

Public Document Pack

To all Members of the

LICENSING COMMITTEE

AGENDA

Notice is given that a Meeting of the above Committee
is to be held as follows:

VENUE Council Chamber, Civic Office, Floor 2, Waterdale, Doncaster
DATE: Thursday, 15th December, 2016
TIME: 10.00 am

Items for Discussion:

	Page No.
1. Apologies for absence	
2. To consider the extent, if any, to which the public and press are to be excluded from the meeting.	
3. Declarations of Interest, if any.	
4. Minutes of the Licensing Committee Meeting held on 28th June, 2016.	1 - 8
A. Reports where the public and press may not be excluded	
5. Hackney Carriage and Private Hire Licensing Policy - Appendix 6: C Private Hire Vehicle - Vehicle Specifications (10. Tints to windows).	9 - 18
6. Hackney Carriage and Private Hire Licensing Policy - Hackney carriage driver, private hire driver and private hire operator licensing - Safeguarding Awareness Training.	19 - 34
7. Hackney Carriage and Private Hire Licensing Policy - Appendix 10 Private Hire Operator - Conditions of Licence.	35 - 50

Jo Miller
Chief Executive

Issued on: Wednesday, 7 December 2016

Governance Officer Sarah Maxfield
for this meeting: Tel. 01302 736723

- | | | |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| 8. | Hackney Carriage and Private Hire Licensing Policy - Policy amendments following the Driver and Vehicle Standards Agency (DVSA) decision to stop providing taxi driving assessments. | 51 - 56 |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|

Members of the Licensing Committee

Chair - Councillor Ken Keegan
Vice-Chair - Councillor Linda Curran

Councillors Iris Beech, Elsie Butler, Bev Chapman, Steve Cox, Neil Gethin, James Hart, Rachel Hodson, Charlie Hogarth, Majid Khan, Sue McGuinness John McHale and Clive Stone.

Public Document Pack Agenda Item 4

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING COMMITTEE

TUESDAY, 28TH JUNE, 2016

A MEETING of the LICENSING COMMITTEE was held at the COUNCIL CHAMBER, CIVIC OFFICE on TUESDAY, 28TH JUNE, 2016, at 10.00 am.

PRESENT:

Chair - Councillor Ken Keegan

Councillors Iris Beech, Bev Chapman, Steve Cox, Neil Gethin, Charlie Hogarth, Majid Khan, John McHale and Clive Stone.

APOLOGIES:

Apologies for absence were received from Councillors Linda Curran, Elsie Butler, James Hart and Sue McGuinness.

1 DECLARATIONS OF INTEREST, IF ANY

In accordance with the Members' Code of Conduct, Councillor Majid Khan declared a Disclosable Pecuniary Interest in agenda item 7, 'Hackney Carriage and Private Hire Licensing Policy – Appendix 10 Private Hire Operator – Conditions of Licence' and agenda item 8, 'Hackney Carriage and Private Hire Licensing Policy, Hackney Carriage Driver, Private Hire Driver and Private Hire Operator Licensing – Safeguarding Awareness Training', by virtue of being a taxi licence holder and vacated the room during consideration thereof.

Councillor Steve Cox declared a Disclosable Pecuniary Interest in agenda item 7, 'Hackney Carriage and Private Hire Licensing Policy – Appendix 10 Private Hire Operator – Conditions of Licence' and agenda item 8, 'Hackney Carriage and Private Hire Licensing Policy, Hackney Carriage Driver, Private Hire Driver and Private Hire Operator Licensing – Safeguarding Awareness Training', by virtue of being a taxi licence holder and a taxi driver and vacated the room during consideration thereof.

2 MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 17TH MARCH, 2016

RESOLVED that the minutes of the Licensing Committee meeting held on 17th March, 2016, be approved, subject to Councillor Steve Cox's attendance being recorded for part of the meeting.

3 TERMS OF REFERENCE, PROCEDURES AND DELEGATIONS

The Committee considered a report which set out the Terms of Reference for the discharge of Licensing functions and the procedure for Licensing Hearings, as detailed within Appendices A, B1, and B2, respectively.

Members were also asked to agree the delegation of functions to Licensing Sub-Committees and the appointment of Members of Licensing Sub-Committees, as set out within Appendices C1, C2 and D.

RESOLVED that

- (1) the Terms of Reference for the Licensing Committee, as detailed in Appendix A to the report, be noted;
- (2) the Terms of Reference for the Licensing Sub-Committees, as detailed in Appendix A to the report, be noted;
- (3) the procedures set out in Appendices B1 and B2 to the report, continue to be the procedures for Licensing Committee and Licensing Sub-Committee hearings held under the Licensing Act 2003, and the Gambling Act 2005, respectively;
- (4) the procedure for dealing with settling appeals after the Licensing Sub-Committee hearing, but before the appeal hearing in the Magistrates' Court is decided; be approved
- (5) the delegation of functions, as set out in Appendix C1 and C2 to the report, be approved; and
- (6) the appointment of Members to the Licensing Sub-Committee, as set out in Appendix D to the report, be approved.

4 LICENSING ACT 2003, GAMBLING ACT 2005 AND GENERAL LICENSING UPDATE

The Business Safety and Licensing Manager presented a report which updated Members on issues relating to the Licensing Act 2003, the Gambling Act 2005 and any significant licensing enforcement actions. Further to a request from the Committee at previous meetings, Members were provided with statistical details of the licensing decisions (Licensing Act 2003 and Gambling Act 2005), that were delegated outside the remit of the Committee and Sub-Committee, at least annually at the inaugural meeting, together with a summary of the significant enforcement actions taken by the Business Safety and Licensing Service within the last twelve months.

Members' attention was drawn to the licensing enforcement actions in Appendix A2 of the report, in particular to the significant number of licensed taxi/private hire vehicles that had been suspended from service during the past year as a consequence of there being a failure to present their insurance on time or that they had not attended for a test on time.

In relation to the 170 licenced taxi/private hire drivers who had been suspended this year, Members were informed that a significant number of these were due to drivers failure to provide their Criminal Record Certificates on time. It was reported that some cases were due to the fault of the driver, others were because of the significant delays of up to 6 months by the Disclosure and Barring Service in processing applications. Others had related to those drivers who were medically unfit or were unable to provide a medical certificate on time. It was further reported that drivers were required to provide a certificate every 3 years which detailed whether or not the applicant had a criminal record. Drivers were assessed by the Council and until such time they were

provided with a certificate, the Council was not in a position to consider applicants as being 'Fit and Proper' persons.

Following the presentation of the report, a Member commented that it had been brought to his attention that some drivers had submitted their applications in the prescribed timeframe, but because of the delay in the system, drivers were being deprived of a living, which was through no fault of their own, which he felt was not acceptable. He asked whether Officers could speak to the relevant agencies to ensure that certificates were processed within sufficient time. The Business and Safety Licensing Manager reported that all criminal record background checks were administered by the Disclosure and Barring Service (DBS). He explained to Members the application process and the reasons why delays could have occurred. The Committee was informed that the Mayor had since lobbied the Police and Crime Commissioner directly with regard to this issue.

It was further explained that previously, the Licensing Authority had given people 3 months' notice prior to the expiry of their certificate and at that time, it was sufficient time for people to submit an application and for receipt of a certificate. As soon as Officers had become aware of the delays at the DBS, the Licensing Authority immediately commenced sending out reminders 6 months in advance of the expiry of their current certificate.

Whilst acknowledging that a significant number of applications were returned with no criminal convictions, which was not helpful for the driver who had been waiting for it to come back, the Business and Safety and Licensing Manager emphasised that the Council would not make a decision without having sight of a driver's criminal conviction certificate and spoke of the potential risk to the public if drivers were allowed to continue driving, as it was not apparent whether they had any convictions that they had not disclosed. The Business and Safety and Licensing Manager highlighted the importance of robust checks being carried out and cited examples of some of the offences that taxi drivers had on their criminal record following checks being carried out by the DBS, which included burglary, ill-treatment of a child and attempted people trafficking.

Members were further informed that drivers were being encouraged to renew their certificates and to apply at least 6 months in advance. It was explained that the DBS provided an update service that drivers could subscribe to, where drivers paid an annual fee of £13, which was less than the renewal fee every 3 years. Providing that a driver didn't get any further convictions, their existing certificate remained valid for life and could be presented to any organisation, and could be checked via a serial number which identified whether there had been any changes. It was suggested that in future, this could be made a mandatory condition for all drivers to sign up to.

To conclude, Members sought clarity regarding the reasons why personal licences (Licensing Act 2003) had been rejected, it was reported that this was because the applicants had failed to satisfy the application requirements and as a consequence, they had decided not to proceed.

RESOLVED to note that:-

- (1) for the period 1st April 2015 to 31st March 2016, the following Committees and Sub-Committees, were convened where

- Licensing Committee - 3 occasions
- Licensing Sub-Committee - 9 occasions

a total of 9 applications / notices were determined by the Licensing Sub-Committee, all of which were applications made under the Licensing Act 2003;

- (2) statistical details of all other licence applications (Licensing Act 2003 and Gambling Act 2005) determined by the Authority and a summary of significant licensing enforcement actions, for the period 1st April 2015 to 31st March 2016, are attached as Appendices A1 and A2 to the report;
- (3) the Statement of Licensing Policy (Licensing Act 2003) underwent its quinquennial review in 2015 on schedule, with the revised Policy taking effect from 7th January 2016; and
- (4) the Statement of Licensing Policy (Gambling Act 2005) underwent its triennial review in 2015 on schedule, with the revised Policy taking effect from the 31st January, 2016.

5 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY - APPENDIX 10 PRIVATE HIRE OPERATOR - CONDITIONS OF LICENCE

The Committee considered a report which proposed that an additional condition be added to Doncaster Council's existing Private Hire Operator's Licence Conditions, in respect of 'out of town' hackney carriages acting as private hire vehicles in the Doncaster Council Licensing district, subject to consultation being undertaken with private hire operators, private hire vehicle licence holders and hackney carriage vehicle licence holders, on the basis of the proposals set out in Appendix A of the report.

The Business and Safety Licensing Manager reported that following a high court judgement in 2010, which had identified that once a vehicle had been licensed as a hackney carriage, it was a hackney carriage for the duration of that licence, wherever it was currently located, and could therefore could operate on a pre-booked basis anywhere in the country. Furthermore, a hackney carriage vehicle could be used for pre-booked work outside of the district in which the vehicle had been licensed, even if the Licensing Authority was some considerable distance from the district in which the vehicle was undertaking the pre-booked work.

Members were informed that this situation created a number of potential difficulties for the Licensing Authority and had the potential to become a significant issue in Doncaster because of an influx of hackney carriages into the Town which were licensed by other Local Authorities.

The Business and Safety Licensing Manager drew Members attention to Paragraph 15 of the report and highlighted two main concerns for the Licensing Authority; namely that Hackney carriage vehicles and drivers currently licensed elsewhere being used by private hire operators licensed in Doncaster to undertake private hire work. In addition, individuals who previously had not been considered 'fit and proper' to hold a licence by Doncaster Council, e.g. due to inappropriate behaviour, could potentially

become licensed as a hackney carriage driver in another local authority area and then undertake work in Doncaster.

Members were informed that the Licensing Authority was concerned that Hackney Carriage vehicles and drivers operating in Doncaster had obtained their licence from another local authority area, whose standards may not be as rigorous as Doncaster's. It was reported that whilst they were operating within the law, the Council had no ability to regulate them; by carrying out vehicle checks, stop them from operating or remove their licence.

One particular area of concern was that where a Doncaster driver's licence was either revoked or refused by Doncaster Council due to inappropriate behaviour, it was conceivable that, where this behaviour fell short of a criminal conviction, the driver could become licensed elsewhere and undertake work in Doncaster. Therefore, in order to secure that effective safeguards were in place to mitigate against any public safety impact of the application of the cross border rules within Doncaster, it was proposed that a 4 week consultation be undertaken with relevant stakeholders with a view to additional conditions being adopted and included in the existing private hire operator licence conditions.

Following the presentation of the report, the Business and Safety Licensing Manager responded to questions and concerns from Members, in particular as to whether domestic violence was deemed to be 'inappropriate behaviour', whether this had to be self-declared or whether this would be listed on a drivers criminal record when undertaking CRB checks.

Members were assured that any type of violence or dishonesty would be a contra-indicator in determining whether someone was 'fit and proper'. Whether it related to inappropriate behaviour that had taken place in a taxi, or someone who was violent towards their partner, the Licensing Authority would conclude from this that they would be likely to be violent against anybody. However, it was reported that in terms of new drivers, the Licensing Authority would not have any knowledge of how they behaved as a taxi driver and was reliant on the information received from the Disclosure and Barring Service. It was explained that if a driver had a conviction, it was likely that this would be shown on their criminal record as part of the checking process. In relation to enhanced DBS checks, any conviction or caution which they ever received would be identified on their DBS certificate. In terms of existing drivers, it was explained that the Licensing Authority was very much reliant upon them being open and honest with the Licensing Authority by disclosing any convictions or cautions that they receive in the 3 year period between their routine DBS check.

In relation to a question from a Member regarding private hire drivers picking up passengers that had not pre-booked through a licensed operator, the Business, Safety and Licensing Manager advised that this was unlawful and if discovered would be subject to enforcement action. He also reported that taxi drivers operating in the Doncaster area did make the Licensing Authority aware of anyone they felt were operating unlicensed and any vehicles that appeared to be defective.

RESOLVED that

- (1) the Assistant Director, Environment, be authorised, to go out to consultation with private hire operators, private hire vehicle licence holders and hackney carriage vehicle licence holders, on the basis

A. 5

of the proposals set out in Appendix 1 of the report; and

- (2) the Business Safety and Licensing Manager be tasked to report back to the Committee in respect of the outcome of that consultation and make final recommendations to the Committee.

6 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY, HACKNEY CARRIAGE DRIVER, PRIVATE HIRE DRIVER AND PRIVATE HIRE OPERATOR LICENSING - SAFEGUARDING AWARENESS TRAINING

The Committee received a report which proposed changes to the Hackney Carriage and Private Hire Licence Policy, in particular regarding enhancements being made to the suitability test for licensed drivers and operators, which would require all drivers and operators to undertake safeguarding awareness training.

Since October 2015, Doncaster taxi drivers had been offered, on a voluntary basis, safeguarding training, which had been arranged by the Council's Business Safety and Licensing Team in a joint effort to protect the safety of the travelling public.

In presenting the report, the Business Safety and Licensing Manager was pleased to report that since the training had been offered, 75% of taxi drivers had attended the training on a voluntarily basis; which had equated to over 650 people, of which 624 were currently licensed taxi drivers. The training was recognised nationally and it was hoped that this would help to eliminate any safeguarding issues, not only amongst the young, but the elderly and vulnerable people.

Whilst the uptake was encouraging, it was reported that approximately 220-230 drivers had not yet engaged in the process for various reasons, which included those that had no intention of participating; others had difficulty attending during the day because they were working and others had not done so due to the time of day of when the training was offered. Therefore, it was proposed to make training a mandatory requirement for all drivers, including new, existing and taxi operators. Members were informed that to date, 16 training sessions had been provided at various times of the day and that 2 more training days, (8 sessions) were planned for July and August, including evening sessions, which would be offered to those drivers who had not attended.

New applicants and existing licence holders would be required to provide evidence of having undertaken safeguarding awareness training, delivered by an approved provider, before being considered 'fit' and 'proper'. In relation to new drivers, it was intended that their licence would be held in abeyance until they had completed the training, which would be an incentive for them to take part in the training.

Members were informed that the Council was to consult those affected for a period of 4 weeks of its intention to amend the Policy to make the training a mandatory requirement of all licensed drivers and operators, and expand the definition of 'fit and proper'. The training would be made available on a regular basis and would provide the opportunity for new drivers to take advantage of the training before they applied for a licence. Following the outcome of the consultation process, a report would be brought to the Committee with final recommendations.

Members welcomed the proposed changes to the Policy and were supportive of the measures being put in place to ensure that standards in Doncaster remained high.

In response to a point of clarity from Members regarding drivers being considered 'fit' and 'proper', the Business Safety and Licensing Manager advised that consultation would be undertaken on the basis that existing drivers would have until March, 2017, to undertake the safeguarding awareness training and after that time, the Council would be looking at taking some form of action to suspend their licence until they had undertaken the training. Members were supportive of this course of action.

A Member queried a typographical error in the Appendix to the report. The Licensing and Business Safety Manager noted the discrepancy and confirmed that the Appendix to the report should be referred to as Appendix '1' and not as Appendix 'A' as marked in the agenda papers. The Business and Licensing Manager undertook to amend the Appendix to the report (page 47 of the agenda papers), accordingly, in addition to any other references in the report.

At the conclusion of debate, the Business and Licensing Manager took the opportunity to introduce to Members David Smith who had been appointed to the role of Licensing Officer following the retirement of Paul Wilson.

RESOLVED that

- (1) the Committee authorises the Assistant Director - Environment, to go out to consultation, with licensed drivers, private hire operators and interested parties e.g. safeguarding organisations, on the basis of the proposals set out in Appendix 1;
- (2) the Business Safety and Licensing Manager be tasked to report back to the Committee with the outcome of that consultation, and make final recommendations to the Committee; and
- (3) the appendix to the report in respect of agenda item 8 (page 47 of the agenda papers), be amended to read as 'Appendix 1' and not as Appendix 'A', as shown.

This page is intentionally left blank

TO THE CHAIR AND MEMBERS OF THE LICENSING COMMITTEE

Hackney Carriage and Private Hire Licensing Policy – Appendix 6:C Private Hire Vehicle – Vehicle Specifications (10. Tints to windows)

EXECUTIVE SUMMARY

1. The Doncaster Council Hackney Carriage and Private Hire Licensing Policy (HC & PH Licensing Policy) includes details of vehicle specifications, licence conditions and the pre-requisite requirements that must be met before a licence will be granted.
2. It is Doncaster Council's current policy that tinted rear windows which inhibit the ability to clearly see passengers from the outside of the vehicle are not permitted on private hire vehicles.
3. Whilst there are no proposed changes to the suitability test for licensed drivers and operators, this report seeks to review the Policy in respect of the Council's minimum specifications for private hire vehicles to take account of the proliferation of vehicles now manufactured with darkened glass fitted to windows rearward of the driver.

RECOMMENDATIONS

4. It is recommended that the Council's Private hire vehicle specifications be revised to permit all vehicles, manufactured with dark tinted rear windows, to be licensed to operate as private hire vehicles.
5. To facilitate this revision, it is recommended that Section 10 (Tints to windows) of Appendix 6:C Private Hire Vehicle – Vehicle Specifications of the HC & PH Licensing Policy be replaced with:

Tinted windows

All tinted and anti-glare windows must comply with the relevant Road Traffic Act and / or Construction and Use Regulations requirements.

Only tinted and anti-glare windows fitted by the vehicle's manufacturer are acceptable.

6. There are no proposed changes to the existing Hackney Carriage Specification i.e. all rear windows must allow at least 70% transmission of light (HC & PH Licensing Policy - Appendix 6: A).

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER

7. By implementing the recommendation of this report, the Doncaster Council HC & PH Licensing Policy will remain up to date and fit for purpose. The safety of the travelling public of Doncaster will not be compromised and, moreover, will be upheld by the recommendations of this report by ensuring high specification, quality vehicles can be licensed for private hire use.

BACKGROUND

8. The current law requires all vehicles to allow not less than 75% transmission of light through the front windscreen and not less than 70% transmission of light through the front passenger/driver side windows. There are no regulations relating to rear passenger windows or rear windscreens (i.e. all windows rear of the front driver/passenger seats). This facilitates the proliferation of vehicle manufacturers that provide, as standard, dark tinted rear windows.
9. A significant number of vehicle manufacturers offer the option of very dark windows behind the front driver/passenger seats and an increasing number fit these windows as standard without the option of alternate clearer glass.
10. The main benefits of dark tinted glass are considered to be:
 - Improved privacy;
 - Added protection from ultraviolet rays (UV) coming from the sun;
 - Improved thermal comfort by reducing heat build-up inside the vehicle; and
 - Aesthetic appearance by enhancing the look of the vehicle.
11. Private hire vehicles (PHVs) provide a valuable public transport service for schools, safeguarding agencies, local residents and visitors to Doncaster. The benefits of dark tinted glass, detailed above, are arguably desirable attributes for any PHV with the exception, at first glance, of the improved privacy.
12. Dark tinted windows fundamentally make it more difficult to see into the rear of a vehicle. For licensed vehicles this presents a number of potential paradoxes:
 - Activities taking place in the vehicle cannot be viewed from the outside posing a potential risk to both passengers and driver.
 - Enforcement officers need to see that the maximum number of passengers the vehicle is licensed to carry is not being exceeded.
 - Vulnerable passengers, for example young persons, the elderly and lone females may feel safer in a vehicle where they can be seen.

- Private hire vehicles that are adapted to carry wheelchair passengers by their nature tend to have large expanses of glass. The ability for these windows to be tinted would afford passengers improved comfort and make the whole experience more pleasant.
 - In some circumstances it may be the customers preference to be afforded the privacy provided by darkened glass e.g. executive hire
13. The HC & PH Licensing Policy (the Policy) was first adopted by Council on 19th January 2012. It is within the remit of the Licensing Committee to determine this Policy. The Policy is regularly reviewed and was last revised by the Licensing Committee on 17th March 2016.
14. The Council consulted widely on the Policy prior to its adoption in January 2012. At that time the Council resolved to adopt the Policy which includes the existing private hire vehicle specification in respect of window tints. This specification effectively does not permit dark tinted rear windows in all hackney carriages and private hire vehicles licensed by the Council. The specifications relating to window tints have remained unchanged from their initial adoption in 2012. The current specification for private hire vehicles is as follows:

Tints to windows

*Tinted windows, which inhibit the ability to clearly see passengers or the driver from the outside of the vehicle, are not permitted.
All vehicles must comply with the following:*

- *The front windscreen shall allow at least 75% of light to be transmitted through it.*
- *The front side windows shall allow at least 70% of light to be transmitted through them.*
- *All other windows shall allow at least 70% of light to be transmitted through them.*

However, the Council recognise that vehicles may be manufactured with glass rearward of the driver that is darker than that allowing 70% of light to be transmitted through, especially in estate and multi-purpose vehicles (MPVs). Therefore, due to the large cost and inconvenience associated with changing glass that conforms to both type approval and construction and use regulations, the Council may exercise discretion for those vehicles which have manufactured window tints. The discretion will be based around the ability to clearly see passengers from the outside of the vehicle. Vehicles fitted with aftermarket tinted windows that do not meet the 70% rule for windows rearward of the driver will not be accepted.

Vehicles can be presented for an informal test on the tint meter at no cost. Contact the Licensing team to arrange a convenient test time.

15. Officers have experienced an increasing need for glass to be replaced in an ever increasing number of new vehicles presented for licensing as private hire vehicles. This is because an increasing number of vehicles are now manufactured with dark tinted rear windows as standard. It has also been noted that, in some instances, the Council is refusing to licence vehicles due to darkened rear windows and there being no glass options available to allow the glass be replaced.
16. Decisions regarding whether is appropriate to apply the Council's discretion, with regard to PHVs with manufacturer fitted rear glass that is darker than that allowing 70% of the light to be transmitted, has been determined by 2 senior officers. The consensus view of these officers is that you can still clearly see passengers in the rear of a PHV with glass that allows as little as 40% of the light to be transmitted. The ability to clearly see passengers below this limit reduces rapidly although is it still possible to see whether there are passengers in a vehicle fitted with much darker glass. Further research has established that vehicles fitted with darkened glass appear to afford sufficient visibility at night to be able to establish whether a vehicle is carrying passengers and indeed the number of passengers in a vehicle.
17. Recently, an established private hire operator applied to licence a 2013 multi-purpose vehicle ideally suited to meet the needs of a wide range of private hire customers. The rear glass did not meet the Council's specification for light transmission and, due to this model only being manufactured with darkened glass; the windows could not be replaced as they are not manufactured without the tint. The only option was to refuse to grant the licence with no alternate solution available to the applicant.
18. Every council can determine the criteria by which it can establish if a vehicle is suitable to be licensed as a private hire vehicle. The Department for Transport (DfT) Taxi and Private Hire Licensing - Best Practice Guidance, issued in 2010, makes the following reference to tinted windows:

Tinted Windows

The minimum light transmission for glass in front of, and to the side of, the driver is 70%. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in estate and people carrier style vehicles. When licensing vehicles, authorities should be mindful of this as well as the large costs and inconvenience associated with changing glass that conforms to both Type Approval and Construction and Use Regulations. (*para 30 DfT Taxi and Private Hire Licensing - Best Practice Guidance*)

19. Whilst this guidance was considered when the Council adopted its current window tint Policy in 2012, at that time it was considered that by incorporating the discretion to allow vehicles manufactured with darker glass, with the caveat that it was still considered possible to clearly see

in, would ensure that a wide range of vehicles could still be licensed. However, almost 5 years on, the increased prevalence of darkened glass, fitted as standard to new cars, now has the potential to limit the choice of suitable vehicles to the extent that licence holders could be driven to licence older vehicles, vehicles of an ever decreasing quality and specification or even look to become licensed by another local council where dark tints are permitted.

20. Surveys of the neighbouring councils and a selection of councils situated further afield were undertaken in October 2016 to benchmark their respective licensing policy regarding tinted windows in private hire vehicles. The results are included in the table below.

Table 1:

Comparison of licensing policy regarding tinted rear windows fitted to private hire vehicles	
Barnsley	No restrictions if manufacturers specification
Rotherham	No restrictions if manufacturers specification
Sheffield	Rear windows must allow min 70% transmission of light
North Lincolnshire	No restrictions if manufacturers specification
Medway	Rear windows must allow min 40% transmission of light
Dudley	Rear windows must allow min 40% transmission of light
Leeds	Rear windows must allow min 70% transmission of light
South Tyneside	Rear windows must allow min 35% transmission of light
Birmingham	No restrictions if manufacturers specification
Transport for London*	No restrictions if manufacturers specification

21. It is immediately evident that half of the 4 South Yorkshire licensing authorities will already licence PHVs with manufacturer fitted dark tinted rear windows.
22. Of particular significance is the policy adopted by Transport for London where manufacturer fitted tinted rear windows are permitted. According to the Department for Transport Taxi and Private Hire Vehicle Statistics: England 2015, there are 166,000 private hire vehicles in England, of these 63,000 are licensed by Transport for London (TfL)*. Almost 40% of the PHVs licensed in England are licensed by TfL where there are no restrictions on tinted windows over and above the manufacturers specification i.e. there is no prohibition on the use of glass with any degree of tint for windows rear of the driver.
23. Conclusions:
 - It is acknowledged that the Department for Transport – Taxi and

Private Hire: Best Practice Guidance, published in March 2010, the DfT advises licensing authorities to be mindful of the cost of replacing glass when setting its policy.

- Whilst statistical information is not available about the number of PHVs licensed in England that are fitted with tinted rear windows, based on our simple survey it is possible to draw the following conclusion. Based solely on the fact that every PHV licensed by Transport for London and, our second largest city, Birmingham is permitted to have tinted rear windows, it is reasonable to state that for the majority of PHVs licensed in England there is no prohibition on the use of manufacturer fitted glass, with any degree of tint, for windows rear of the driver.
- Vehicle manufacturers are more frequently installing anti-glare / tinted glass as standard to their standard production models for a variety of reasons including driver / passenger comfort and added security. In some cases vehicles are only manufactured with tinted glass and no alternate glass option is available thereby removing the option for the glass to be changed.

OPTIONS CONSIDERED AND REASON FOR RECOMMENDED OPTION

24. Option 1: - Retain existing policy.
25. Option 2: - Amend the policy in respect of PHVs to permit manufacturer fitted glass, with any degree of tint, for windows rear of the driver that also meets the relevant Construction and Use Regulations and / or Road Traffic Act requirements.
26. Having a Policy that is clear and up to date in terms of the law and best practice is the keystone to an effective taxi licensing regime. For example, it is clearly important that somebody using a PHV should be confident that the vehicle is suitable and safe. But on the other hand, if the supply of PHVs has been unduly constrained by onerous licensing requirements, then that person's safety might be put at risk by having to wait on late-night streets for a PHV to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire. It has already been established that hackney carriages licensed elsewhere can legitimately operate on a private hire basis in Doncaster and we are unable to effectively monitor them. If prospective licence holders find it difficult to licence their vehicle of choice and/or are unable to find suitable vehicles that meet Doncaster's specification then they may opt to become licensed elsewhere.
27. The private hire vehicle specifications agreed by the Council in 2012 were fit for purpose at that time. The issues identified in this report regarding the proliferation of vehicles being manufactured with dark tinted windows as standard is impacting on the private hire trade as the prospective licence holder now has to choose between a diminishing number of lower specification vehicles with no dark tinted windows and a higher specification vehicle, knowing it will cost significantly more to

change the glass and compounded by the risk that no alternate glass option may be available. i.e. Even if the licence holder is willing to go to the expense of changing the glass this cannot be achieved if alternate (clearer) glass is not manufactured.

28. Unlike hackney carriage journeys, all private hire journeys are pre-booked and full records are kept of the journey including vehicle, driver and passengers. The perceived risk to passengers and drivers is, therefore, significantly less than it would be in a hackney carriage.
29. By not permitting after-market (stick-on film type) window tints no one is significantly prejudiced as anyone intending to licence a vehicle which already has them fitted merely has to remove the film to permit it to be licensed. Anyone that has a legitimate need for rear tinted glass will be encouraged to purchase a newer, higher quality and inherently safer vehicle, to the advantage of the passengers.
30. An increasing amount of officer and licence holder time is taken up making subjective decisions on vehicles with tinted glass to establish if it is eligible for the Council's existing discretion policy. By clarifying the Policy and permitting all manufacturer fitted rear tints, resources will be more effectively deployed.
31. It is a genuine concern that in the near future it will become increasingly difficult, and in some cases impossible, for licence holders to source vehicles or un-tinted glass to replace tinted window in new vehicles.
32. For these reasons and the conclusions detailed in paragraph 23, in particular the fact that for the majority of PHVs licensed in England there is no prohibition on the use of manufacturer fitted glass, with any degree of tint, for windows rear of the driver, option 2 is considered to be the most appropriate option.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

33.

	Outcomes	Implications
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Be a strong voice for our veterans</i> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>The Policy ensures that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p>

	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>The Policy ensures that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p>
	<p>People in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>The Policy ensures that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p>
	<p>All families thrive.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>None</p>
	<p>Council services are modern and value for money.</p>	<p>Functions are delegated in the interests of speed, efficiency and cost effectiveness wherever possible.</p>
	<p>Working with our partners we will provide strong leadership and governance</p>	<p>None</p>

RISKS AND ASSUMPTIONS

34. It is accepted good practice that a Licensing Authority adopts a statement of licensing policy in respect of taxi licensing. By not having a Policy decisions of the Licensing Authority are more open to challenge.

LEGAL IMPLICATIONS

35. Private hire licensing is a function of the Council. The statutory powers are contained in the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976.
36. Every local authority can determine the criteria by which it can establish if a vehicle is suitable to be licensed as a private hire vehicle.

FINANCIAL IMPLICATIONS

37. There are no significant financial implications with this report.

HUMAN RESOURCES IMPLICATIONS

38. Not applicable

TECHNOLOGY IMPLICATIONS

39. Not applicable

EQUALITY IMPLICATIONS

40. Decision makers must consider the Council's duties under the Public Sector Equality Duty at s149 of the Equality Act 2010. The duty requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic. There are no specific equality implications arising from this report. However, any activities arising from this report will need to be the subject of separate 'due regard' assessments.

CONSULTATION

41. Benchmarking against other council licensing policies and discussion with the manager responsible for the Council's taxi fitness tests.

BACKGROUND PAPERS

42. Doncaster Council's Hackney Carriage and Private Hire Licensing Policy.

REPORT AUTHOR & CONTRIBUTORS

Paul Williams, Business Safety & Licensing Manager

Tel: (01302) 737837

E: mail: pj.williams@doncaster.gov.uk

Marie-Clare Churchman, Senior Legal Officer

Telephone: 01302 736722

Email: marie-clare.churchman@doncaster.gov.uk

Paul Holgate, Finance Officer

Telephone: 01302 737684

Email: paul.holgate@doncaster.gov.uk

Peter Dale
Director of Regeneration and Environment

This page is intentionally left blank

TO THE CHAIR AND MEMBERS OF THE LICENSING COMMITTEE

Hackney Carriage and Private Hire Licensing Policy Hackney carriage driver, private hire driver and private hire operator licensing – Safeguarding Awareness Training

EXECUTIVE SUMMARY

1. The Doncaster Council Hackney Carriage and Private Hire Licensing Policy (HC & PH Licensing Policy) includes details of the driver standards and conditions and the pre-requisite requirements before a licence will be granted.
2. It is proposed to make changes to the Policy, in particular enhancements to the suitability test for licensed drivers and operators to require all drivers and operators to undertake safeguarding awareness training. In addition to the existing requirements, new applicants and existing licence holders would need to provide evidence of having undertaken safeguarding awareness training, delivered by an approved provider, before being considered fit and proper.
3. At the time of writing this report 728 (circa 85%) of Doncaster's licensed drivers have already, voluntarily, attended a safeguarding awareness session organised by Doncaster Council.
4. A recent consultation exercise was undertaken to seek views on the proposals set out in Appendix 1. The results of the consultation are detailed in Appendix 2.

RECOMMENDATIONS

5. It is recommended that the Hackney Carriage and Private Hire Licensing Policy be amended as per Appendix 1.
6. Unless otherwise stated, the date of implementation of this policy shall be 1st January 2017.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER

7. By implementing the recommendation of this report, the Doncaster Council Hackney Carriage and Private Hire Licensing Policy will remain up to date and fit for purpose. The safety of the travelling public of Doncaster will be enhanced by the recommendations of this report.

BACKGROUND

8. Since October 2015 Doncaster taxi drivers have been offered, on a voluntary attendance basis, safeguarding training arranged by the Council's Business Safety and Licensing team, as part of a multi-agency initiative to protect the safety of the travelling public.
9. The decision to introduce the training was made following the publication of the Jay report into child sexual exploitation in Rotherham and the subsequent Casey report into Rotherham Council's exercise of its functions on governance, children and young people, and taxi and private hire licensing.
10. Both the Jay and Casey reports indicated that licensed vehicles played a prominent role in the issues in Rotherham and as result there has been a significant impact on public confidence in taxi and private hire drivers.
11. The training covers the following key areas:
 - Understanding the need to protect vulnerable adults, young people and children.
 - Identifying possible victims of abuse and exploitation by understanding indicators of risk.
 - Identifying sources of advice and pathways for reporting concerns.
 - Understanding their roles and responsibilities in relation to personal safety and security.
12. To date over 750 delegates have attended one of the 22 awareness raising sessions. Circa 85% (728) of the taxi drivers currently licensed by Doncaster Council have already voluntarily attended one of the sessions.
13. All our licensed drivers and operators need to command the highest level of confidence before they transport passengers – especially those who may be considered vulnerable. It is, therefore, considered appropriate to make attendance at one of the Council's safeguarding awareness raising sessions a pre-requisite requirement of all new applicants for a taxi driver or operator licence before a licence is granted and a mandatory requirement of all existing licence holders i.e. everyone licensed to operate a private business, drive a private hire vehicle and or a hackney carriage vehicle.
14. The HC & PH Licensing Policy (the Policy) was adopted by Council on 19th January 2012. It is within the remit of the Licensing Committee to determine policies that are relevant to the Council's functions under Part 3 of the Constitution which relate to those licensing and

registration functions unless the policy must be determined by Full Council. The Policy was last revised by the Licensing Committee on the 17th March 2016.

15. On the 28th June 2016 the Licensing Committee resolved that:
 1. The Committee authorises the Assistant Director - Environment, to go out to consultation, with licensed drivers, private hire operators and interested parties e.g. safeguarding organisations, on the on the basis of the proposals set out in Appendix 1;
 2. The Business Safety and Licensing Manager be tasked to report back to the Committee in respect of the outcome of that consultation and make final recommendations to the Committee.
16. The details of the consultation exercise are outlined in sections 32 to 34 of this report and the results are detailed in Appendix 2.
17. Analysis of the consultation responses shows significant support for each of the proposals set out in Appendix 1.

OPTIONS CONSIDERED AND REASON FOR RECOMMENDED OPTION

18. The options are to do nothing and continue to offer safeguarding awareness training on a voluntary basis to those new applicants and existing licence holders that recognize its value or look to make it policy for all drivers/operators (new and existing) to have undertaken the training before they can be considered 'fit and proper' to hold or continue to hold a licence to drive a hackney carriage, private hire vehicle or operate a private hire business.
19. The benefits of all taxi drivers/operators undertaking safeguarding training with a view to them being the 'eyes and ears' of the community is widely acknowledged. It is widely recognized best practice to require taxi drivers to attend safeguarding awareness training and by looking to make this policy for Doncaster licence holders we would ensure that our standards are comparable with a significant number of other Councils. These recognized benefits can only be enhanced by also requiring private hire operators to undertake the training.
20. Having a policy that is clear and up to date in terms of the law and best practice is the keystone to an effective taxi licensing regime. For the above reasons, coupled with the fact that well over three quarters of our licensed drivers have recognized the value of the training and supported it by attending voluntarily, the recommended option is for safeguarding awareness training to become a mandatory requirement of all licensed drivers and operators.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

21.

	Outcomes	Implications
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Be a strong voice for our veterans</i> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>The Policy ensures that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p>
	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>The Policy ensures that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p>
	<p>People in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>The Policy ensures that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p>
	<p>All families thrive.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>None</p>
	<p>Council services are modern and value for money.</p>	<p>Functions are delegated in the interests of speed, efficiency and cost effectiveness wherever possible.</p>
	<p>Working with our partners we will provide strong leadership and governance</p>	<p>None</p>

RISKS AND ASSUMPTIONS

22. It is accepted good practice that a Licensing Authority adopts a statement of licensing policy in respect of taxi licensing. By not having

a Policy decisions of the Licensing Authority are more open to challenge.

LEGAL IMPLICATIONS

23. Sections 51(1), 55(1) and 59(1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council shall not grant a licence to drive private hire or hackney carriage vehicles or to operate private hire vehicles unless they are satisfied that the applicant is a fit and proper person to hold such a licence.
24. Sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 provide a right of appeal to the Magistrates' court to a person aggrieved by the refusal of a district council to grant a licence on the ground that they are not a fit and proper person to hold such a licence.
25. To lessen the risk of judicial challenge effective consultation should occur. If the effect of the new policy is to tighten up on the existing regulatory regime, then if this is to apply in respect of existing licence holders, those licence holders need to understand that this will be the effect of the policy and they must be given the opportunity to make representations. Effective consultation has taken place and opportunity has been made for existing licence holders to make representations.
26. It is considered lawful to review existing licensees as a result of a clearly worded and implemented policy. There is a lawful foundation that lies at the heart of the proposal – public safety. If the policy wording is not clear then a licence holder may advance an argument that they have a legitimate expectation to enjoy the use of the licence unless there is a material change. That material change may come in the form of a new policy inviting greater expectations. It would not be approached as a retrospective application of a new policy to existing licensees as such, but rather an immediate application of a regime that has public safety at the heart of its concerns.

FINANCIAL IMPLICATIONS

27. Costs associated with delivering the Safeguard Awareness Training to existing licence holders are currently being met by funding available through the approved training provider, Sheffield Futures. Going forward, the training of new licence applicants will be delivered by the CSE team of the Doncaster Children's Services Trust.
28. The licensing service does incur some support costs associated with the training. Cost associated with the applications and their determinations is met from the fees paid to the Council by applicants for Taxi Licences under the relevant legislation.

HUMAN RESOURCES IMPLICATIONS

29. Not applicable

TECHNOLOGY IMPLICATIONS

30. Not applicable

EQUALITY IMPLICATIONS

31. Decision makers must consider the Council's duties under the Public Sector Equality Duty at s149 of the Equality Act 2010. The duty requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic. There are no specific equality implications arising from this report. However, any activities arising from this report will need to be the subject of separate 'due regard' assessments.

CONSULTATION

32. A public consultation, on the proposals set out in Appendix 1, ran from 12th October up to 15th November 2016. The consultation was conducted online with the facility for anyone that was unable to respond electronically to take part at the Civic Office.
33. The consultation was published on the Council's website and promoted via pop-ups and social media. In addition, the following were consulted directly:
- Age UK
 - All of Doncaster Council's ward councillors
 - Barnsley, Rotherham and Sheffield licensing authorities
 - Doncaster Chamber
 - Doncaster Childrens Service Trust
 - Doncaster Council's pupil transport team
 - Doncaster Safeguarding Children's Board
 - Doncaster Women's Centre
 - Federation of small businesses
 - Known representatives of the taxi trade
 - National Private Hire Association
 - Parish Councils
 - Personal letter sent to all Doncaster private hire operators (70)
 - Personal letter sent to all Doncaster hackney carriage and private hire drivers (856)
 - The Local Authority Designated Officer (LADO)
 - South Yorkshire Police

- The office of the Police and Crime Commissioner
34. 84% of the consultation responses were from people directly involved in the Doncaster taxi trade as a licensed driver, licensed private hire operator and/or the proprietor of a licensed vehicle. The results of the consultation are detailed in Appendix 2.

BACKGROUND PAPERS

35. Doncaster Council's Hackney Carriage and Private Hire Licensing Policy

36. Item 6 - Licensing Committee 28th June 2016

<http://doncaster.moderngov.co.uk/ieListDocuments.aspx?CId=137&MIId=2449&Ver=4>

REPORT AUTHOR & CONTRIBUTORS

Paul Williams, Business Safety & Licensing Manager
Tel: (01302) 737837
E: mail: pj.williams@doncaster.gov.uk

Marie-Clare Churchman, Senior Legal Officer
Telephone: 01302 736722
Email: marie-clare.churchman@doncaster.gov.uk

Paul Holgate, Finance Officer
Telephone: 01302 737684
Email: paul.holgate@doncaster.gov.uk

Peter Dale
Director of Regeneration and Environment

Appendix 1

It is proposed that the Hackney Carriage and Private Hire Licensing Policy be amended as follows:

1. Section 3 of the Policy (Hackney Carriage and/or Private Hire Driver Licence – New and Renewal applications) be amended to include the following statement:

In order for the Council to establish whether an applicant is fit and proper the applicant must provide evidence of:

- Attending a safeguarding awareness session approved by Doncaster Council.

New applicants must have undertaken recognised safeguarding training within the previous 12 months. (See Note 1)

Licence holders must undertake recognised refresher training at least once every 36 months. Applications for renewal will only be considered where the applicant can show they have attended a recognised safeguarding training session within 36 months of the date of expiry of their current licence. (See Note 1)

2. Section 5.0 of the Policy (Private Hire Operators Licence) be amended to include the following statement:

In order for an operator to prove that they are fit and proper they must provide evidence that they:

- Have attended a safeguarding awareness session approved by Doncaster Council and demonstrated a commitment to cascade this knowledge to all staff directly involved with the day to day operation of the business in particular those involved in taking bookings and dispatching vehicles and drivers.

New applicants must have undertaken recognised safeguarding training within the previous 12 months. (See Note 1)

Licence holders must undertake recognised refresher training at least once every 36 months. Applications for renewal will only be considered where the applicant can show they have attended a recognised safeguarding training session within 36 months of the date of expiry of their current licence. (See Note 1)

Application to existing licence holders

In addition to the above applying to all new applicants with immediate effect from the date of implementation, it is also proposed that the Policy be applied immediately to all existing licence holders with effect from 31st March 2017.

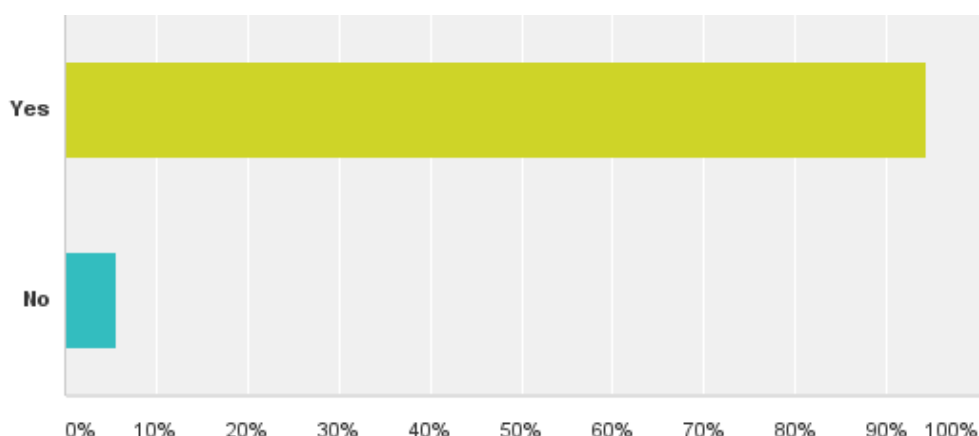
The Policy will be revised to the effect that any licence holder who has not attended a safeguarding awareness session by 31st March 2017 will no longer be considered fit and proper and their licence will be suspended or their renewal refused until they have done so.

Note 1: The highlighted sections are proposed further additions to the policy that have arisen out of the consultation exercise.

Results of the consultation

Q1: Should the Policy be amended to require all new applicants for a hackney carriage or private hire driver's licence to attend a safeguarding awareness session before being granted a licence?

Answered: 107 Skipped: 17



Answer Choices	Responses
Yes	94.39% 101
No	5.61% 6
Total	107

Comments made by those respondents that answered No to Q1.

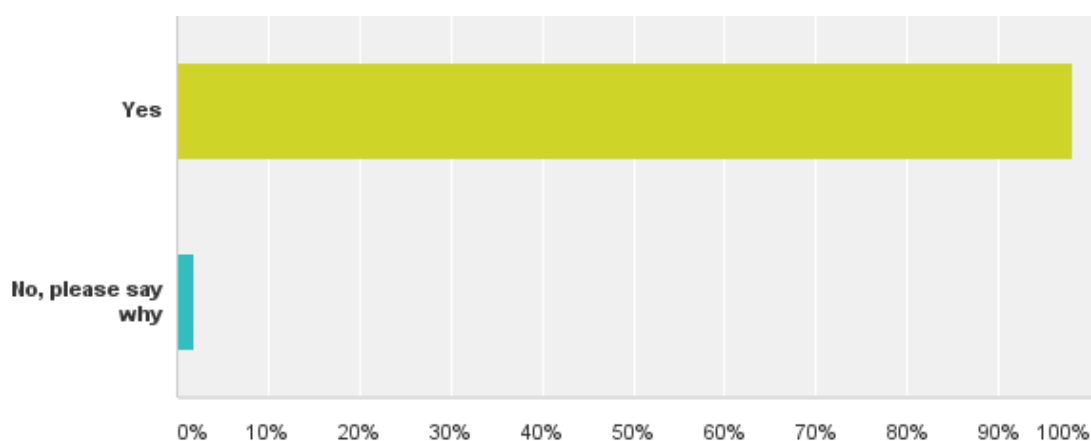
1. All drivers are classed as fit and proper as having enhanced police checks carried out...anyone who sees something that just doesn't feel right would report to police! It is handy having the CSE helpline number in office to free the police lines, but anyone who seen or felt suspicious would report for child safety, whether said child was 5 or 15.
2. Certifications and qualifications over and above the minimum requirements for any particular trade are at best arbitrary. Any member of the public who has met the requirements of becoming a licensed taxi driver under the regulations imposed by a particular local authority, must be accepted as a fit and proper person to conduct the trade of driving taxi for hire. Imposing any requirements over and beyond the already set criteria would mean two things: Firstly, it is a reflection on the inadequacy of the minimum criteria set by the concerned local authority. And secondly it undermines the values of a free Society whereby all citizens are deemed to have the minimum standards of

becoming responsible citizens and fully conformant with the standards of safeguarding within their occupations and trades.

3. Many firms are short staffed and the length of time it takes to get a badge is long enough, if the session could be done in the same period as it takes to get a badge then yes otherwise no but must take the first available session after getting a badge.
4. No comment
5. No comment
6. No comment

Q2: Should the Policy be amended to require all new applicants for a private hire operator's licence to attend a safeguarding awareness session and demonstrate a commitment to cascade this knowledge to all staff directly involved with the day to day operation of the business before being granted a licence?

Answered: 107 Skipped: 17



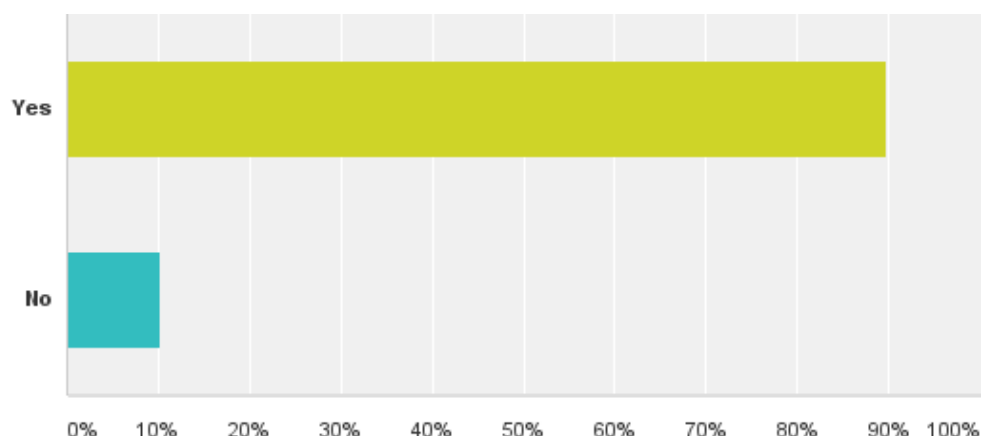
Answer Choices	Responses
Yes	98.13% 105
No	1.87% 2
Total	107

Comments made by those respondents that answered No to Q2.

1. No comment.
2. No comment.

Q3: Should the Policy be amended to require all existing licensed hackney carriage and private hire drivers, who have not already attended one of the Council's safeguarding awareness sessions, to attend a safeguarding awareness session by 31st March 2017 or have their licence suspended or their renewal refused until they have done so?

Answered: 107 Skipped: 17



Answer Choices	Responses
Yes	89.72% 96
No	10.28% 11
Total	107

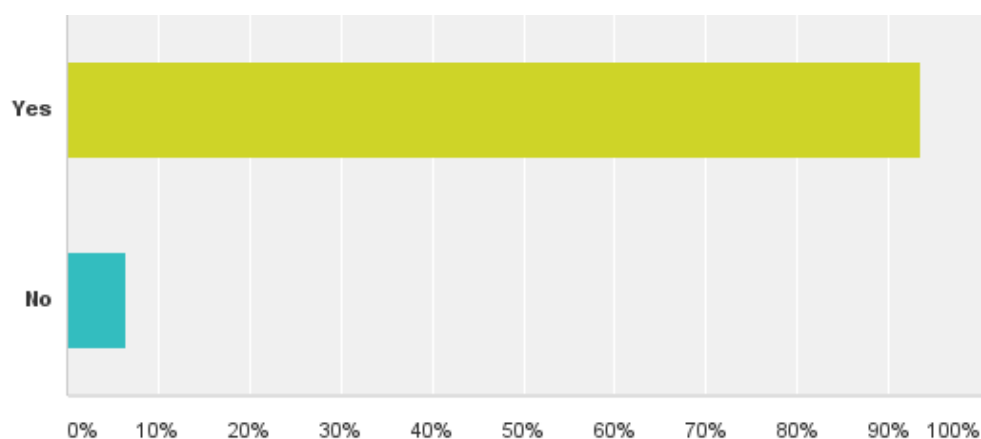
Comments made by those respondents that answered No to Q3.

1. I'm not sure but should be
2. So long as operator has been on the course then they should explain about safe guarding and give the phone number for CSE to every drive so they can use in private...but to be honest I went on the course and it was to me just basic common sense, although I would have phoned police as I didn't know about CSE but other than that it was 2 hours of someone explaining common sense.
3. If you have been doing the job for a while you should know what it entails. An update on things may be better placed optional.
4. Suspending the licence is an unnecessary action as it is not easy to get a taxi badge for some and for some is the main source of income to help run the household. I believe drivers should be spoken with who do not attend the course in first instance and should be explained why this is necessary and how they and their family and friends can be safe by in this day and age with the help of this course.

5. Not fair
6. Because I think every taxi driver is old and sensible enough to understand what's happening in his or her cab. Stopping someone from making his or her living for the sake of giving him or her some awareness is not fair with him/ her or with his or her family.
7. Certifications and qualifications over and above the minimum requirements for any particular trade are at best arbitrary. Any member of the public who has met the requirements of becoming a licensed taxi driver under the regulations imposed by a particular local authority, must be accepted as a fit and proper person to conduct the trade of driving taxi for hire. Imposing any requirements over and beyond the already set criteria would mean two things: Firstly, it is a reflection on the inadequacy of the minimum criteria set by the concerned local authority. And secondly it undermines the values of a free Society whereby all citizens are deemed to have the minimum standards of becoming responsible citizens and fully conformant with the standards of safeguarding within their occupations and trades.
8. They have done it already
9. If made mandatory yes. If not your taking their right to work away.
- 10.No comment
- 11.No comment

Q4: Should the Policy be amended to require all existing licensed private hire operators, who have not already attended one of the Council's safeguarding awareness sessions, to attend a safeguarding awareness session by 31st March 2017 and demonstrate a commitment to cascade this knowledge to all staff directly involved with the day to day operation of the business or have their licence suspended or their renewal refused until they have done so?

Answered: 107 Skipped: 17



Answer Choices	Responses	
Yes	93.46%	100
No	6.54%	7
Total		107

Comments made by those respondents that answered No to Q4.

1. If your operating owners are more than an individual owner then as long as 1 of them have been that should suffice.
2. If you have been doing the job for a while you should know what it entails. An update on things may be better placed optional.
3. Not fair
4. There is enough track record of the existing private hire operators to reflect that overall a good standard of service has been delivered by them.
5. If made mandatory yes. If not your taking their right to work away.
6. No comment
7. No comment

Selection of general comments

1. I do agree that all Hackney and Private Hire drivers should undertake safeguarding awareness training. However I would like to point out that, I do believe that the Hackney and Private Hire drivers in Doncaster are of a respectable and responsible drivers and a credit to the town, and overall provide a good public service and should not be put under too much pressure by Doncaster Council due to what have happen in Rotherham.
2. I've already done it and i think it's important with all school runs..!
3. All drivers need to attend
4. If the above is implemented which I fully agree with would this training be a one off or required to attend yearly when you wish to renew?
5. Public safety to be paramount...more inspections and routine stops enforced.
6. I have come across several instances in the past which I think are unacceptable in regards to safeguarding. I believe that most of these could easily have been avoided if all staff and drivers were aware of what could be an issue regarding a young or vulnerable person.
7. Consider a 3 year refresher requirement to coincide with renewal

This page is intentionally left blank

TO THE CHAIR AND MEMBERS OF THE LICENSING COMMITTEE

Hackney Carriage and Private Hire Licensing Policy – Appendix 10 Private Hire Operator – Conditions of Licence

EXECUTIVE SUMMARY

1. The Doncaster Council Hackney Carriage and Private Hire Licensing Policy (HC & PH Licensing Policy) includes details of standards and conditions attached to the grant of a private hire operator's licence.
2. It has been established that once a vehicle has been licensed as a hackney carriage, it is a hackney carriage for the duration of that licence, wherever it is currently located, and can therefore be used for pre-booked (private hire) purposes in any district in England and Wales.
3. This situation creates a number of potential difficulties for us as a Licensing Authority and for other enforcement agencies, members of the public and the trade.
4. It has the potential to become a significant issue here in Doncaster because of an influx of hackney carriages into the town that are licensed by other Local Authorities.
5. In order to secure that effective safeguards are in place to mitigate against any public safety impact of this, additional conditions are being proposed.
6. A recent consultation exercise was undertaken to seek views on the proposals set out in Appendix 1. The results of the consultation are detailed in Appendix 2 and amendments to the proposed conditions, arising out of the consultation are highlighted within Appendix 1.

RECOMMENDATIONS

7. It is recommended that:
 - i. The Private Hire Operator Licence Conditions contained within the Hackney Carriage and Private Hire Licensing Policy be amended as per Appendix 1 of this report.

- ii. For all new licences or renewals these additional conditions shall take effect immediately upon grant.
- iii. For existing licence holders, steps will be taken to apply the additional conditions as expediently as lawfully possible with the proviso that, once applied, existing licence holders will have a period of 3 months to comply with the new requirements.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER

8. By implementing the recommendation of this report, the Doncaster Council Hackney Carriage and Private Hire Licensing Policy will remain up to date and fit for purpose. The safety of the travelling public of Doncaster will be enhanced by the recommendations of this report.

BACKGROUND

9. In 2010, the High Court handed down a judgment in the case of Stockton-On-Tees Borough Council v Fidler, Hussain & Zamanian. This identified that once a vehicle has been licensed as a hackney carriage, it is a hackney carriage for the duration of that licence, wherever it is currently located, and can therefore be used for pre-booked (private hire) purposes in any district in England and Wales.
10. The judgment makes it clear that it is not an offence for a licensed private hire operator to take bookings, and then dispatch a hackney carriage licensed by a district (or Transport for London - TfL) which is different from that which licences the operator, to undertake the booking.
11. It also confirms that a hackney carriage vehicle can be used for pre-booked work outside the district in which the vehicle has been licensed, even if the Licensing Authority is some considerable distance from the district in which the vehicle is undertaking the pre-booked work.
12. The situation creates a number of potential difficulties for us as a Licensing Authority and for other enforcement agencies, members of the public and the trade. These include:
 - prejudice to public safety
 - inconsistent standards
 - increase in illegal 'plying for hire'
 - the inability to enforce or undertake spot checks on these vehicles (although the Police or VOSA have jurisdiction of any licensed vehicle, regardless of where they are licensed)
 - confusion for the customer and possible reduced disability access
 - conflict amongst the two sides of the licensed trade
 - loss of income to the local authority

13. In order to control the situation as far as is possible, it is important for all those affected by the ruling to understand the limits of the Stockton case in relation to what is allowed, and more importantly, what is not. This has the potential to become a significant issue here in Doncaster because of an influx of hackney carriages e.g. vehicles licensed by Gedling Borough Council, Rossendale Council and West Lindsey Council in to the town.
14. Since the Stockton ruling, the licensing team have received a significant number of enquiries about the situation from elected members, members of both the private hire and hackney carriage trade and from colleagues in other licensing authorities. Until recently a means of addressing this situation has not been identified.
15. For the Council, there are two principal concerns:
 - 1) Hackney carriage vehicles and drivers currently licensed elsewhere being used by private hire operators licensed in Doncaster to undertake private hire work.
 - 2) Individuals who previously have not been considered 'fit and proper' to hold a licence by Doncaster Council, e.g. due to inappropriate behaviour, can potentially become licensed as a hackney carriage driver in another local authority area and then undertake work here in Doncaster.
16. For drivers, there could be some perceived benefit in being licensed elsewhere, as the current system we have in place is arguably more rigorous than perhaps those at some other local authorities. For example, all drivers licensed by Doncaster Council are first required to satisfactorily complete a topographical knowledge test of the Doncaster borough. Drivers licensed elsewhere will not have a proven knowledge of the Doncaster borough with the potential for the passenger experience to be less efficient than might reasonably be expected.
17. Of particular concern is point 2 of paragraph 15. For example, where a Doncaster driver's licence is either revoked or refused by Doncaster Council due to inappropriate behaviour, it is conceivable that, where this behaviour falls short of a criminal conviction, the driver could become licensed elsewhere and undertake work here in Doncaster.
18. In relation to the concerns set out in paragraph 15, the High Court judgement defines the parameters within which this activity may be carried out. In reality, as a Licensing Authority, there is nothing Doncaster Council can do to prevent such trade, but it is possible to introduce additional conditions to protect public safety. Officers already have on record a small number of complaints from fare paying passengers and other stakeholders about the adequacy of the service received by out of Doncaster hackney carriage vehicles despatched to them by local private hire firms.

19. In order to secure that effective safeguards are in place to mitigate against any public safety impact of the application of the cross border rules within Doncaster, officers have produced some additional conditions which, following a period of consultation, it is proposed should be adopted and inserted into the existing private hire operator licence conditions. The proposed conditions appear in Appendix 1.
20. On the 28th June 2016 the Licensing Committee resolved that:
 1. The Assistant Director, Environment, be authorised, to go out to consultation with private hire operators, private hire vehicle licence holders and hackney carriage vehicle licence holders, on the basis of the proposals set out in Appendix 1 of the report; and
 2. The Business Safety and Licensing Manager be tasked to report back to the Committee in respect of the outcome of that consultation and make final recommendations to the Committee.
21. The details of the consultation are outlined in the Consultation section of this report and the results are summarised in Appendix 2.
22. Analysis of the consultation responses shows significant support for each of the proposals set out in Appendix 1 and the feedback received has resulted in a number of additions which have been highlighted within Appendix 1.

OPTIONS CONSIDERED AND REASON FOR RECOMMENDED OPTION

23. Having a Policy that is clear and up to date in terms of the law and best practice is the keystone to an effective taxi licensing regime. For these reasons the recommendations in paragraph 7 are considered to be the most appropriate options.
24. The Council has an over-arching public safety jurisdiction to safeguard the interests of passengers and the public. The implications of the ruling referred to in paragraph 9 identify a number of licensing loopholes which, if not addressed satisfactorily, could impact on public safety.
25. The consultation exercise has resulted in significant support for the proposed additional conditions and an appetite to ensure they are applied to new and existing licences as expediently as possible (Appendix 2).
26. It is reasonable for the public of Doncaster, when booking a private hire vehicle from a Doncaster licensed private hire operator, to expect that Doncaster Council have determined that the vehicle is suitable and that the driver is a 'fit and proper' person. The proposed conditions will afford customers the opportunity to make an informed decision prior to

making their booking.

27. To do nothing is not considered a viable option. There remain legitimate public interest concerns that need to be addressed in order to maintain robust regulatory control within Doncaster for the benefit of the fare paying public and licence holders.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

28.

	Outcomes	Implications
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Be a strong voice for our veterans</i> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>The Policy ensures that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p>
	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>The Policy ensures that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p>
	<p>People in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>The Policy ensures that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p>
	<p>All families thrive.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>None</p>
	<p>Council services are modern and value for money.</p>	<p>Functions are delegated in the interests of speed, efficiency and cost effectiveness wherever</p>

		possible.
	Working with our partners we will provide strong leadership and governance	None

RISKS AND ASSUMPTIONS

29. It is accepted good practice that a Licensing Authority adopts a statement of licensing policy in respect of taxi licensing. By not having a policy, decisions of the Licensing Authority are more open to challenge.

LEGAL IMPLICATIONS

30. Section 55 of the Act states that, a district council shall, on receipt of an application from any person for the grant to that person of a licence to operate private hire vehicles grant to that person an operator's licence:
Provided that a district council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence.
31. A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary. Any applicant aggrieved by the refusal of a district council to grant an operator's licence under this section, or by any conditions attached to the grant of such a licence, may appeal to a magistrates' court.
32. Section 62 of the Local Government (Miscellaneous) Provisions Act 1976 provides that a district council may suspend or revoke, or (on application therefor under section 55 of this Act) refuse to renew an operator's licence on any of the following grounds:
- 1 (a) any offence under, or non-compliance with, the provisions of this Part of this Act;
(b) any conduct on the part of the operator which appears to the district council to render him unfit to hold an operator's licence;
(c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or
(d) any other reasonable cause.
 - 2 Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the operator notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within fourteen days of such suspension, revocation or refusal.
 - 3 Any operator aggrieved by a decision of a district council under this section may appeal to a magistrates' court.
33. If the Council decide to revoke existing licences in order to renew with additional conditions, the licences would be revoked under (d) above,

i.e. any other reasonable cause. If the Applicant appealed, the Council would have to demonstrate that the revocation was necessary to ensure the safety of the public.

FINANCIAL IMPLICATIONS

34. The costs associated with the applications and their determinations are met from fees paid to the Council by applicants for Taxi Licences under the relevant legislation. Ultimately drivers taking up licenses elsewhere could result in a reduction in income achievable and would bring about a cost pressure within the Licensing service.
35. Since the Stockton 2010 High Court ruling, income levels have remained constant within the Taxi Licensing budgets.

HUMAN RESOURCES IMPLICATIONS

36. Not applicable

TECHNOLOGY IMPLICATIONS

37. Not applicable

EQUALITY IMPLICATIONS

38. Decision makers must consider the Council's duties under the Public Sector Equality Duty at s149 of the Equality Act 2010. The duty requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic. There are no specific equality implications arising from this report. However, any activities arising from this report will need to be the subject of separate 'due regard' assessments.

CONSULTATION

39. A public consultation, on the proposals set out in Appendix 1, ran from 12th October up to 15th November 2016. The consultation was conducted online with the facility for anyone that was unable to respond electronically to take part at the Civic Office.
40. The consultation was published on the Council's website and promoted via pop-ups and social media. In addition, the following were consulted directly:
 - Age UK
 - All of Doncaster Council's ward councillors
 - Barnsley, Rotherham and Sheffield licensing authorities

- Doncaster Chamber
 - Doncaster Childrens Service Trust
 - Doncaster Council's pupil transport team
 - Doncaster Safeguarding Children's Board
 - Doncaster Women's Centre
 - Federation of small businesses
 - Known representatives of the taxi trade
 - National Private Hire Association
 - Parish Councils
 - Personal letter sent to all private hire operators (70)
 - Personal letter sent to all hackney carriage and private hire drivers (856)
 - The Local Authority Designated Officer (LADO)
 - South Yorkshire Police
 - The office of the Police and Crime Commissioner
41. 84% of the consultation responses were from people directly involved in the Doncaster taxi trade as a licensed driver, licensed private hire operator and/or the proprietor of a licensed vehicle. The results of the consultation are detailed in Appendix 2.

BACKGROUND PAPERS

42. Doncaster Council's Hackney Carriage and Private Hire Licensing Policy.
43. Item 5 - Licensing Committee 28th June 2016.

<http://doncaster.moderngov.co.uk/ieListDocuments.aspx?CId=137&MIId=2449&Ver=4>

REPORT AUTHOR & CONTRIBUTORS

Paul Williams, Business Safety & Licensing Manager
Tel: (01302) 737837
E: mail: pj.williams@doncaster.gov.uk

Marie-Clare Churchman, Senior Legal Officer
Telephone: 01302 736722
Email: marie-clare.churchman@doncaster.gov.uk

Paul Holgate, Finance Officer
Telephone: 01302 737684
Email: paul.holgate@doncaster.gov.uk

Peter Dale
Director of Regeneration and Environment

Appendix 1

It is proposed that the following condition be added as an additional condition to Doncaster Council's existing Private Hire Operator Licence Conditions.

CONDITION: 'OUT OF TOWN' HACKNEY CARRIAGES ACTING AS PRIVATE HIRE VEHICLES IN THE DONCASTER COUNCIL LICENSING DISTRICT.

i. SCHEDULE OF DRIVERS

- a) The Private Hire Operator shall notify the Licensing Authority forthwith, and in any event within 72 hours of each and every Hackney Carriage driver employed or used for Private Hire bookings on the Operator Driver Schedule (Form OPDS/HCD); this will include Hackney Carriage drivers licensed by this or any other Licensing Authority. **(Note 1)**
- b) Where a Private Hire Operator ceases to employ or use any such licensed Hackney Carriage driver, the Operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing/email and present the form OPDS/HCD to the Licensing Authority for amendment by, or on behalf of, the Licensing Officer. **(Note 1)**
- c) The Private Hire Operator shall retain a copy of the Hackney Carriage driver licence granted by another Licensing Authority along with a copy of the driver's DVLA licence, and any other driver of that vehicle, and forward a copy of those documents to the Doncaster Council Licensing Office forthwith, and in any event within 72 hours of registering that driver on the form (OPDS/HCD). **(Note 1)**

ii. SCHEDULE OF VEHICLES

- a) The Private Hire Operator shall notify the Licensing Authority forthwith and in any event within 72 hours of each and every Hackney Carriage vehicle employed or used by the operator on the Operator Vehicle Schedule (Form OPVS/HCV), this includes those Hackney Carriage vehicles licensed by this or any other Licensing Authority. **(Note 1)**
- b) Where a Private Hire Operator ceases to employ or use any such licensed Hackney Carriage vehicle, the Operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing/email and present the form OPVS/HCV to the Licensing Authority for amendment by, or on behalf of, the Licensing Officer. **(Note 1)**.
- c) The Private Hire operator shall retain a copy of the Hackney Carriage vehicle licence granted by another Licensing Authority along with a copy of the MOT certificate, certificate and policy of insurance and vehicle registration document and forward a copy of those documents to the Doncaster Council Licensing Office forthwith and in any event

within 72 hours of registering that vehicle on the form (OPVS/HCV).
(Note 1).

iii. ADVERTISING ON VEHICLES

- a) Where a Hackney Carriage vehicle is licensed by another Licensing Authority, such a Hackney Carriage driver or Hackney Carriage vehicle is expressly prohibited from using any literature, any documentation, any advertising or displaying any signage associated to the Private Hire Operator or Doncaster Council which suggests or might lead to a misunderstanding that the vehicle is licensed by this Authority.

iv. RECORD OF BOOKINGS ALLOCATED TO VEHICLES NOT LICENSED BY DONCASTER COUNCIL AND THE PROVISION OF INFORMATION TO CUSTOMERS (Note 2)

- a) The receipt of advance bookings by the licensed Operator for Hackney Carriage vehicles licensed by another Licensing Authority or which are subsequently allocated to a Hackney Carriage Vehicle, licensed by another Licensing Authority, must be maintained in a completely separate register of bookings and in the same format as condition 1. If a computerised booking system is in place those booking records must be kept in a completely separate and distinct area of the systems hard drive to enable easy inspection by the Council.
- b) A separate telephone line and telephone number must be used and installed by the Private Hire Operator and used for Hackney Carriage vehicles licensed by another Licensing Authority which are undertaking Private Hire bookings within that operating base.

There must be a pre-recorded intercept message on the unique booking telephone line which clearly states to prospective customers the following:

“The driver and vehicle you are about to book are not licensed by Doncaster Council and Doncaster Council is not empowered to take licensing action against them in the event of a complaint. In the event of a complaint customers will have to deal with that other Authority where they may be licensed.”

- c) The caller should then be reminded of the Private Hire Operator main telephone number and given the option to be redirected to “a Doncaster Council licensed driver and vehicle”.
- d) Where a booking is made in person, the Private Hire Operator must, at the time of making a booking, inform the customer verbally or by any means likely to bring the information to the attention of the customer of the following statement:

The driver and vehicle you are about to book are not licensed by Doncaster Council and Doncaster Council is not empowered to take licensing action against them in the event of a complaint. In the event of a complaint customers will have to deal with that other Authority where they may be licensed.

The customer should then be given the option to be redirected to a 'Doncaster Council licensed driver and vehicle'. **(Note 3)**

e) Where a booking is made via:

- a) The internet;
- b) Mobile App; or
- c) Anything similar to a) or b)

The Private Hire Operator must inform the customer, by written terms visible when booking, of the following statement:

The driver and vehicle you are about to book are not licensed by Doncaster Council and Doncaster Council is not empowered to take licensing action against them in the event of a complaint. In the event of a complaint customers will have to deal with that other Authority where they may be licensed.

The customer should then be given the option to be redirected to a 'Doncaster Council licensed driver and vehicle'. **(Note 3)**

f) In any advertising literature or web information, a form of words must be used which clearly states to prospective customers the following:

The driver and vehicle you are about to book are not licensed by Doncaster Council and Doncaster Council is not empowered to take licensing action against them in the event of a complaint. In the event of a complaint customers will have to deal with that other Authority where they may be licensed.

Note 1: Amended to permit electronic communications and to require the use of prescribed forms produced by the Licensing Authority, both matters arising from the consultation.

Note 2: Amended from Telephone Bookings to address other booking options such as internet, web based apps, bookings made in person etc. arising from the consultation.

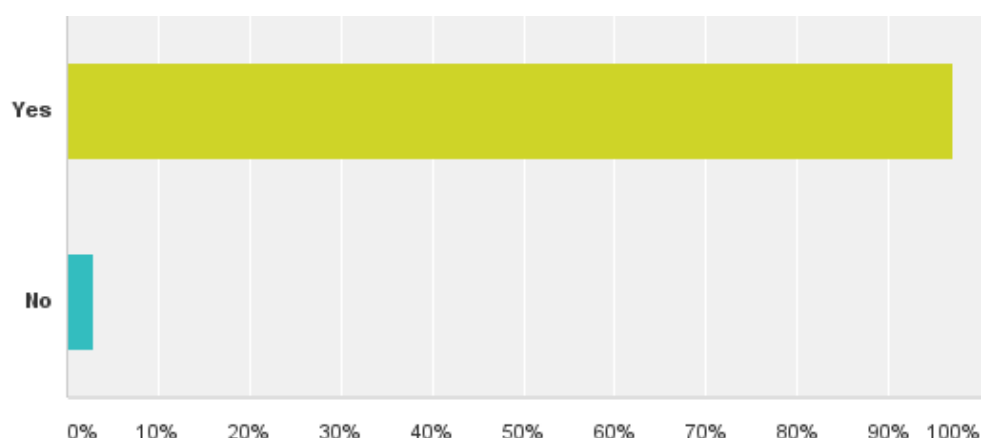
Note 3: The highlighted sections are proposed further additions to the conditions that have arisen out of the consultation exercise to address bookings that are made other than by telephone e.g. in person or via web Apps etc.

Results of the Consultation

Note: Everyone consulted was provided with full details of the proposed conditions.

Q1: The proposed conditions will afford customers the opportunity to make an informed decision prior to booking a private hire vehicle. Should these new conditions be added to all private hire operator licences that are granted / renewed by Doncaster Council?

Answered: 100 Skipped: 24



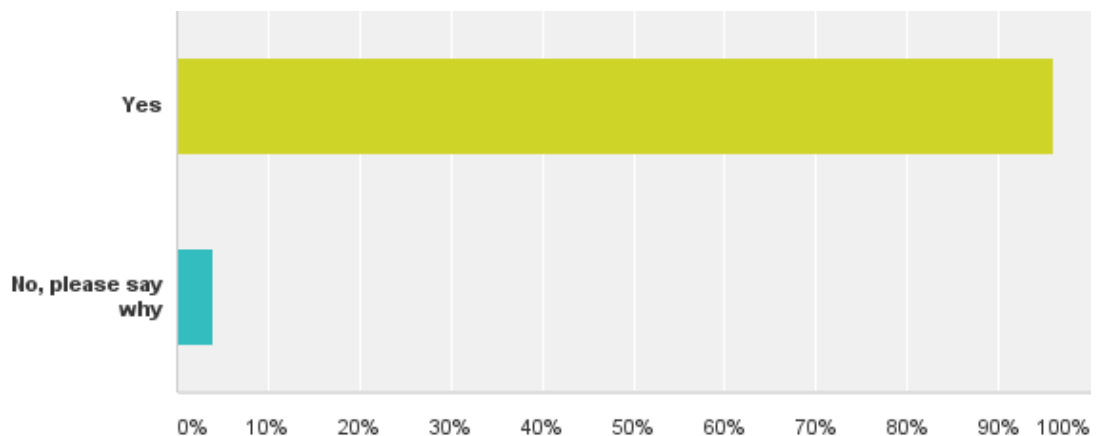
Answer Choices	Responses
Yes	97.00% 97
No	3.00% 3
Total	100

Comments made by those respondents that answered No to Q1.

1. All the above are reasonable requirements, except the need for a separate phone line, which seems to me to be a step too far.
2. No comment
3. I don't agree to section 3 and 4 of the policy. Doncaster council already has a very strict policy in place this will be an extra burden on operators especially on small taxi companies.

Q2: Private hire operator licences are granted for up to 5 years. There are in the region of 70 private hire operators licensed by Doncaster Council each of which have in the region of 4 years to go before their licence is due for renewal. The proposed conditions will afford customers the opportunity to make an informed decision prior to booking a private hire vehicle. Subject to a lawful process, should these new conditions be added to all existing private hire operator licences that have been granted by Doncaster Council?

Answered: 100 Skipped: 24



Answer Choices	Responses
Yes	96.00% 96
No, please say why	4.00% 4
Total	100

Comments made by those respondents that answered No to Q2.

1. Yes, except all the above are reasonable requirements, except the need for a separate phone line, which seems to me to be a step too far.
2. Should this not be a decision for the Licensing dept not the drivers.
3. No comment
4. I think all the private hire drivers who passed their Hackney test somewhere else but working in Doncaster borough as private hire drivers should be allowed to work here freely. There shouldn't be no separate phone line or any such thing for them. In case of any incidents taxi company who that driver works with should be reported. I am sure taxi companies can sort the matter out. If they have passed their driving

test for Hackney carriage in their area they should be allowed to work anywhere in the UK. For example if someone takes training for a job in London but he works in Doncaster that's not a problem then why so much complications for a taxi driver. An UBER driver doesn't even do any sort of tests but still do the same job as any private or Hackney driver does in Doncaster. UBER drivers never do knowledge tests, driving tests, first aid courses, Safeguarding course or nvq level 2 courses but still they are number 1 company in the world. And as far as area knowledge concerns, everyone has smart phones and sat navs so there is no problem for going from A to B. So I think no matter where they pass Hackney carriage they should be allowed to work anywhere in the UK.

Selection of general comments

1. Where notifications are required to be made in writing consideration should be given to permitting electronic communication methods.
2. Good to see, customers have been confused and unknowingly using taxis they assume are Doncaster regulated, and any complaints are confused if they take a number from front of car a completely innocent driver could be accused if the numbers are the same
3. I feel the public should expect that the hackney carriage/private hire vehicle that they use should hold a licence issued by the authority that they are operating in.
4. It's about time our profession is tightened up. Please don't be afraid to bring these changes in.
5. Doncaster licensing dept should contact the authorities where out of town Hackney's have obtained their licences to make them aware as some authorities have a primary usage policy which these drivers may be in breach of.
6. I am greatly concerned that out of town hackney cars are allowed to apply their trade via some private hire companies and yet the revenue from their plates taxi badge and taxi test goes back to their local authority and not our DMBC of where they are actually working. Also local drivers are seeing their customers and fares being reduced due to the amount of out of town hackney cars now available within the DMBC area.
7. These proposals are well and good but once implemented would need to be "policed" in order for compliance. The council licensing department is over stretched as it is with the normal every day running of the office I am concerned that these proposals will become only rhetoric.

8. Our policy at Alpha has always been not to employ out of town taxis. We believe in protecting and safe guarding the general public, who put their trust into our company day and night and the out of town taxis do not fit that criteria. We have great trust in Doncaster Councils Licensing Committee's decisions to grant a drivers licence, that we can then employ them in our company with confidence. These changes should be implemented as soon as possible.
9. Will bookings made through an online booking system be subject to the same controls for 'out of town taxis'?

This page is intentionally left blank

TO THE CHAIR AND MEMBERS OF THE LICENSING COMMITTEE

Hackney Carriage and Private Hire Licensing Policy – Policy amendments following the Driver and Vehicle Standards Agency (DVSA) decision to stop providing taxi driving assessments

EXECUTIVE SUMMARY

1. The Doncaster Council Hackney Carriage and Private Hire Licensing Policy (HC & PH Licensing Policy) includes details of evidence that an applicant for a driver's licence must provide in order for the Council to be able to establish whether they are fit and proper.
2. The Policy currently requires all new hackney carriage and private hire drivers to pass the Driver and Vehicle Standards Agency (DVSA) taxi assessment to drive a taxi or private hire vehicle. Furthermore, as all Doncaster licensed hackney carriages are wheelchair accessible, all applicants for a hackney carriage driver's licence must also pass the DVSA wheelchair exercise. Existing drivers may also be required to undertake these assessments where serious concerns are raised about the standard of their driving.
3. In September 2016 the DVSA announced that they will stop providing practical driving assessments for local councils from 31 December 2016.
4. It is proposed that Doncaster Council retain the requirement for these assessments and this report seeks to amend the Policy to reflect that the practical driving assessment and wheelchair exercise are now provided in-house by Doncaster Council's own competent assessors.

RECOMMENDATIONS

5. Following the DVSA decision to stop providing taxi driving assessments, it is recommended that:
 - 5.1. The requirement for all new HC & PH drivers to undertake a practical driving assessment and, where applicable, a wheelchair exercise be retained and Doncaster Council's HC & PH Licensing Policy be amended to state that these assessments are now provided in-house by one of Doncaster Council's competent driver assessors.

And

- 5.2. The discretionary requirement for existing drivers to undertake a practical assessment where serious concerns are raised about their standard of driving and/or following conviction for a driving offence be retained and Doncaster Council's HC & PH Licensing Policy be amended to state that these assessments are now provided in-house by one of Doncaster Council's competent driver assessors.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER

6. By implementing the recommendation of this report, the Doncaster Council HC and PH Hire Licensing Policy will remain up to date and fit for purpose. The safety of the travelling public of Doncaster will not be compromised and, moreover, will be upheld by the recommendations of this report.

BACKGROUND

7. The HC & PH Licensing Policy (the Policy) was adopted by Council on 19th January 2012. It is within the remit of the Licensing Committee to determine policies that are relevant to the Council's functions under Part 3 of the Constitution which relate to those licensing and registration functions unless the policy must be determined by Full Council. The Policy is regularly reviewed and was last revised by the Licensing Committee on 17th March 2016.
8. In order to establish that an applicant has reached an acceptable driving standard, it is policy that new applicants are required to have successfully undertaken the Driver and Vehicle Standards Agency's (DVSA) practical taxi test. Existing drivers may also be required to undertake this test where serious concerns are raised about the standard of their driving and /or following conviction for a motoring offence. Applicants for a hackney carriage driver's licence must have also undertaken the DVSA wheelchair exercise to ensure that they can demonstrate the necessary wheelchair boarding and securing skills required for all Doncaster Council licensed hackney carriages.
9. People intending to become a taxi driver in around 200 councils have to pass a DVSA taxi driving assessment before they qualify. In September 2016 the DVSA announced that it will stop providing the service from 31 December 2016 and that it was not taking any new bookings from September 2016. The DVSA made this decision as part of its drive to reduce the waiting time for driving tests for learner drivers. The DVSA is, therefore, focussing on carrying out the tests it has a statutory responsibility to provide. DVSA taxi assessments are not required by law and they have decided to bring them to an end.
10. According to figures obtained from the DVSA website, the DVSA carried out around 23000 taxi assessments between April 2015 and March 2016. This figure highlights how highly such assessments are

recognised by councils as a valuable tool for determining the suitability of a prospective or existing taxi driver.

11. The DVSA has given guidance to local councils about other organisations that can be used to provide this service, such as road safety charities and driving instructor organisations.
12. Doncaster Council has its own Road Transport Industry Training Board (RTITB) competent assessors capable of delivering the practical driving assessment and wheelchair exercise.
13. In recognition of the public safety benefits of the practical driving assessments and the need to ensure that there are no unnecessary barriers or undue delays for new taxi driver applicants, as soon as the DVSA announced its decision to stop the service steps were put in place to deliver this service in-house effective from October 2016.
14. Based on historical data, it is estimated that 50 to 60 assessments will be required per annum. The costs associated with delivering the driving assessments are met by the applicant and the fees charged by the Council are the same as those that were charged by the DVSA:
 - Taxi driver assessment - £79.66
 - Taxi driver assessment with wheelchair exercise - £92.94
 - Taxi driver wheelchair exercise - £26.56

OPTIONS CONSIDERED AND REASON FOR RECOMMENDED OPTION

15. Option 1: Remove the requirement from Doncaster Council's HC & PH Licensing Policy for new taxi drivers to undertake a practical driving assessment and, where applicable, a wheelchair exercise along with the discretion to require existing drivers to undertake an assessment where there are concerns about their standard of driving.
16. Option 2: Retain the existing HC & PH Licensing Policy requirements for the driving assessment and wheelchair exercise but amend the Policy to state that these assessments are now provided in-house by one of Doncaster Council's competent driver assessors.
17. Having a Policy that is clear and up to date in terms of the law and best practice is the keystone to an effective taxi licensing regime. Being able to establish that an applicant has reached an acceptable driving standard or that an existing driver has addressed concerns about their driving standard is recognised as a valuable licensing tool. For these reasons option 2 is considered to be the most appropriate option.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

18.

	Outcomes	Implications
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Be a strong voice for our veterans</i> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>The Policy ensures that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p>
	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>The Policy ensures that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p>
	<p>People in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>The Policy ensures that licensing decisions can be made fairly and in a timely manner with the overriding aim of protecting the public.</p>
	<p>All families thrive.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>None</p>
	<p>Council services are modern and value for money.</p>	<p>Functions are delegated in the interests of speed, efficiency and cost effectiveness wherever possible.</p>
	<p>Working with our partners we will provide strong leadership and governance</p>	<p>None</p>

RISKS AND ASSUMPTIONS

19. It is accepted good practice that a Licensing Authority adopts a statement of licensing policy in respect of taxi licensing. By not having a Policy decisions of the Licensing Authority are more open to challenge.

LEGAL IMPLICATIONS

20. The Local Government (Miscellaneous Provisions) Act 1976, states that a district council may require any applicant for a licence under the Town Police Clauses Act 1847 or under part II of the 1976 of Act to submit to them such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted. The 1976 Act requires that the Council shall not grant a driver's licence to drive a hackney carriage or private hire vehicle unless they are satisfied that an applicant is fit and proper.

FINANCIAL IMPLICATIONS

21. It is anticipated that there will be approximately 50 to 60 assessments per year based on the number of new driver applicants per year. The fees were originally paid direct to DVSA and will now be paid direct to Transport Services at North Bridge who will undertake the tests. The fees collected by Transport Services will be the same as the DVSA fees and Transport Services have confirmed that they will have the capacity to do this. The fees reflect the cost of the service and are being delivered with existing resources. The change will not have any financial impact on the licensing service, the only change is that the provider has changed to an in-house provider in DMBC.

HUMAN RESOURCES IMPLICATIONS

22. Not applicable

TECHNOLOGY IMPLICATIONS

23. Not applicable

EQUALITY IMPLICATIONS

24. Decision makers must consider the Council's duties under the Public Sector Equality Duty at s149 of the Equality Act 2010. The duty requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic. There are no specific equality implications arising from this report. However, any activities arising from this report will need to

be the subject of separate 'due regard' assessments.

CONSULTATION

25. Consultation has taken place with the Transport Department with regard to the required competency to deliver the assessments to the equivalent standard of the DVSA and at a suitable frequency.

BACKGROUND PAPERS

26. Doncaster Council's Hackney Carriage and Private Hire Licensing Policy.

REPORT AUTHOR & CONTRIBUTORS

Paul Williams, Business Safety & Licensing Manager
Tel: (01302) 737837
E: mail: pj.williams@doncaster.gov.uk

Marie-Clare Churchman, Senior Legal Officer
Telephone: 01302 736722
Email: marie-clare.churchman@doncaster.gov.uk

Paul Holgate, Principal Finance Officer
Telephone: 01302 737684
Email: paul.holgate@doncaster.gov.uk

Peter Dale
Director of Regeneration and Environment