licensing application and disciplinary decision are made in an open and transparent matter. This will strengthen the Councils position when dealing with any 'taxi' licensing appeals.

4. Alternative Options Considered and Rejected

None

5. Declared (Cabinet Member) Conflicts of Interest

None

6. Details of any Dispensations

Not applicable

7. Date and Time by which Call In must be executed

Midnight on Friday 13th March 2009

Proper Officer
09 October 2009