



Name of meeting: Licensing and Safety Committee

Date: 17th December 2020

Title of report: Hackney Carriage and Private Hire Trade Engagement

Purpose of report: The purpose of this report is to seek members approval for the proposed 'terms of reference' for engagement with the hackney carriage and private hire trades.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	No
The Decision - Is it eligible for call in by Scrutiny?	Not Applicable
Date signed off by <u>Strategic Director</u> & name Is it also signed off by the Service Director for Finance? Is it also signed off by the Service Director for Legal Governance and Commissioning?	Colin Parr – 07.12.2020 Eamonn Croston – 07.12.2020 Julie Muscroft – 07.12.2020
Cabinet member portfolio	Cllr Paul Davies

Electoral wards affected: All

Ward councillors consulted: Not Applicable

Public or private: Public

Has GDPR been considered? Yes - this report does not contain personal information.

1. Summary

1.1 This report seeks Members approval on future arrangements for engaging with the private hire and hackney carriage trades. Placing meetings with the respective trade groups on a more formal and structured basis.

2. Information required to take a decision

Background

2.1 Prior to the current pandemic, the licensing service held meetings with the hackney carriage and private hire trades on an ad-hoc basis. These meetings were seen as an opportunity for licensing to pass on information around changes in policy / procedure and an opportunity for the trade to bring issues affecting them to the attention of licensing.

2.2 Although facilitated by licensing officers, the meetings have been chaired by the Chair of the Licensing and Safety Committee; and in arranging the meetings officers requested a presence from the Police and Highways.

2.3 As a result of the pandemic, arranging those meetings has not been possible and this has had a detrimental effect on how the service engages with the trade.

2.4 However, with the Council now being in a position to hold virtual meetings, the service is now able to re-commence meetings with the respective trade representatives.

2.5 As part of re-commencing the trade meetings, officers have looked at formalising those meetings and to support this have developed the proposed 'terms of reference' attached to this report at **appendix I**.

Terms of Reference

2.6 The proposed terms of reference recognise there are differences between the hackney carriage and private hire trades, not only in the issues experienced but in how policy changes impact on their respective sectors. As a result, the terms of reference propose to separate the meetings into a hackney carriage working group and private hire working group, which will enable a more focused means of engaging with the trades.

2.7 The proposed terms of reference state the meetings will have no Member involvement. This does not mean Members will not be able to attend the meetings, it means if they do it will be in a supportive role rather than as Chair. Adopting this approach will ensure there is a level of separation between the decision-making body (the Committee), and any policy issues / suggested changes that are raised at the meetings.

2.8 The proposed terms of reference set out the membership of the group, its purpose, and that it will be subject to set agenda, consisting of matters to be raised by the licensing service and matters to be raised by the trades.

2.9 Members and trade representatives alike need to be aware the proposed terms of reference do not permit discussion around individual decisions on individual

licence holders. Decisions made on individual licence holders are subject to separate and distinct formal appeals process, as set out in legislation.

3. Implications for the Council

3.1 Working with People

One of the Licensing Service key priorities is to ensure there is a raising of standards across the private hire and hackney carriage trades in order to protect the travelling public; and ensure people across West Yorkshire are transported safely and protected from harm; and that people in Kirklees experience a high quality, clean, sustainable and green environment, as well as improve the customer experience. The respective working groups will enable the licensing service and trade to meet these priorities.

3.2 Working with Partners

In developing its policies, the licensing service works with a number of partners, including, Kirklees Safe Guarding Children's Board, West Yorkshire Police, Public Health, Environmental Health, Overview and Scrutiny Committee, Community Safety Partnership and other West Yorkshire Authorities (inc York) and the hackney carriage / private hire trades.

3.3 Place Based Working

The proposed terms of reference are part of a wider review on how the licensing services interacts and engages with licence holders, residents and communities.

3.4 Climate Change and Air Quality

There is no specific impact in the context of this paper. However, the working groups established under these proposed terms of reference will enable to the licensing service, the Council's climate change team and the trade look at any changes that may need to be made in relation to vehicle licensing and its impact on climate change and air quality.

3.5 Improving outcomes for children

The Council wants to ensure children have the best start in life and to ensure that the people of Kirklees feel safe and are protected from harm. The Council has a duty to protect the travelling public and safeguard children travelling in licensed vehicles and in particular for the purposes of school transport. The respective working groups will enable the licensing service and trade to improve safeguarding and address any issues relating to such.

3.6 Other (eg Legal/Financial or Human Resources) Consultees and their opinion

Legal

The principal legislation is the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

The purpose of taxi licensing is detailed in the Department for Transport "Taxi and Private Hire Licensing Best Practice Guide" paragraph 8 which states: "The aim of

local authority licensing of the taxi and Private Hire Vehicle (PHV) trades is to protect the public.”

Taxi and Private hire vehicle licensing in England and Wales is undertaken by licensing authorities, which have the responsibility for ensuring that the public travel in safe, well maintained vehicles driven by competent drivers; as well as providing a fair and reasonable service for the taxi and private hire vehicle trade. Council’s following best practice will meet or communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistent and robust in decision making.

4 Next steps and timelines

4.1 If endorsed by Members of the Licensing and Safety Committee the licensing service will look to schedule the first meetings of the working groups in January 2021.

5 Officer recommendations and reasons

5.1 Members are recommended to –

- Note the report, and
- Approve the proposed terms of reference at **appendix I**

5.2 Agreeing to these recommendations will ensure the service re-commences engagement with the trade on a more formal and structured basis, that will be of benefit to the trade and officers.

6 Cabinet Portfolio Holder’s recommendations

Cllr Paul Davies supports the review of how officers engage with the trade.

7 Contact officer

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8 Background Papers and History of Decisions

Not applicable

9 Service Director responsible

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