Report to the Licensing Committee

Report Reference: LCS-003-2016/17
Date of meeting: 19 October 2016

Epping Forest District Council

Subject: Hackney Carriage and Private Hire Licensing Conditions and Guidance

Responsible Officer: Jim Nolan   (01992 564083).

Democratic Services: Gary Woodhall   (01992 564470).

Decisions Required:

(1)   To recommend to Council that the new Public Hire conditions/guidance be adopted.

Report:

1.   At the meeting of this committee on 8 April 2015 members considered a report which outlined the current state of the council's public hire licensing conditions and guidance. It was decided that an in depth revision should be undertaken and a member/officer sub-group was set up to consider if the conditions/guidance were fit for purpose and what (if any) changes should be made.

2.   The sub-group considered a number of issues including:
- the licensing of MPV's;
- the licensing of vehicles for less than four passengers;
- advertising on vehicles;
- guidance on how to deal with infringements of the conditions; and
- any other updating measures thought necessary paying particular reference to safeguarding.

3.   Subsequently the conditions/guidance was amended and a full consultation with the trade and other interested parties undertaken. The consultation returns together with officer responses are attached at Appendix 1.

4.   Copies of the proposed conditions/guidance are attached at Appendix 2.

Resource Implications:

There may be a need for increased enforcement activity however this can be undertaken within existing resources.

Legal and Governance Implications:

Town and Police Clauses Act 1847 and 1889
Local Government (Miscellaneous Provisions) Act 1976
Human Rights Act – Article 6 - right to a fair hearing

Safer, Cleaner and Greener Implications:

The aim of the local authority licensing of the taxi and PHV trades is to protect the public.

Consultation Undertaken:

A full consultation was carried out on 27 July 2016 & ended on 16 September 2016. The authority received 9 responses from the consultees.

Background Papers:

The existing licence conditions.
Consultation responses.

Risk Management:

No implications.

Due Regard Record

This page shows which groups of people are affected by the subject of this report. It sets out how they are affected and how any discrimination they experience can be eliminated. It also includes information about how access to the service(s) subject to this report can be improved for the different groups of people; and how they can be assisted to understand each other better as a result of the subject of this report.

S149 Equality Act 2010 requires that due regard must be paid to this information when considering the subject of this report.

All users of public hire vehicles are affected by this report. If the recommendation is agreed it will give the Council the opportunity to address the safety of people and their access to transport. In addition it is anticipated that safeguarding issues will be addressed thus addressing the needs of those vulnerable groups at risk of exploitation.

	Question	Response
Cllr Gavin Chambers	Is there anything that can be done about waiting taxis outside pubs in residential areas	This is a police matter and cannot be addressed by these conditions.
Qasim Durani	Conditions do not mention that EFDC fleet operations carry out MOT and inspections	Members may wish to stipulate that this is made explicit in the conditions.
Colleen O Boyle	Why do some documents refer to safeguarding and others do not	All documents have been amended to properly reflect safeguarding issues.
Cllr Steven Neville	Concerns about taxis going the wrong way down a one way street	This is a police matter and cannot be addressed by these conditions.
David Burch	No comments to make	
Alison Newman HMCTS	No comment	
Denise Morrissey	No comment	
Cllr Joanne Share-Bernia	Concerns over taxis using the public highway as taxi ranks outside pubs causing noise nuisance	This is a police matter and cannot be addressed by these conditions.
Nazesing Parish council	No comment	