

Wiltshire Council

Licensing Committee

2 September 2013

Further Harmonisation of Hackney Carriage and Private Hire Licensing

Cabinet member: Councillor Keith Humphries – Public Health and Protection, Adult Care and Housing

Summary

A previous report taken to the Licensing Committee on 26 May 2010 considered and agreed a proposed set of harmonised conditions, administrative and enforcement arrangements for licensing hackney carriages (taxis), private hire vehicles, drivers and operators throughout Wiltshire. This report updates these arrangements and proposes a final step towards harmonisation across the County by the introduction of a single zone for Wiltshire Council and one tariff which will apply throughout the single zone. The report also proposes the inclusion of a “zero tolerance” policy for alcohol and smoking, including a prohibition on the use of electronic cigarettes by drivers.

Proposal(s)

The Licensing Committee is recommended to approve the additional harmonised conditions, administrative and enforcement arrangements:

1. A “zero tolerance” on alcohol use by drivers.
2. A “zero tolerance on smoking in vehicles, which includes the use of electronic cigarettes.

The Licensing Committee is also asked to consider in principle the future introduction of one harmonised zone for the Wiltshire Council area and one tariff which will apply throughout the single zone.

Reason for Proposal

Provide a harmonised service with the introduction of consistent conditions, administrative and enforcement arrangements to be applied throughout the Wiltshire Council area. To introduce and implement a single zone for the whole of the Wiltshire Council area and one tariff to apply throughout the zone. Without the implementation of one zone and harmonised tariffs the Council will not be able to complete the harmonisation of the service. This would be more efficient for the council’s licensing service to administer and any efficiency savings would be passed on to the businesses via the new fee structure.

Maggie Rae, Corporate Director

1. Purpose of Report

- 1.1 To introduce further harmonised conditions to be applied throughout the Wiltshire Council area.
- 1.2 To consider in principle the future introduction of a harmonised zone for the whole of the Wiltshire Council area and one harmonised tariff to apply throughout the zone.

2. Background

- 2.1 A previous report taken to the Licensing Committee on 26 May 2010 considered and agreed a proposed set of harmonised conditions, administrative and enforcement arrangements for licensing hackney carriages (taxis), private hire vehicles, drivers and operators throughout Wiltshire. These conditions are attached at Appendix 1. This report updates condition D22 "No Smoking Policy" to include the prohibition of the use of electronic cigarettes. This report also asks the Committee to consider the inclusion of a "zero tolerance" policy for alcohol use by drivers. Both the condition and proposed statement of intent through a zero tolerance policy represent good practice and are in keeping with policies adopted by other Local Authorities. The reason for prohibiting the use of electronic cigarettes is that the Council has received complaints from the drivers when passengers have used them in their licensed vehicles and from members of the public who think licensed drivers have been smoking in their vehicles.
- 2.2 Although Wiltshire Council has been a Unitary Authority since 2009 taxis and private hire licensing continues to operate as four separate zones based on the old district council areas. The legislation however allows the council, to merge these existing zones into one large zone that would cover the whole of the Wiltshire Council area. Three of the four existing zones are already very similar and this will be the final step towards complete harmonisation. This means that all hackney carriages and private hire driver and vehicle licenses would be valid throughout the whole council area and covered by a single fee.
- 2.3 The Department for Transport document "Taxis and Private Hire Licensing: Best Practice Guidance" dated March 2010 advises that a single zone is more appropriate than retaining historic multiple zones. The relevant part of the guidance is reproduced below:

TAXI ZONES

1. *The areas of some local licensing authorities are divided into two or more zones for taxi licensing purposes. Drivers may be licensed to ply for hire in one zone only. Zones may exist for historical reasons, perhaps because of local authority boundary changes.*
2. *The Department recommends the abolition of zones. That is chiefly for the benefit of the travelling public. Zoning tends to diminish the supply of taxis and the scope for customer choice - for example, if fifty taxis were licensed*

overall by a local authority, but with only twenty five of them entitled to ply for hire in each of two zones. It can be confusing and frustrating for people wishing to hire a taxi to find that a vehicle licensed by the relevant local authority is nonetheless unable to pick them up (unless pre-booked) because they are in the wrong part of the local authority area. Abolition of zones can also reduce costs for the local authority, for example through simpler administration and enforcement. It can also promote fuel efficiency, because taxis can pick up a passenger anywhere in the local authority area, rather than having to return empty to their licensed zone after dropping a passenger in another zone.

2.4 Consultation; Informal consultation has already commenced with all current licence holders in the taxi and private hire licensed trade in Wiltshire. Formal consultation will take place with the taxi and private hire licensed trade once the informal consultation has been completed.

2.5 A proposed harmonised tariff for Wiltshire Council is included at appendix 2.

3. Main Considerations for the Council

3.1 Without the implementation of one zone and harmonised tariffs the Council will not be able to complete the harmonisation of the service. This would be more efficient for the council's licensing service to administer and any efficiency savings would be passed on to the businesses via the new fee structure. It should be noted that three of the four current zone areas are already very similar.

4. Safeguarding Considerations

4.1 All licensed taxi and private hire drivers in the Wiltshire Council zone are subject to a "fit and proper" test which ensures the safety of all passengers, including vulnerable adults and children.

5. Public Health Implications

5.1 The "zero tolerance" policy for alcohol and smoking (including the prohibition on the use of electronic cigarettes) promotes a healthier lifestyle.

6. Environmental and Climate Change Impact of the Proposal

6.1 There is minimal environmental impact of these proposals.

7. Equalities Impact of the Proposal

7.1 The impact of these proposals is assessed as "low" against the Council's statutory responsibilities.

8. Risk Assessment

8.1 If a harmonised tariff rate cannot be agreed the Council could be open to legal challenge by the taxi and private hire trade.

9. Financial implications

9.1 Costs will be incurred in the carrying out of consultation, and these can be absorbed within the existing budgets for the service.

9.2 One zone and harmonised tariffs would be more efficient for the council's licensing service to administer and any efficiency savings would be passed on to the businesses via the new fee structure.

10. Legal Implications

10.1 The Council will consult on the proposed single zone and tariff and will consider any objections before adoption as required by law. A further report will be presented to the Licensing Committee after which final approval will need to be sought from Full Council.

11. Conclusions

11.1 This is the final harmonisation necessary as a result of Wiltshire Council becoming a Unitary Authority.

11.2 Without the implementation of one zone and harmonised tariffs the Council will not be able to complete the harmonisation of the service. This would be more efficient for the council's licensing service to administer and any efficiency savings would be passed on to the businesses via the new fee structure. It should be noted that three of the four current zone areas are already very similar.

12. Recommendations

12.1 That the Licensing Committee agrees to the addition outlined in the condition D22 "No Smoking Policy" to include the use by drivers of electronic cigarettes.

12.2 That the Licensing Committee to consider the inclusion of a "zero tolerance" policy for alcohol use by drivers.

12.3 That the Licensing Committee to consider in principle the future introduction of a harmonised zone for the whole of the Wiltshire Council area and one harmonised tariff to apply throughout the zone, and that formal consultation with the trade is commenced.

Maggie Rae, Corporate Director

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Background Papers

The following unpublished documents have been relied on in the preparation of this report:

None

Appendices

Appendix 1 – Conditions for Wiltshire Council Private Hire and Hackney Carriages.

Appendix 2 – Proposed harmonised tariffs.
