

**REGULATORY SERVICES COMMITTEE - 19 JUNE 2019**

**PART I – NOT DELEGATED**

**4. REVIEW OF TRDC'S EXISTING HACKNEY CARRIAGE, PRIVATE HIRE AND OPERATOR POLICIES**

**1 Summary**

- 1.1 At the Regulatory Services Committee held on 20 March 2019 Members were advised of the changes to the Council's Hackney Carriage Driver, Vehicle and Private Hire Driver, Vehicle and Operator policy. The changes followed a 6 month review by the Lead Licensing Officer on all existing taxi policies as well as reviewing other local authorities' policies and including updated legislation and guidance. The review was undertaken to assist the licensing department moving forward to enable more proactive and proportionate enforcement and to ensure that the department can improve and uphold high standards of customer service. The review and recommendation seeks to implement a single all-encompassing taxi policy, to be known formally as Hackney Carriage and Private Hire Policy ("the Policy").
- 1.2 The Policy is intended to cover all aspects of taxi licensing, from the general application process to matters concerning enforcement via a points system. The Policy also includes the necessary licence requirements, Byelaws and Conditions relating to Hackney Carriage and Private Hire vehicles and drivers and operators. Additionally, and most importantly, it seeks to protect the public and support small businesses by ensuring a consistent and fair approach across the board.
- 1.3 During the March Committee meeting Members raised a number of points on the Policy which are set out at section 2. However, Members agreed to note the report and authorise the Lead Licensing Officer to consult on the Policy and following completion of a 28 day consultation period that the Policy be returned to the Regulatory Services Committee with details of the outcome of the consultation. Prior to the consultation the Policy was amended following Members comments.
- 1.4 A 28 day consultation with stakeholders took place asking for any comments on the draft policy. A total of 3 responses were received (including representations from an operator after the consultation date had expired). All responses are summarised at section 3 onwards and the full responses are detailed at Appendix B.
- 1.5 Following the consultation the Policy has been amended further. The recommendation is therefore that Members agree the amended policy and that the Licensing Authority adopts the Policy with immediate effect.

**2 Details**

- 2.1 The Local Government (Miscellaneous Provisions) Act 1976 places a duty on Councils to carry out licensing functions in respect of Hackney Carriage and Private Hire vehicle, drivers and operators.
- 2.2 Local Authorities are required to review their policies and standards for Hackney Carriage and Private Hire licencing on a regular basis. The TRDC Hackney Carriage and Private Hire Suitability Policy was reviewed and adopted in January 2018; however due to staff shortages and a turnover of staff all other policies were not reviewed (excluding Private Hire driver, vehicle and operator conditions).

- 2.3 Legislation has changed rapidly and the current policies in place do not reflect the importance of checking the driver's suitability as to whether they can be trusted with vulnerable passengers and the general public.
- 2.4 It is considered that in order to achieve a high standard of good practice more checks must be put in place to ensure the Licensing Authority are licensing only the most appropriate drivers given that they will be in a position of trust. It is therefore important to ensure that all drivers are 'fit and proper or 'safe and suitable'
- 2.5 It is vital that Members of the Committee recognise that the amended Policy, whilst remaining a Policy and therefore the Council's own guidelines on the matter, is the baseline for acceptability.
- 2.6 Currently the Licensing Authority has eight separate policies for Hackney Carriage and Private Hire driver's vehicles and operators as set out below:
- TRDC Hackney Carriage & Private Hire driver and Private Hire Operator Suitability Policy
  - TRDC Private Hire Driver Standard Conditions
  - Hackney Carriage Byelaws
  - TRDC Hackney Carriage Vehicle Standard Conditions
  - TRDC Private Hire Vehicle Standard Conditions
  - TRDC Private Hire Operator Standard Conditions
  - Statement of Policy about relevant convictions or other information in determining refusals for Hackney Carriage or Private Hire drivers licences.
  - TRDC Enforcement Policy.
- 2.7 Having reviewed the current policies from a working practice perspective, the Licensing Authority has found the policies unworkable as a team and for the licensees. One of the key issues has been the struggle to find important information quickly which has affected our ability to provide a high standard of customer service and to avoid unnecessary confusion between staff and applicants.
- 2.8 Following discussions in-house it was identified that the Licensing Authority would be far more effective if the existing policies were strengthened. The previous report set out in detail the main changes between the existing policies and the Policy and they are summarised below:

- **Contravention Points System**

The Policy seeks the introduction of a contravention point's system (Section 25.6, page 34-36) meaning that if a licenced driver reaches 12 points within a 12 month period, the license will be referred to the Lead Licensing Officer to make a decision or delegated to the Regulatory Sub-Committee for review with Members having the final say. The points system has been amended after Members felt that a deduction of 6 points for use of handheld phone or radio whilst driving was too low and thus should be increased to 12 points, incurring an instant ban. A breach of a Public Spaces Protection Order (PSPO) will also be taken into account following Members comments. This has been reflected in the amended Policy.

- **Method and Uniformity**

The methods and uniformity employed by TRDC were not defined in the previous policies which have now been clearly set out in the new policy (Section 4.3, page 6).

- **Administration of licences**

Administration of the licences is to be increased from 5 days to 28 days (Section 6, page 7) to process a licence application. This will also increase the deadline for submitting applications, which will mean there should be less of a chance that a driver will not be unable to work for a period of time whilst they are waiting for the return of their DBS or waiting to make a GP appointment.

- **General fee guidance**

Currently there is no general fee guidance and thus the Policy seeks to address this (Section 7, page 7). Guidance will enable drivers to be awarded a partial refund dependent on circumstances and provides more clarity over other circumstances whereby a licence is surrendered before the expiry date.

- **Service standards**

Service standards are now detailed. Previously it was not clear on the standards applicants should expect from the Licensing Authority (Section 8, page 7). This identifies how, when and by what means an applicants can contact the Council.

- **Right to work**

The Immigration Act 2016 (Section 3.6, page 6) requires Officers to ensure the licence holders have the correct permissions to work in the UK. There is no reference to immigration checks or work to work in current policies. The Policy will ensure that processes in place to obtain the correct documentation.

- **Driving standard and knowledge**

Drivers will be required to have had 3 years' driving experience (Section 16.2, page 11) as opposed to 2 years which is currently stated in TRDC policy. All new drivers will also be required to undertake a driver standards test to ensure they are fully conversant with the enhanced driving standards required by the licensing trade. Driver's personal hygiene and appearance standards are to be strengthened.

- **Medical fitness**

The amended Policy recommends that medical certificates are provided every three years up to 65 years old (Section 16.3, page 11) in line with the government minimum standard of three year licences. If a licensee is above 65 an annual medical certificate will be required.

- **Suspension, refusal, revocation by another Council**

The Policy includes a paragraph in relation to suspension, refusal or revocation by another Council (Section 16.5, page 12). As it stands there is nothing in the TRDC policy which allows for the Licensing Authority to take action if a new applicant has received action by another Council.

- **Online DBS Checks**

In relation to the criminal record checks the Licensing Authority provides the ability for drivers to complete their application via online forms which enables Officers to check their DBS status quickly and makes the DBS process more streamlined and reduces delays (Section 11, page 41).

- **Dual driver's licence**

For drivers that currently hold both a Hackney Carriage and Private Hire licence (approximately 5 in total), the Policy seeks to introduce the ability for the Licensing

department to issue a dual licence which will allow the driver to wear only 1 badge (Section 16.6, page 12). Applicants would still be required to sit both Hackney Carriage and Private Hire knowledge tests and would be under the same rules and regulations but the administrative tasks around issuing such a licence would half.

- **National registry of taxi licence refusals and revocations**

There is now a national database (Section 16.8, page 12) for all refused and revoked drivers held by the National Anti-Fraud Network. The Licensing Authority have a legal requirement to advise drivers that their details will be uploaded to this database and their information will be shared with all other authorities should Officers receive a request for information around a refusal or revocation.

- **Use of mobile applications**

The use of mobile applications (apps) is not specified in current policy and with the acknowledgement of the rapid change in mobile technology Officers must recognise this. As a result it is proposed that all apps used by licensees must be approved by the Licensing Authority (Section 17.4, page 14).

- **Mandatory training**

The Policy is recommending that mandatory training (Section 16.5, page 12) will be required for all drivers and operators and that if a licence holder does not attend mandatory training the appropriate action can be taken against their licence. There is currently nothing in the TRDC policy to enforce this.

- **Tyre age**

The Policy requests that tyres are no more than 10 years old, this would be more focused on the minibus type vehicles (Section 18.4, page 15). It is also proposed to recommend that part worn tyres are not used on any of our licenced vehicles.

- **Wheelchair accessibility**

It is proposed that wheelchair accessible vehicles (Section 18.5, page 15) are encouraged for applications for Private Hire vehicles offering wheelchair accessibility.

- **Reducing air pollution**

Having regard to the environment Officers are requesting that licenced drivers do not to leave their vehicles idle for sustained periods of time (Section 18.6, page p.16) which can cause unnecessary air pollution. The Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019 came into force on 1<sup>st</sup> May 2019 and requires all local authorities to provide details of all licenced Private Hire and Hackney Carriage vehicles to the Secretary of State on a weekly basis which will monitor all licenced vehicles moving in and out of a charging 'Clean Air Zone'.

- **Age of licenced vehicle**

The Policy proposes that all newly licenced vehicles must be no more than 7 years old (page 46). Any vehicles already on the fleet between 7-10 years old must pass 6 monthly compliance tests and vehicles over 10 years must pass quarterly compliance tests as a minimum. Vehicles must also be in a suitable condition for a licenced vehicle as defined clearly in the Policy.

- **Roof boxes**

The Policy proposes that no roof boxes or roof racks will be permitted unless the vehicle has this integrated as they can be dangerous if overloaded (Section 18.10, page 16).

- **CCTV**

The Government and the Department for Transport (DFT) encourages licenced vehicles to have CCTV installed and this is replicated within the Policy (Section 19, page 16). This would ensure protection for the driver and the passengers. There are currently no conditions in relation to CCTV in the existing policies and therefore the Policy seeks to add conditions as a minimum standard which could be made mandatory if the Licensing Authority is minded to do so.

- **Driving under the influence of alcohol/drugs**

The Policy includes details (Section 21.7, page 23) about drivers under the influence of drugs.

- **Licensing offences**

Licensing offences (Section 21.14, page 23) has been given a separate heading within the Policy. It also makes it clear that an applicant must be at least 12 months from conviction before applying for a licence at TRDC.

- **Expedition policy for revoked licences**

The Policy proposes to include a paragraph to ensure there is clear guidance to licensees about expedited licences (Section 23, page 28) and the legality of either suspending or revoking a licence.

- **Tinted windows**

It is proposed to include a requirement within the Policy for Hackney Carriage and Private Hire vehicles with tinted windows to be tested with a light meter and should they fail, the tinted windows must be removed from the vehicles (page 48).

- **Signage**

The Policy requests uniformity in relation to the signage on vehicles (page 54). Signage that is required to be displayed by TRDC will be provided to the licensee. Signage not required by TRDC will need to be authorised by a licensing officer and licensees will be charged an administration cost of £25.00 to check that all signage is compliant with written confirmation provided.

- **Policy for stretched limousine**

A new policy for stretched limousine and novelty vehicles will be included as there is currently nothing in existing TRDC policies (Appendix 10).

- **Record keeping**

As there is nothing included in current policy with regards to record keeping and how this is to be maintained, a new condition has been included within the Policy for Private Hire Operators (Appendix 11).

### **3 Consultation**

- 3.1 A consultation process for the amended Policy has taken place and expired on 23 May 2019. A total of 3 responses were received (one of which was received after the expiration of the consultation). The consultation was published on the website and

via social media platforms. It was also sent to all operators and licenced drivers currently on our database. A constructive presentation/meeting was also held with operators at Three Rivers House on 3 April 2019 and was well received.

3.2 The full responses to the consultation are available at Appendix B attached to this report. However, the following paragraphs provide a response to the comments received.

3.3 ***Vehicle testing for cars over 10 years old and the cost implication***

3.3.1 In response, testing for vehicles of 10 years and over is to ensure they are compliant and roadworthy. Advice was sought from the compliance garages who agreed that a vehicle that has been used as a licenced vehicle up to the age of 10 years would be nearing its life span and should be subject to more regular testing. This would only require a compliance test and not an MOT at the cost to the driver. This is also to ensure that the vehicles on the fleet meet the high standard expected by TRDC and the paying customers.

3.4 ***Medicals: Why are TRDC trying to bring in medicals every 3yrs until the age of 60yrs?***

3.4.1 Officers are suggesting bringing the medical in line with the 3 year drivers' licence. Currently medicals are provided on the first application and then not until the driver is 45 years old. Drivers are not clear when their medical expires and Officers have found numerous drivers that are well overdue their medical check, which has required a suspension of their licence and a loss of earnings which Officers try to avoid. As a Licensing Authority we are guided by the Government but do have the authority to put in place our own policies giving consideration to the government guidelines. We have also considered bordering authorities' conditions in relation to medical checks. Nevertheless, having given this condition further consideration we have changed the age limit to 65 years when a driver will be required to provide an annual medical certificate (previously suggested 60 years).

3.5 ***Plates: All across the country drivers are complaining that their cars are being targeted by thieves, because of having to display their rear plates 24/7.***

3.5.1 Our response is that Government legislation states that all licenced vehicles are required to have the plate securely fixed to the vehicle at all times. Limousines are allowed to have their plate in the boot if an exemption has been applied for. Private Hire and Hackney Carriage vehicles are not classed as Limousines and therefore unless an exemption has been requested for a Private Hire Vehicle then both internal and external plates must be displayed as detailed in the Policy.

3.6 ***Door signs: Only if magnetic, can take them off when not working and won't be a red flag for theft when our cars are parked up at home.***

3.6.1 Our response is that door signs will not be magnetic as they are required to be affixed to the vehicle securely. Magnets are not secure and the signs can be easily removed from the vehicle by members of the public. The door signs are for the safety of the public and to ensure they are aware the type of vehicle they are getting into and can clearly see the vehicle number which will be displayed on the door sticker.

3.7 ***Cost and no reminders from the Council: What are we actually paying over £266 per year for then, if the onus is on us drivers? I did not think the council were allowed to make a profit out of taxi fees/renewals. Why are you asking for us to***

***renew 28 days before expiry of drivers badge, just seems a bit long for a renewal, seeing as DBS will be online from now on.***

- 3.7.1 Our response is that the annual fee for a vehicle licence is currently £133 (1 year) & £375 for 3 years (£125 per year) driver licence. The onus lies firmly with the driver to ensure he/she provides all documents before they expire to the local authority including their renewal application. This is the drivers' occupation and livelihood and therefore their responsibility.
- 3.7.2 The fee paid is to cover the processing and the managing of that licence which does not include a reminder process. This was and has always been a courtesy function. Officers aim to put a reminder process in place once all the records are uploaded to the new system. The Licensing team are a small team and there are over 500 drivers, plus vehicle licences and the numerous other licences to administer.
- 3.7.3 Officers are advising drivers to submit their renewal application form 28 days prior to the expiry, currently this is required 6 weeks prior to expiry. This is to ensure that all documents required to validate the application are received giving the drivers time to apply for their DBS (which can take up to 6 months) and their medical (which can take 3-6 weeks to get a GP appointment) to avoid the driver not being able to work as there would be a break in the licence history if the application was not validated prior to the expiry of the licence.

3.8 ***Specialist driving test: Would this apply to existing drivers?***

- 3.8.1 Having given this consideration, Officers are looking to require the drivers that have been licensed with the Council for a period of time and who drive vehicles larger than a 4 seater to undertake the test. This is because Officers believe drivers *may* have picked up bad habits and Officers want to ensure the safety of the general public and the paying customers. In addition Officers also want to ensure that most of the drivers have taken the advanced driving test. In time, Officers would like to ensure all licensed drivers have taken an advanced driving course.

3.9 ***Tyres: I like other operators have reasonably new Mercedes Benz vehicles which have no spare or space saver wheel fitted and no room for such, we are instead given the Smart Spare wheel/Tyre repair kit as supplied by the manufacture which I believe you were content with but the policy doesn't mention this?***

- 3.9.1 The Licensing Authority will of course take a sensible and proportionate approach in relation to the spare wheel and if a spare wheel does not come supplied with vehicle then Officers could not insist on this being present. However if the vehicle does have space for a full sized spare wheel then we would expect to find this.

3.10 **Administration of licences**

- 3.10.1 Applications for licences will only be validated and then determined when all documents and fee (as applicable) are received, as stated within this Policy. The Council will always aim to produce licences as promptly as possible. Applications will normally be considered within 28 days of validation and, depending on circumstances, an application can then be granted, refused or deferred.

3.11 **Data protection: Data protection is obviously important to us all. Can we ask that emails coming from you up at TRDC do not disclose our email and home addresses?**

3.11.1 All information held on files and databases about an applicant is confidential, under the Data Protection Act 1998. However, the Council is under a duty to protect the public and to protect the public funds it administers, and to this end may use any information provided by an applicant within this authority. The Council is under a duty to maintain Public Registers in accordance with the legislative requirements and all registers will be maintained on line through the Council's Licensing Public Register.

### 3.12 **Hackney Carriage and Private Hire Drivers**

3.12.1 All new applicants are required to pass a specialist driving test as part of their application. Existing drivers who have not passed a driving test as prescribed by the Council will only be permitted to carry up to 4 passengers. This will be stipulated on their licence. Existing drivers are entitled to take the specialist driving test at any time and once passed will be issued a badge permitting 8 passengers, at no additional cost on production of their certificate.

### 3.13 **Points for Unattended vehicles:**

3.13.1 Points for Unattended vehicles A vehicle will be considered to be unattended if it is considered that the driver would not be available to be hired when a customer approached. Therefore, points would not be issued simply because the driver was standing outside of the vehicle but would be likely to be issued if the driver is not close enough to the vehicle to acknowledge the customer when they approach. Taxi ranks are provided for drivers to show that they are available for hire, and are not a parking provision for licensed vehicles.

### 3.14 **Operator Meeting on 3 April 2019:**

3.14.1 The following comments were made at the meeting and addressed accordingly as follows:

3.14.2 A question was addressed about safeguarding and that mandatory training would be provided either at WBC or TRDC and should the driver not attend then action would be taken against his licence.

3.14.3 It was confirmed that a dress code will be introduced to increase the level of professionalism within the taxi fleet.

3.14.4 Operators were advised of the new national database for refused and revoked drivers.

3.14.5 Operators were advised that it is their responsibility to keep records of every driver they contract work to.

## 4 **Options and Reasons for Recommendations**

4.1 Following discussion at Committee, there are three options available for Members:

Option 1: Authorise Officers to adopt the Policy as amended following the consultation.

Option 2: Authorise Officers to make further changes on the Policy and go out for a further 28 day consultation.

Option 3: Decide not to adopt the amended Policy.

4.2 Officers recommend that Members adopt Option 1 so the Policy can be implemented without delay and improve the effectiveness of the department.

## **5 Policy/Budget Reference and Implications**

5.1 The recommendations in this report are within the Council's agreed budgets but require a modification to the taxi licensing policies.

5.2 The purpose of this proposed policy is to strengthen the Hackney Carriage and Private Hire policy with immediate effect. At the end of one year, it is anticipated that the Policy will have raised the standards of the Hackney Carriage and Private Hire vehicles, drivers and operators.

5.3 Introducing the contraventions points system will have a positive impact on the standard of the drivers and vehicles and make enforcement more effective.

## **6 Financial Implications**

6.1 As a result of the proposed strengthening of the Policy with more stringent pre requisites and requirements for operators, drivers and vehicles, this may deter applicants from making an application to TRDC. This would have a corresponding impact on income. Application volumes and income will be monitored and reported via budget monitor as appropriate. The Licensing Authority is run on a cost recovery basis and therefore any fee increase due to process or procedural changes will be reflected in the licensing fees which are currently undergoing a review.

## **7 Legal Implications**

7.1 The proposed Policy sets out the principles of the Council and its expectations in respect of licensing applications. The Policy gives full and detailed information on how the licensing process will be carried out, is an integral part of the decision-making process, informing and guiding and providing a valuable aid to consistent decision making and indicates the expectations of the Council in assisting it to make its judgements on individual applications, and in carrying out its enforcement role. The Policy is vital to the Council's exercise of its powers under the Local Government (Miscellaneous Provisions) Act 1976 and related legislation & with regard to Government Guidance for Licensing Authorities.

## **8 Equal Opportunities Implications**

8.1 Relevance Test

|  |    |
|--|----|
| Has a relevance test been completed for Equality Impact?<br>There will be no effect to equal opportunities with the proposed changes to the policy.  | No |
| Did the relevance test conclude a full impact assessment was required?<br>The recommended changes may have an impact on the licence holders and new applicants but only if they breach the conditions that are set out in legislation and this policy. | No |

## **9 Impact Assessment**

9.1 There is no detrimental impact likely towards any protected group from introducing the Policy.

## **10 Staffing Implications**

10.1 No immediate staffing implications are expected with the introduction of the proposed Policy. However, the further checks that are proposed due to more stringent requirements for the drivers and vehicles and the introduction of a points system may result in a need for increased Officer resource. This will be monitored and considered as part of the ongoing fee review based on cost recovery.

10.2 If the Policy is implemented it may also lead to additional references to Legal and an increase in demand to convene Regulatory Services sub-committees due to the introduction of the points system. However as the Lead Licensing Officer has the delegated authority to make the final decision on applications and licences there may not need to be a significant increase to staff. This will be monitored accordingly.

## **11 Community Safety Implications**

11.1 The Policy seeks to enhance the Licensing Authority's ability to protect the public and work with other agencies.

## **12 Public Health implications**

12.1 The Policy seeks to reduce vehicle emissions.

## **13 Customer Services Centre Implications**

13.1 If the amended Policy is adopted CSC staff will be made aware of any procedural changes.

## **14 Communications and Website Implications**

14.1 If the amended Policy is adopted it will be displayed on the TRDC website and can be published via TRDC social media platforms. Attempts will also be made at sending the adopted policy to all operators and drivers.

## **15 Risk and Health & Safety Implications**

15.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

15.2 The subject of this report is covered by the Regulatory Services Service Plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this plan.

| <b>Nature of Risk</b> | <b>Consequence</b> | <b>Suggested Control Measures</b> | <b>Response</b><br><i>(tolerate, treat terminate, transfer)</i> | <b>Risk Rating</b><br><i>(combination of likelihood and impact)</i> |
|-----------------------|--------------------|-----------------------------------|---|---|
|-----------------------|--------------------|-----------------------------------|---|---|

|  |  |  |                 |   |
|--|--|--|-----------------|---|
| <p>There is a risk to the Council if the Taxi Licensing Policy is not updated as TRDC would not be following Government guidelines.</p> <p>Current omissions and lack of clarity in certain areas of Policy would not be considered.</p> | <p>Potential challenge by Judicial Review</p> <p>Poor driver and vehicle standards affecting safety and reputation of the public but also of the Hackney Carriage and Private Hire workforce and TRDC.</p> <p>Drivers are not 'fit and proper' affecting public safety</p> | <p>Continued monitoring of applications, cross departmental working with Legal, Community Partnerships and the Police, appropriate Officer training, monitoring and compliance checks of existing operators, taxi drivers/vehicles</p> | <p>Treat</p>    | <p>Currently 9 – High.</p> <p>The risk reduces if the recommendation is accepted</p> <p>2-4 Low</p> |
| <p>Lower income levels following reduced number of applications</p>  | <p>Income in the budget will be lower than expected</p>  | <p>To be monitored through budget monitoring process</p>   | <p>Tolerate</p> | <p>4 - Low</p>  |

15.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

|   |   |                               |                                   |                                   |
|---|---|-------------------------------|-----------------------------------|-----------------------------------|
| <p>Very Likely<br/>-----<br/>Remote</p> | <p><b>Low</b></p> <p>4</p>                                    | <p><b>High</b></p> <p>8</p>   | <p><b>Very High</b></p> <p>12</p> | <p><b>Very High</b></p> <p>16</p> |
|   | <p><b>Low</b></p> <p>3</p>                                    | <p><b>Medium</b></p> <p>6</p> | <p><b>High</b></p> <p>9</p>       | <p><b>Very High</b></p> <p>12</p> |
|   | <p><b>Low</b></p> <p>2</p>                                    | <p><b>Low</b></p> <p>4</p>    | <p><b>Medium</b></p> <p>6</p>     | <p><b>High</b></p> <p>8</p>       |
|   | <p><b>Low</b></p> <p>1</p>                                    | <p><b>Low</b></p> <p>2</p>    | <p><b>Low</b></p> <p>3</p>        | <p><b>Low</b></p> <p>4</p>        |
|   | <p><b>Impact</b></p> <p>Low -----&gt; <b>Unacceptable</b></p> |                               |                                   |                                   |

| Impact Score     | Likelihood Score       |
|------------------|------------------------|
| 4 (Catastrophic) | 4 (Very Likely (≥80%)) |
| 3 (Critical)     | 3 (Likely (21-79%))    |
| 2 (Significant)  | 2 (Unlikely (6-20%))   |
| 1 (Marginal)     | 1 (Remote (≤5%))       |

15.4 In the officer's opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

## 16 Recommendation

16.1 That the Members of the Committee:

**(1) Adopt the amended Policy (including appendices) attached to this report** and request that the Policy and Resources Committee adopt the policy.

**(2) Paragraph 2.8 Contravention Points System**, if a licensed driver reaches 12 points within a 12 month period, the license will be referred to

- a) The Lead Licensing Officer to make a decision  
**or**
- b) Delegated to the Regulatory Sub-Committee for review with Members having the final say.

Report prepared by: Lorna Fryer, Lead Licensing Officer

## Data Quality

Data sources:

Equality Act 2010 – [http://www.opsi.gov.uk/acts/acts2010/ukpga\\_20100015\\_en\\_1](http://www.opsi.gov.uk/acts/acts2010/ukpga_20100015_en_1)  
DFT Best practice Guidance -  
[https://www.gov.uk/search?q=taxi+and+Private+hire+Licensing&show\\_organisations\\_filter=true](https://www.gov.uk/search?q=taxi+and+Private+hire+Licensing&show_organisations_filter=true)

The Air Quality (Taxis and Private Hire Vehicles Database) (England and Wales) Regulations 2019 - <http://www.legislation.gov.uk/ukdsi/2019/9780111177969>

Local Government (Miscellaneous Provisions) Act 1976.

Data checked by: Matthew Roberts, Team Leader, Development Management.

Data rating:

|   |            |   |
|---|------------|---|
| 1 | Poor       |   |
| 2 | Sufficient |   |
| 3 | High       | X |

**Background Papers: None.**

**APPENDICES / ATTACHMENTS**

**Appendix A: Amended Hackney Carriage and Private Hire Policy**

**Appendix B: Consultation responses**