

# General Licensing Committee Report



Report of Head of Legal and Democratic Services

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Wards affected: All

To: General Licensing Committee (South)

To: General Licensing Committee (Vale)

DATE: 12 March 2012

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**South:**

**AGENDA ITEM 6**

**Vale:**

**AGENDA ITEM 7**

## Licensing policy for hackney carriage and private hire: draft for consultation

### Recommendations

The committees are recommended to:

- (a) agree the proposed joint licensing policy for hackney carriage and private hire for consultation with the public and the trade.
- (b) authorise the Head of Legal and Democratic Services to make any further minor editorial changes to the proposed policy, prior to the document being issued for consultation.

### Purpose of Report

1. To present the two General Licensing Committees with a report to consider a revised and harmonised licensing policy for hackney carriage and private hire to be agreed for consultation with the public and the trade.

### Strategic Objectives

2. A revised taxi licensing policy will further the council's role in improving public safety in both district council areas. A harmonised policy will also promote economic development through consistent standards. In addition, it will improve the efficiency of the two council licensing teams by ensuring that processes and procedures are aligned.

## Background

3. Vale of White Horse District Council adopted its Hackney Carriage and Private Hire Driver, Vehicle and Operator Policy from 1 January 2010. South Oxfordshire District Council adopted its Licensing Policy for Hackney Carriage and Private Hire from 1 June 2009. The Head of Legal and Democratic Services agreed minor amendments to the policy in consultation with the chairman of the General Licensing Committee with effect from 1 April 2011. As the policies are due for renewal the opportunity has been taken to harmonise the two policies into a single policy for both councils.

## Proposed policy

4. The key changes that are proposed are summarised in **appendix one** to this report and reflected in the draft policy.
5. Operating both the current policies in practice has highlighted some issues that would merit a review. Differences in practices between the two councils provide an opportunity to identify best practice and apply it across the two districts unless there is a good reason to do otherwise. A table setting out the key issues that officers are proposing for review is attached as appendix one to this report. A draft joint policy for consultation is attached as **appendix two** to this report.
6. In accordance with Home Office guidance, the councils will consult for a period of 12 weeks to ensure that all interested parties have the opportunity to engage with and respond to the revised policy. The consultation papers will be posted on the each of the council's websites. Comments will be sought from the trade, Oxfordshire County Council transport, councillors, disability access groups and the public. After the consultation period, officers will report all comments received back to a further joint meeting of the two General Licensing Committees, which will then make recommendations to each Council on a final revised policy.

## Financial Implications

7. The taxi licensing budget is a ring fenced budget. The councils are required to set fees at such a level as to recover their costs only. Some aspects of the costs of taxi licensing are excluded from this cost recovery so there will always be some cost borne by the councils. However, there are no financial implications arising from the proposed policy.

## Legal Implications

8. The joint policy has been drafted to reflect current legislative requirements. All applications for licences under the Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 have to be made and determined in accordance with the councils' taxi licensing policy.

## Risks

9. Failure to reflect the requirements of the Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 in the policy for hackney carriage and private hire could result in the councils not complying with the

legislation. Having a clear policy helps to ensure that licensing decisions comply with the legislation and are made fairly and consistently.

## **Conclusion**

10. The committees are asked to approve the draft licensing policy for hackney carriage and private hire for consultation with the public and the trade.

## **Background Papers**

Vale of White Horse Council: Hackney Carriage and Private Hire Driver, Vehicle and Operator Policy

South Oxfordshire Council: Licensing Policy for Hackney Carriage and Private Hire

Department for Transport guidance