

Report to Licensing Committee

16 August 2022

Subject:	Sandwell's Private Hire and Hackney Carriage Licensing Policy
Director:	Director – Borough Economy Alice Davey
Contact Officer:	Nicola Plant, Assistant Director - Public Protection and Community Safety Tracy Hubball, Operations Manager Licensing

1 Recommendations

- (1) Licensing Committee receives the progress information in relation to the taxi and private hire licensing improvement plan.
- (2) To consider the final requests from Sandwell Private Hire Drivers Association in relation to the improvement plan and considers the recommendations detailed in Table 1 to progress recommendations to the Cabinet Member for Leisure and Tourism and the Director – Borough Economy for the implementation of minor administrative amendments to the SMBC Private Hire and Hackney Carriage Licensing Policy April 2022.



2 Reasons for Recommendations

- 2.1 To receive an update on progress with the taxi and private hire licensing improvement plan and consider the final requests from Sandwell Private Hire Drivers Association (SHPDA) which, if recommended to proceed, would require minor administrative amendments to be made to the SMBC Private Hire and Hackney Carriage Licensing Policy (April 2022).



2.2 Licensing committee are asked to consider the requests made and determine whether any recommendations to amend policy shall be made to the Director of Borough Economy and the Cabinet Member for Leisure and Tourism.

3 How does this deliver objectives of the Corporate Plan?

	<p>People live well and age well Improving and maintaining public safety will contribute to a positive impact on health and wellbeing of the population.</p>
	<p>Strong resilient communities Improving and maintaining public safety within licensing activities will contribute to ensuring feel safe and protected</p>

4 Context and Key Issues

- 4.1 In December 2021 following concerns raised by the Sandwell Private Hire Drivers Association (SPHDA), an improvement plan was produced to capture all matters raised (appendix 1). The plan had 24 matters relating to the taxi and private hire licensing service. Currently 16 of these matters have been concluded leaving 8 that relate to the current policy and which the Council has been requested to consider. In addition, there were three items that related to the Travel Assistance Service (TAS). These three items were not in the scope of the taxi and private hire licensing service and were therefore forwarded to the TAS service to consider and a response was provided.
- 4.2 An update of the improvement plan is provided in Appendix 1.
- 4.3 Of the 24 matters relating to the taxi and private hire licensing service, the remaining matters, if changes to the SMBC Private Hire and Hackney Carriage Licensing Policy (April 2022) are recommended, are considered to be minor and administrative amendments to the policy which under the delegated authority from Cabinet (Decision Reference 54/17) can be authorised by the Director of Borough Economy in consultation with the Cabinet Member.



4.4 Licensing committee is requested to consider these requests and make recommendations for any policy amendments for consideration by the Director – Borough Economy in consultation with the Cabinet Member

THE CURRENT POSITION

4.5 The current Private Hire and Hackney Carriage Licensing Policy was most recently amended in April 2022 to incorporate amendments following the publication of the National Statutory Standards by the Department of Transport (July 2020).

4.6 The Council has been asked by the SPHDA to consider potential changes to the current Sandwell’s Private Hire and Hackney Carriage Licensing policy (April 2022).

4.7 If the recommended amendments in table 1 below are supported by the Licensing Committee it is proposed that the amendments to policy detailed in appendix 2 and 3 could be recommended to be made as it is considered there is no risk to public safety, no detriment to licensed drivers or logistical impact.

Request to Consider	Comment	Recommendation
Request to use other Doctors for medical assessments rather than the current single NHS provider	<p>The required medicals (Group 2) can be undertaken by any GMC registered medical practitioner.</p> <p>To ensure medical history is reviewed, the council can require certification to confirm that medical history for a minimum of 2 years has been reviewed</p>	That the policy be amended to enable Group 2 medicals to be undertaken by a GMC registered GP/medical practitioner, with confirmation that medical records for the last two years have been seen. Full wording of proposed policy amendments is provided in



		appendix 2 and 3 if this is recommended to be progressed
Request to have option to use more than one garage for vehicle inspections.	Vehicle inspections include MOT (including taxi vehicle inspection) and interim safety checks. The council could identify approved providers for vehicle inspections.	That the policy be amended to permit the use of Council approved garages. Full wording of proposed policy amendment is provided in appendix 2 and 3 if this is recommended to be progressed.
Colour restriction on Hackney Carriage should be abolished.	Colour restrictions are in place on grounds of public safety to assist customers in distinguishing between private hire vehicles and hackney carriages. The Department for Transport has recently undertaken a consultation on the national Taxi and Private Hire Licensing Best Practice Guidance (20 June 2022). The consultation document includes the following:-... To assist the distinction further, licensing authorities should prevent private hire vehicles from being the same colour as its taxis, unless they are easily identifiable i.e. they are purpose-built vehicles as is the case in many of our cities.	It is recommended that no change is made to current policy at this point. Following publication of the updated national Taxi and Private Hire Licensing Best Practice Guidance (publication date awaited) this request may be considered in the context of this national guidance. Depending on the content of the final updated national guidance, this will avoid the risk of a further potential imminent change when the new updated best



		practice guidance is considered.
Black colour restriction on Mini Bus as Private Hire should be abolished.	<p>Colour restrictions are in place on grounds of public safety to assist customers in distinguishing between private hire vehicles (minibuses) and hackney carriages.</p> <p>The Department for Transport has recently undertaken a consultation on the national Taxi and Private Hire Licensing Best Practice Guidance. The consultation document includes the following:- ... To assist the distinction further, licensing authorities should prevent private hire vehicles from being the same colour as its taxis, unless they are easily identifiable i.e. they are purpose-built vehicles as is the case in many of our cities.</p>	<p>It is recommended that no change is made to current policy at this point. Following publication of the updated national Taxi and Private Hire Licensing Best Practice Guidance this request may be considered in the context of this national guidance (publication date awaited).</p> <p>Depending on the content of the final updated national guidance, this will avoid the risk of a further potential imminent change when the new updated best practice guidance is considered.</p>
Request refunds for licenses pro rata, after issue.	<p>Currently refund can be made for any element of the licensing fee which has not been spent during the application process . Once licence has been issued there is a no refund policy as work has been undertaken to issue licence.</p>	<p>It is recommended that no change is made.</p>
Request dual licences automatically	<p>Sandwell offers the option for a hackney carriage licence, a</p>	<p>Fees for 22-23 have been approved by the</p>



<p>with Hackney Carriage licence, and fees should be the same.</p>	<p>private hire licence and a dual licence. This is in line with most neighbouring licensing authorities.</p> <p>Fees are approved by full council based on the cost of delivering service and informed by any fee review.</p>	<p>Council and it is therefore not recommended that this is changed at this point</p>
<p>Request badges in card format with all the expiry dates listed (eg DBS, medical)</p>	<p>When the new online system is fully introduced there is scope to produce a revised card format. An interim option is being explored to provide this format earlier if possible. The system will ultimately enable all renewal dates to be viewed in the licence holders own 'account'.</p> <p>Expiry dates of DBS, medicals etc will not necessarily be aligned resulting in need to either issue repeat badges to ensure up to date, or information on badge being out of date. Issuance of repeat badges would increase marginal administrative costs.</p>	<p>It is recommended that the service continue to issue renewal reminders for the different renewal dates and continue to pursue production of a card format badge but that this should not include adding all of the expiry dates on the card.</p> <p>The VERSO system is being developed to enable automated expiry reminders to be sent to licence holders on a more frequent basis. These will be email reminders generated automatically by the system. It is envisaged this will result in savings in printing and postage costs.</p>



<p>Request to allow written off vehicles if in a repairable category to be licensed.</p>	<p>Each licensing Authority determines its own policy. Sandwell has determined on the grounds of public safety that 'Any vehicle written off for insurances purposes will not be licensed, regardless of category unless the vehicle was licensed by Sandwell prior to being written off and following repair has passed an MOT and Sandwell licensed vehicle test. Category A and B* write offs will not be licensed under any circumstance.' This position is based on the fact that the licensing authority will have the vehicle history.</p> <p>* A – (SCRAP) -This vehicle has been inspected by an appropriately qualified person, declared unsuitable or beyond repair and has been identified to be crushed in its entirety.</p> <p>*B – (BREAK) -This vehicle has been inspected by an appropriately qualified person and declared unsuitable or beyond repair.</p>	<p>It is not recommended that this policy is changed on the grounds of public safety.</p>
--	--	---

CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

4.8 The request to consider these minor administrative amendments to the current SMBC Private Hire and Hackney Carriage Licensing Policy (April 2022) have been made by a group of licensed drivers (customers). The proposed recommended amendments to policy, if approved, are considered to be minor and administrative amendments not requiring a full consultation.

5 Alternative Options

The Licensing Committee may opt to not consider the requests made for amendments to policy, however this would prevent the Council from concluding the improvement plan.



6 Implications

Resources:	There are no staffing implications associated with the proposals contained within this report. There are currently no known implications for the council's material asset.
Legal and Governance:	<p>Taxi and Private Hire Vehicle (PHV) legislation is primarily concentrated in the Town Police Clauses Act 1847 (the 1847 Act) and the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act). The legislation provides a broad framework for the licensing of drivers, vehicles and operators but the detail of how this is done, including standards and conditions, is the responsibility of individual councils ('licensing authorities').</p> <p>Licensing authorities are under a legal duty under Section 177 of the Police and Crime Act 2017, to have regard to the Statutory Standards.</p> <p>The council is required to apply the principles within the Public Law Duty to Consult in consideration of the requirement to consult prior to taking decisions. It is considered that any of the proposed amendments, if recommended would constitute minor and administrative amendments and therefore a consultation is not required.</p>
Risk:	There are no significant risks associated with this report.
Equality:	There are no adverse impacts on protected groups as a result of this report.
Health and Wellbeing:	Improving and maintaining public safety will contribute to a positive impact on health and wellbeing of the population.
Social Value	The report supports public safety and as such will have a positive impact on the population.



7 Appendices

1. Service Improvement Plan
2. Draft Private Hire and Hackney Carriage Licensing Policy “The Policy Handbook”
3. Current and Proposed Policy wording if Service Improvement Plan recommendations are implemented

8 Background Papers

Private Hire and Hackney Carriage Licensing Policy

