

# 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: 4 October 2012

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Agenda Item

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## Joint licensing policy for hackney carriage and private hire

### Recommendation(s)

The committees are recommended to:-

- (i) consider the consultation responses set out in Appendix 1 and Appendix 1a and the recommended action detailed in the options paper at Appendix 2 and confirm their agreement or otherwise, and
- (ii) authorise the Head of Legal and Democratic Services to incorporate the agreed actions within the policy as the joint licensing policy for hackney carriage and private hire for submission to Council, and
- (iii) recommend the respective council to:-
  - (a) adopt the joint licensing policy for hackney carriage and private hire to come into force on 1 January 2013, and
  - (b) authorise the Head of Legal and Democratic Services in consultation with the Chairmen of the South and Vale General Licensing Committees to make minor administrative amendments to the policy where necessary.

## Purpose of Report

1. To present to the two General Licensing Committees the comments received on the joint licensing policy for hackney carriage and private hire following the period of consultation with the public and the trade and agree a final joint policy for hackney carriage and private hire for recommendation to each of the two councils for adoption.

## 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 improve the efficiency of the two council licensing teams by ensuring that processes and procedures are aligned. The relevant objective is "building the local economy". The relevant corporate priority is to "maintain low levels of fear of crime and anti-social behaviour".

## 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.
- 4 As the policies are due for renewal the opportunity has been taken to harmonise the two policies into a single policy for both councils. Before any new policy can be approved, it must have been the subject of public consultation in accordance with the requirements of Section 5 and the Home Office Code of Practice on public consultation requiring the period of consultation to last for at least 12 weeks.
  - 4.1 At the joint meeting of the two General Licensing Committees on 12 March 2012 the two committees agreed a draft joint policy for hackney carriage and private hire for consultation with the public and the trade. The period of consultation ran from 19 March 2012 to 22 June 2012. Minute 9 (South) and Minute GL10 (Vale).
  - 4.2 As a result of that public consultation, 114 responses were received. A summary of the responses received are attached at Appendix 1 and Appendix 1a to this report. In putting together the final policy, officers have considered the responses received. The key issues are addressed in an options paper attached at Appendix 2 that addresses the comments received.
  - 4.3 The final version of the joint licensing policy for hackney carriage and private hire is set out in Appendix 3 incorporating the suggested amendments as set out in Appendix 2.
  - 4.4 The committees are recommended to:-

- (i) consider the consultation responses set out in Appendix 1 and Appendix 1a and the recommended action detailed in the options paper at Appendix 2 and confirm their agreement or otherwise, and
- (ii) authorise the Head of Legal and Democratic Services to incorporate the agreed actions within the policy as the final joint policy for hackney carriage and private hire for submission to Council, and
- (iii) recommend the respective council to:-
  - (a) adopt the final Joint policy for hackney carriage and private hire to come into force on 1 January 2013, and
  - (b) authorise the Head of Legal and Democratic Services in consultation with the Chairmen of the South and Vale General Licensing Committees to make minor administrative amendments to the policy where necessary.

## **Financial Implications**

4.1 Both councils will be required to consult on and advertise the tariff; the approximate cost of the advertisement per council is £1200 this will be built into the 2013/14 budget and fee setting.

## **Legal Implications**

5.1 This policy has been produced pursuant to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Acts 1847 and 1889, the Public Health Act 1875 and the Local Government Act 1972 which place on the councils the duty to carry out licensing functions in respect of hackney carriage and private hire vehicles, drivers and operators. Notwithstanding the existence of this policy, the councils will consider each application or enforcement measure on its own merits.

## **Risks**

6 Failure to reflect the requirements of the Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 and 1889, the Public Health Act 1875 and the Local Government Act 1972 in the policy for hackney carriage and private hire could result in the councils not complying with the legislation. This would mean that the councils could be at risk of acting ultra vires and therefore liable to legal challenge. Finally, having a clear policy helps to ensure that licensing decisions comply with the legislation and are made fairly and consistently.

## **Other Implications**

7.1 In making recommendations and drawing up the policy we have had regard to the council's statutory duties under the Equalities Act 2010 and Crime and Disorder Act 1998

## **Conclusion**

8.1 The Committees are asked to approve the recommendations and recommend Council to adopt the joint policy for hackney carriage and private hire.

## **Background Papers**

None