

REPORT TO: Safer Policy and Performance Board

DATE: 14 June 2016

REPORTING OFFICER: Strategic Director – Community and Resources

PORTFOLIO: Community Safety

SUBJECT: Taxi Licensing Enforcement

WARDS: Borough Wide

1.0 PURPOSE OF THE REPORT

1.1 The purpose of the report is, following a request from the Chair, for the Board to be appraised of the taxi licensing process as it operates in Halton.

2.0 RECOMMENDATION: That

- 1) the presentation be received and noted; and**
- 2) the Board consider the information presented and raise any questions of interest or points of clarification following the presentation.**

3.0 SUPPORTING INFORMATION

3.1 Legislation

Taxi and Private Hire Vehicle (PHV) legislation is based mainly around 2 acts of parliament:

- i) The Town Police Clauses Act 1847
- ii) The Local Government (Miscellaneous Provisions) Act 1976

These 2 acts set out the framework for the licensing of drivers, vehicles and operators but the details of how this is done, including standards and conditions is the responsibility of each licensing area.

3.2 Drivers

Any person wishing to drive a hackney carriage or private hire vehicle must first obtain a licence to do so. Legislation requires a licence to be issued to any applicant unless the licensing authority is satisfied that the applicant not is a fit and proper person to hold a driver's licence.

There is no legal definition of fit and proper only that a person must have been legally able to drive for at least 12 months prior to submitting an application.

This puts a requirement on the Authority to make its own decision on what it deems is “fit and proper”. The ‘fit and proper’ test applies to many areas of activity. It is not a ‘one size fits all’ test and will vary from occupation to occupation. The test must be proportionate and be directed at the occupation which is the subject of the application: in this case, driving a hackney carriage or private hire vehicle. The protection of the public is the fundamental issue.

As with the majority of other local authorities in England and Wales, an applicant’s fitness is assessed in accordance with the DVLA Group 2 standard. The Group 1 standard is what is required of every person holding a licence to drive a car or motorcycle. The Group 2 is designed for people who spend long hours in their vehicle and have the added responsibility of driving members of the public and or large/dangerous vehicles.

The “proper” test has been shaped following numerous court cases and is similar (but not identical) in almost all authorities. The “proper” test is currently assessed by Halton Borough Council with the following requirements:

- Must successfully pass an enhanced driving test aimed at carrying members of the public
- Obtain an enhanced criminal record history from the Disclosure & Barring Service. Where convictions are disclosed they are considered in line with a relevance of convictions policy.
- Provide a current driving record via the DVLA. As with criminal convictions, driving convictions are considered in line with a previous convictions policy.
- Successfully pass a knowledge test to demonstrate a basic knowledge of the area as well as taxi regulation

For an application the onus is on the applicant to prove to the authority that they are a fit and proper person to hold a licence.

3.2 Vehicles

Each licensing authority must ensure that vehicles used to carry members of the public must be fit for purpose. The types of vehicle allowed to be licensed by each authority can differ greatly based on what they perceive to be a suitable i.e. size, colour, age etc.

Vehicles licensed by Halton must be inspected by the test bay on Lowerhouse Lane every 6 months to a standard higher than the MOT requirement.

3.3 Operators

Private Hire operators have access to a large amount of sensitive information which if in the wrong hands can be used to for criminal activities. This varies from knowing when a house is empty to holding personal information on a vulnerable individual. A “proper” test is also used when considering an operator’s licence application.

3.4 Enforcement

The role of enforcement in Halton incorporates ensuring licence holders are compliant with the legislation and local conditions as well as offences where unlicensed drivers, vehicles and/or operators are working within the Halton area.

Some of the duties undertaken are:

- Vehicle inspections
- Identity verification
- Complaint handling
- Multi Agency Operations
- Undertaking criminal investigations

3.5 Current Issues

The main issues that currently exist are due to the legislation not keeping up with changes to society including technology. To put this into context, the Town Police Clauses Act 1847 was written and introduced over half a century before the Ford Model T was first produced.

4.0 POLICY IMPLICATIONS

4.1 None

5.0 RISK ANALYSIS

5.1 None

6.0 IMPLICATIONS FOR THE COUNCIL’S PRIORITIES

6.1 Children and Young People in Halton

The Community Safety Service as a universal service impacts on the health, safety and well-being of young people.

6.2 Employment, Learning and Skills in Halton

None

6.3 A Healthy Halton

None

6.4 A Safer Halton

The Community Safety Service as a universal service impacts on the Health, safety and well-being of the residents of Halton.

6.5 Environment and Regeneration

None

7.0 EQUALITY AND DIVERSITY ISSUES

None.

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

8.1 There are no background papers under the meaning of the Act.