

**Steve Atkinson** MA(Oxon) MBA MioD FRSA  
*Chief Executive*

**Date: 9 September 2008**

**To: Members of the Licensing (Regulatory) Committee**

Mr. K. Nichols (Chairman)	Mr. D. M Gould
Mr. C. G. Joyce (Vice-Chairman)	Mr. P. Hall
Mr. P. R. Batty	Mr. R. Mayne
Mr. J. C. Bown	Mr. K. Morrell
Mr. S. L. Bray	Mr. O. O'Shea
Mr. M. B. Cartwright	Mr. A.J. Smith
Mr. J. D. Cort	Mr. B.E. Sutton
Mrs. S. Francks	

Copy to all other Members of the Council

(other recipients for information)

Dear Councillor

There will be a meeting of the **LICENSING (REGULATORY) COMMITTEE** in the Council Chamber, Council Offices, Hinckley on **WEDNESDAY, 24 SEPTEMBER 2008 at 6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

Pat Pitt (Mrs.)  
Corporate Governance Officer

## LICENSING (REGULATORY) COMMITTEE

24 SEPTEMBER 2008

### A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

RESOLVED 2. MINUTES

To confirm the minutes of the meeting held on 30 April 2008 - copy attached marked LR1.

3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting.

4. DECLARATIONS OF INTEREST

To receive verbally from members any disclosures which they are required to make in accordance with the Council's code of conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the Agenda.**

RESOLVED 5. DRAFT TAXI AND PRIVATE HIRE LICENSING POLICY

Report of Director of Community and Planning Services attached marked LR2 (pages 1-5).

N.B. Hard copies of the Policy are being circulated to Members of the Committee only (Para 3.7 of covering report refers).

6. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY

To: All Members of the **Licensing (Regulatory) Committee** with a copy to all other Members of the Council.

**NOTE: AGENDA ITEMS AGAINST WHICH THE WORD "RESOLVED" APPEARS ARE MATTERS WHICH ARE DELEGATED TO THE COMMITTEE FOR A DECISION. OTHER MATTERS ON THIS AGENDA WILL BE THE SUBJECT OF RECOMMENDATIONS TO COUNCIL.**

**HINCKLEY AND BOSWORTH BOROUGH COUNCIL**  
**LICENSING (REGULATORY) COMMITTEE**  
**30 APRIL 2008 AT 6.30PM**

**PRESENT:** Mrs. S. Francks - CHAIRMAN  
Mr. C.G. Joyce - VICE-CHAIRMAN

Messrs. P. R. Batty, J. C. Bown, M. B. Cartwright, R. Mayne,  
K. Morrell, K. Nichols, L. J. P. O'Shea and Mr B. E. Sutton

Officers in attendance: Mr. Mark Brymer, Ms E Garnet,  
Mrs. P.I. Pitt and Mr. S. Merry

575 **APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Messrs. D. M. Gould, P.A.S. Hall and Dr. J. R. Moore

576 **MINUTES (LR5)**

It was moved by Mr Nichols, seconded by Mr. Joyce and

**RESOLVED** – the minutes of the meeting held on 29 August 2007 be confirmed and signed by the Chairman.

577 **DECLARATIONS OF INTERESTS**

No interests were declared at this stage.

578 **REGULATION OF HACKNEY CARRIAGE LICENCE PLATES (LR6)**

The Chairman welcomed Mrs. Tina Duane of the Hinckley and Bosworth Taxi Drivers Association and Mrs. Alison Taylor of the Independent Drivers Association, who both attended for this item.

The Principal Licensing Officer reported the receipt of a letter and petition from some members of the taxi trade requesting that the Council restrict the number of hackney carriage vehicle licences issued within the Borough. Following this request, the reasons for which were outlined, the Principal Licensing Officer had written to all drivers licensed by the Council. The responses received were appended to the report of the Director of Community and Planning Services.

In outlining to Members the options to regulate the issue of hackney carriage vehicle licence plates the Principal Licensing Officer reported the views of the Government and the Office of Fair Trading on limiting the number of hackney carriage vehicle licenses. The response from both clearly indicated that they would not wish to see a restriction on the number of hackney carriage licenses issued. Since the number of licensed drivers in this Borough had remained constant over the last four years there appeared to be a sustainable trade so that no restrictions may be necessary. It was

emphasised that the Council's statutory role was that of the safety of the public.

On the motion of Mr Bown, seconded by Mr O'Shea it was

RESOLVED –

the retention of the current Council policy not to impose quantity restrictions in respect of the number of Hackney Carriage Licences issued within the Borough be agreed.

(The meeting closed at 7.06 pm)

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Discussion followed on an intended full review of taxi licensing by the Principal Licensing Officer and it was agreed that a new comprehensive Policy encompassing environmental aspects be drafted for consideration at the next meeting.

**LICENSING REGULATORY COMMITTEE – 24 SEPTEMBER 2008**

**REPORT OF DIRECTOR OF COMMUNITY AND PLANNING SERVICES**

**RE: DRAFT TAXI AND PRIVATE HIRE LICENSING POLICY**

**1. PURPOSE OF REPORT**

- 1.1 To seek Members' approval to consult on the draft Taxi and Private Hire Licensing Policy.

**2. RECOMMENDATION**

- 2.1 That Members approve the Policy for Consultation.

**3. BACKGROUND TO THE REPORT**

- 3.1 Following a meeting of the Licensing Regulatory Committee on the 30 April 2008, the Licensing Service was asked to undertake a full review of the Council's Taxi and Private Hire Licensing Policy.
- 3.2 Hinckley & Bosworth Borough Council has responsibility for licensing taxi and private hire vehicles, drivers and operators within the borough of Hinckley & Bosworth. It has traditionally exercised this responsibility through a number of different policies and procedures that have been developed over a significant number of years.
- 3.3 Many of these policies have, however, now become rather historic and do not adequately assist the trade or the public or indeed truly reflect the situation today in respect of these trades. Written policies do not currently exist in respect of some important aspects of the service e.g. Hearings Procedure. At the same time, guidance has, for the first time, been issued to licensing authorities by the Department For Transport detailing what is considered to be best practice in terms of taxi and private hire licensing.
- 3.4 Against the above background and in order to ensure that the Council is able to maintain an up to date, and forward looking licensing service, the opportunity has been taken to undertake a root and branch review of all policies and practices relevant to the taxi and private hire licensing service.
- 3.5 The review process has resulted in this draft Hackney Carriage & Private Hire Licensing Policy that sets out the policies and procedures that the Council intends now to apply in exercising its taxi licensing function. Before adopting the policy, however, the council needs to consult with those who may be affected by it. It is committed to considering any representations made as a result and, if necessary, to amending the draft in the light of representations received. The service will also be sharing best practice with neighbouring authorities.

### 3.6 EXECUTIVE SUMMARY OF MAIN PROPOSALS

For ease of reference, the main proposals contained in this draft policy are summarised below:

- Revising and extending the specification of licensed vehicles including introducing new requirements in respect of disability access, LPG powered vehicles and tinted windows.
- Amending the medical fitness standard for licensed drivers to be to DVLA Group 2 Standard.
- Revising and extending the conditions attached to private hire driver's and operators licences.
- Revising requirements in respect of advertising and signage on both hackney and private hire vehicles.
- Disciplinary Hearings.
- Enforcement.
- Introducing a Code of Conduct for licensed drivers.
- Introducing a "Penalty Points" scheme to deal with breaches of licence conditions, and legislation.
- Introducing a formal policy for Licensing Regulatory Committee.
- Introduction of policies to help promote the use of cleaner and greener fuels.
- Introducing new controls and conditions to bring stretched limousines and similar vehicles properly under licensing control.
- Introducing the requirement of the NVQ qualification.
- Introducing the requirement of the DSA driving assessment for all new drivers.

3.7 Because of the volume of paperwork a hard copy of the draft policy will only be sent to members of the Licensing Committee. Further hard copies will be made available upon request to members. The draft policy will also be made available electronically via the intranet.

### 4. **FINANCIAL IMPLICATIONS [HF]**

4.1 There are no financial implications arising from this report other than the costs of postage for the consultation exercise. This cost is likely to be up to £200 and will be met from existing budgets.

5. **LEGAL IMPLICATIONS [AB]**

5.1 None at present.

6. **CORPORATE PLAN IMPLICATIONS [MB]**

6.1 Objective three – A Safer and Healthier Borough.

7. **CONSULTATION [MB]**

7.1 This is a public consultation document in respect of Hinckley & Bosworth Borough Council's review of the policies and procedures that affect licensed taxis (hackney carriages) and private hire vehicles operating in the Hinckley & Bosworth Borough Council's area.

Although it is a relatively complex and technical draft document, aimed mainly at the taxi and private hire trade, the Council welcome views from members of the public, particularly those that regularly use these services, interested parties and regulatory agencies.

The document sets out the policies which the Council is currently considering and invites the views of any interested parties on those proposals. The Council has identified people and organisations that may be interested in responding to this consultation and a list is given on the following page. The document is, however, only relevant for vehicles, drivers and operators licensed by Hinckley & Bosworth Borough Council.

At the end of the consultation period, all of the responses will be collated and included in a Summary of Responses paper, which the Council will publish on the website and make freely available. A decision on the policies which it is proposing to adopt will then be made by the Council's Licensing Regulatory Committee. There are a number of groups and organisations that have an interest in the provision of taxi and PHV services, including the trade itself, residents and enforcers, all of whom have views and concerns that require consideration. In drawing up this policy, the Authority will, therefore, as part of the review process, be consulting with the following:

Representatives of HBBC District Licensed Hackney Drivers  
Representatives of HBBC District Taxi and Private Hire Proprietors  
HBBC District Councillors  
HBBC District Town and Parish Councils  
Neighbouring Authorities  
Hinckley Town Centre Partnership  
HBBC Community Safety Unit  
Hinckley Chamber of Trade  
Local businesses and their representatives  
Local residents via their Ward representatives  
The Primary Care Trust  
Leicestershire Constabulary

Leicestershire County Council Traffic & Road Safety  
Leicestershire County Council (School Contracts)  
Citizens Advice Bureau  
Age Concern  
The National Private Hire Association  
Members of the Public

- 7.2 Due to environmental considerations, not every licensed driver and proprietor will be sent a copy of the draft policy but each driver will be written to and notified of the consultation and invited to inspect the document either online, at their operator's base, at the Council Offices or at a local library.

8. **RISK IMPLICATIONS**

- 8.1 It is the Council's policy to proactively identify and manage significant risks, which may prevent delivery of business objectives.
- 8.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the risks associated with this decision have been identified, assessed and that controls are in place to manage them effectively.
- 8.3 The significant risks associated with this report were identified from the assessment as follows.

Management of Significant Risks		
Risk Description	Mitigating actions	Owner
Reputation	In adopting the revised policy the Council is demonstrating its flexibility and responsiveness to changing needs/requirements.	Mark Brymer

9. **RURAL IMPLICATIONS**

- 9.1 The policy will have equal impact on all areas of the Borough.

10. **CORPORATE IMPLICATIONS**

- 10.1 By submitting this report, the report author has taken the following into account:

- Community Safety Implications [RG] - None.
- Environmental Implications [JN] - The Environmental Considerations are covered in the report.
- ICT Implications - None.
- Asset Management Implications - None.
- Human Resources Implications - None



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Background Papers:

Department for Transport Taxi & Private Hire Licensing Best Practice Guidance 2006  
The National Association of Licensing and Enforcement Officers - Model Standard for Taxi and Private Hire Licensing - Published 2007  
Department for Transport Guidance for operators of stretch limousines - Published January 2008  
Hinckley & Bosworth Borough Council current Taxi and Private Hire Guidance Document  
Town Police Causes Act 1847  
Local Government (Miscellaneous Provisions) Act 1976  
Transport Act 1985  
Road Safety Act 2006  
Hinckley & Bosworth Borough Council Constitution  
DVLA Medical aspects of Fitness to Drive (Medical Practitioners)

Contact Officer:     Mark Brymer             Principal Licensing Officer ext 5645

Executive Member: Mrs S. Francks