



# OVERVIEW & SCRUTINY VIEWS AND RECOMMENDATIONS

TO CABINET 11MAY 2016

Report Title	RECOMMENDATIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE – IMPACT OF THE EFFECTIVENESS OF THE ENFORCEMENT OF LICENSING POLICIES IN RESPECT OF TAXIS AND PRIVATE HIRE
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**Agenda Status: PUBLIC**

## 1. Purpose

- 1.1 To present to Cabinet for consideration, the comments and recommendations of the Overview and Scrutiny Committee on the findings of the Review – Impact of the effectiveness of the enforcement of Licensing Policies in respect of Taxis and Private Hire.
- 1.2 Members of Cabinet have been issued with a copy of the full report. All Overview and Scrutiny review reports are published on the Overview and Scrutiny page on the Council's Webpage and a copy of this report can be located: [www.northampton.gov.uk/scrutiny](http://www.northampton.gov.uk/scrutiny) - Previous Scrutiny Reviews.

## 2. Recommendations

- 2.1 The Overview and Scrutiny Committee recommends to Cabinet that:

### **Provision and Usage of Taxi ranks in the borough**

- 2.1.1 Consideration is given to the provision of additional taxi ranks in the town centre:

**Abington Street (near to central library)**, utilising the loading bays for an additional permanent taxi rank. Hours of operation – 10pm to 5am. This would ensure that loading to the nearby shops could take place.

**The Parade** – A night time rank comprising approximately 12 spaces. Hours of operation - 11pm to 5am. Consideration would need to be given to issuing

Hackney Carriage drivers with a key to the barriers. A deposit could be charged and refunded when the key is returned.

**Guildhall Road/Derngate** - A potential night time rank in the heart of the Cultural Quarter. Hours of operation 11pm to 5am.

**Mercers Row** – The rank is expanded to both sides of the road

2.1.2 Taxi rank signage is put in situ at the various ranks within the town.

2.1.3 An unmet demand survey for Hackney Carriages is undertaken in order to determine whether the number of Hackney Carriages exceeds requirements and whether a cap is necessary. This survey should also consider the extent of the Private Hire Trade and be undertaken every three years.

### **Policies and Strategies for Licensing and the effectiveness of the legislation for licensing**

2.1.4 A sign for Private Hire Vehicles (PHV) to display “Pre Booked only” is issued to all PHV. The sign must be on display at all times.

2.1.5 The Scrutiny Panel informs Cabinet that it supports the further introduction of Child Sexual Exploitation (CSE) training for all Hackney carriage and private hire drivers at Northampton.

2.1.6 Details of the CSE awareness training is presented to the Licensing Committee regarding its roll out and content.

2.1.7 When approved, the relevant sections from the Low Emissions Strategy for Northampton are included within the licensing Policy for Taxis and Private Hire.

2.1.8 The standard test to become a Private Hire driver is raised.

2.1.9 An evaluation of the Policy regarding the enforcement of licensing conditions takes place and consideration is given to the inclusion of structured enforcement guidelines. Licensing conditions for Hackney Carriages and Private Hire are then reviewed every two years from January 2017.

### **Information Exchange**

2.1.10 At least an annual joint meeting between Hackney Carriage drivers, Private Hire drivers and the relevant Authorities, including NBC Licensing Officers, Northants Highways and the Police, is held.

## **Raise Awareness of the licensing and planning framework around the regulation of private hire and taxi licensing**

- 2.1.11 Articles are placed in the press regarding the difference between Hackney Carriages and Private Hire; particularly around the Christmas period. Copies of such articles are also forwarded to Community Groups and Residents' Associations.
- 2.1.12 A PR campaign, using social and conventional media, is put in place to convey positive messages about the benefits of using taxis / private hire vehicles and give information about the complaint mechanisms. Existing contacts with the University of Northampton and Northampton College are used to share information through their information sharing processes.

### **Taxi Marshals**

- 2.1.13 Taxi Marshals are introduced for a trial period of six months. The trial is then evaluated so that the success of Taxi Marshals can be assessed.

### **Highways**

- 2.1.14 Consideration is given to the removal of the two plant pots in situ at the entrance of Kingswell Street in order that it could become a functional road to through traffic.
- 2.1.15 It is recommended to Northamptonshire Highways that double red lines are introduced at Woodhill.
- 2.1.16 Temporary full closures to traffic of Bridge Street are introduced on specific risk dates as identified by the Licensing Sergeant, Northants Police.
- 2.1.17 The Scrutiny Panel formally informs Cabinet that it has put recommendations to the Licensing Committee:

A copy of this report is sent to the Licensing Committee.

It is recommended that the Licensing Committee re-visits the age limit Policy on Hackney Carriages.

## **3. Background and Issues**

- 3.1 The purpose of the Scrutiny Panel was to investigate the pattern of provision of licensing in respect of taxis and private hire

## Key lines of Inquiry:

- To review the policies and strategies for licensing
- To assess the effectiveness of the legislation for licensing
- To raise awareness of the licensing and planning framework around the regulation of private hire and taxi licensing
- To assess what mechanisms are in place for the exchange of information between the Council, the Police and licence holders.
- To examine what options are available and any best practice or solutions that other Local Authorities have successfully implemented
- To assess the provision and usage of taxi ranks in the borough

3.2 The Overview and Scrutiny Committee, at its work programming event in June 2015, agreed to include a review of the effectiveness of the enforcement of Licensing Policy in respect of Taxis and Private Hire. The Overview and Scrutiny Committee commissioned Scrutiny Panel 3 to undertake the review. An in-depth review commenced in July 2015 and concluded in March 2016.

3.3 A Scrutiny Panel was established comprising Councillor Gareth Eales (Chair); Councillor Graham Walker (Vice Chair); Councillors James Hill, Suresh Patel and Brian Sargeant.

3.4 This review links to the Council's corporate priorities, particularly corporate priority Safer Communities Making you feel safe and secure .

3.5 The Scrutiny Panel established that the following needed to be investigated and linked to the realisation of the Council's corporate priorities:

Background data, including:

- Presentation to set the scene: "Licensing Policy in the Borough"
- Relevant national and other background research papers, such as:
  - [Department for Transport – Taxi statistics \(2013\)](#)
  - [House of Commons Library – Taxi and Private Hire Vehicles \(2014\)](#)
  - [Department of Transport Best Practice Guidance on Vehicle Licensing](#)

Relevant Legislation:

- The role of the Licensing Authority
- Local Government (Miscellaneous Provisions) Act 1976
- Town Police Clauses Act 1847
- Licensing Policy and Practice
- Licensing Enforcement practice guidelines

Relevant data:

- Statistical data, such as the number of hackney carriage and private hire licences in the borough, number of taxi ranks in the borough and spaces on each rank
- Best practice and successful initiatives in both Northampton and elsewhere

Witness evidence:

### **Internal**

- Cabinet Member for Environment, Northampton Borough Council (NBC)
- Cabinet Member for Community Safety, NBC
- Senior Licensing Officers, Northampton Borough Council

### **External**

- Licensing Sergeant, Northants Police
- Community Engagement Manager, Northamptonshire Highways
- Chair, Taxi and Private Hire Association
- Private Hire Operators

3.6 In considering the evidence the following conclusions were made: -

### **Policies and Strategies for Licensing and the effectiveness of the legislation for licensing**

- 3.6.1 The Scrutiny Panel was concerned regarding the evidence received about private hire vehicles flagging. It felt that there was a need for the introduction of an Enforcement/Committee Sanctions Policy for flagging.
- 3.6.2. The Scrutiny Panel emphasised that if a Private Hire vehicle (PHV) flags or takes an un-booked fare then they are committing an offence and are also operating without insurance. The introduction of a “pre booked only” sticker for display in the windcreens of private hire vehicles would be useful.
- 3.6.3 Expected behaviour of Hackney Carriage drivers is covered in the Induction Programme, for example not to retain customers’ telephone numbers. The induction programme also includes:
- School contracts
  - Disability issues
  - Fraud
  - Child Sexual Exploitation (CSE)

- 3.6.4 The Scrutiny Panel recognised that drivers have a vital role in being alert for signs of child sexual exploitation. The Scrutiny Panel acknowledged that the training that drivers at Northampton undertake in respect of Child Sexual Exploitation (CSE). CSE is incorporated into the induction training for drivers at Northampton. There is a mandatory question that drivers are expected to answer as part of the testing process. The Scrutiny Panel was pleased that investigations are taking place regarding the provision of training on CSE awareness for drivers in the possible form of on-line training or training in DVD format.
- 3.6.5 Evidence received highlighted that Private Hire vehicles with roof signs could appear to look like a Hackney Carriage vehicle and could be confusing to the public thinking that they are a Taxi. Part II of the Local Government (Miscellaneous Provisions) Act 1976 states that a Private Hire vehicle must not look like a Taxi.
- 3.6.6 The Scrutiny Panel felt that the test to become a Private Hire driver should be of the same standard to that of a Hackney Carriage driver. An extensive knowledge test is given too. Private Hire drivers undertake a basic knowledge test.
- 3.6.7 The Scrutiny Panel was pleased to note from the evidence received that the majority of drivers are happy with the licensing conditions and processes applied to Hackney Carriage and Private Hire. However, the Scrutiny Panel felt that licensing conditions should be reviewed every two years, to take into consideration issues such as changes in legislation.
- 3.6.8 The Scrutiny Panel noted that a project had been undertaken regarding the current 3 year age limit for hackney carriages when first licensed. It had been found that maintenance and condition of a vehicle was more important than age, for example, an older car could be in better condition and well maintained than that of three years old. It had therefore been agreed by the Licensing Committee to remove the age restriction but for it to be introduced incrementally. From 1 January 2016 there will not be an age limit for first licence of a hackney carriage vehicle.
- 3.6.9 Some areas of the town are subject to poor air quality due primarily to transport related emissions and work is ongoing to develop a Low Emissions Strategy for Northampton with associated planning guidance. The Scrutiny Panel noted that the recommendations of this strategy are likely to have implications for the taxi trade, particularly in respect of some more polluting diesel engine vehicles and the Scrutiny Panel felt that it is important that work is taken forward to incorporate these considerations into taxi/ private hire vehicle policy.

### **Licensing Conditions – example of solutions introduction by other Local Authorities**

- 3.6.10 Desktop research indicated that a Local Authority has introduced changes to its licensing regime:

- New and existing drivers attend child sexual exploitation awareness briefings
- The introduction of a driver penalty scheme
- Introduction of a Three Year Driver's Licence

The Scrutiny Panel acknowledged the usefulness of these changes and felt it would be beneficial for there to be an evaluation of the Policy regarding the enforcement of licensing conditions; such as the inclusion of structured enforcement guidelines. The Scrutiny Panel highlighted that consistency is key.

### **Taxi Marshals**

- 3.6.11 The Scrutiny Panel noted the success of Taxi Marshals in other areas of the country. It further recognised that the introduction of Taxi Marshals could incur a cost, for example, a six month trial period of Taxi Marshals at Nuneaton and Bedworth cost £12,528.

### **Mechanisms for the exchange of information**

- 3.6.12 The Scrutiny Panel was pleased that discussions are ongoing regarding an information sharing police regarding Northampton Borough Council sharing information regarding DBS checks for the Trade with Northamptonshire County Council in respect of transporting vulnerable people.
- 3.6.13 Evidence received confirmed that information sharing channels between the Trade, Council and Police is good. Regular meetings are held. It was felt that a joint meeting between Hackney Carriage, Private Hire drivers and the relevant Authorities would be useful.
- 3.6.14 The Scrutiny Panel felt that a lot of people are not aware of the difference between Hackney Carriages and Private Hire. There is a need for this to be widely publicised and it could assist with the problem of flagging. Articles in the local press during the year would be beneficial.
- 3.6.15 Evidence received highlighted the need for regular inclusion of key information in NBC publications to customers could have information to explain the rules around taxis or engagement with community groups or Residents Associations on occasions. Press releases could be used following operations.
- 3.6.16 The Scrutiny Panel emphasised the need for clearer information about how to complain about problems with taxis/private hire vehicles including flagging, poor service, vehicle maintenance and condition and are made available on the Council's website. A PR campaign using social and conventional media could be put in place to convey positive messages about the benefits of using taxis / private hire vehicles and give information

about complaint mechanisms. Existing contacts with the University and College could be used to share information through their information sharing processes.

### **The Provision and Usage of Taxi Ranks in the borough**

- 3.6.17 Evidence received confirmed that Northampton's taxi trade is of a similar size to other large towns or small cities in the country. The Scrutiny Panel felt that consideration should be given to restricting the number of Hackney Carriage vehicles. An unmet demand survey should be undertaken.
- 3.6.18 The Scrutiny Panel was concerned regarding the number of rank spaces in the town, approximately 20 for 150 Hackney Carriages. From the evidence received, the Scrutiny Panel considered there is not sufficient rank space in the town during both day and night time. Daytime problems can be experienced with traffic congestion when the rank is full. There is no overflow provision for drivers to wait at a suitable location until space on the rank becomes available. There is no provision at the eastern end of the town centre, for example at the top of Abington Street or on Wellingborough Road. There are some night time flagging "hotspots", such as St Giles Street and the lower part of Bridge Street. The Scrutiny Panel felt additional rank space here would be useful.
- 3.6.19 Evidence received highlighted the need for signage for Taxi ranks and road markings.

### **Resources for Taxi and Private Hire Licensing**

- 3.6.20 Evidence received detailed that current levels of resource mean that it is not possible for Licensing Enforcement Officers to monitor compliance at all times and so therefore enforcement has to be undertaken on a targeted basis. Further evidence detailed that Licensing Enforcement Officers are very busy, under pressure and unable to undertake as much licensing enforcement as they would like to do.
- 3.6.21 The Scrutiny Panel felt that the introduction of Taxi Marshals would be beneficial.

### **Night time Economy and Highways**

- 3.6.22 The evidence received highlighted the issues around Bridge Street during the night-time economy and the congestion along Bridge Street. Further evidence received highlighted that from a legislative point of view the closure of Bridge Street during the Night Time Economy, except for buses and taxis would not be possible to do under a Temporary Traffic Order (Section 14 of the Highways Act 1980). Northamptonshire Highways is only able to use a temporary traffic order for either works or for a likelihood of danger to the travelling public (i.e. weak bridge, unsafe structure etc.). A Permanent Traffic Order would therefore be required which would have a public consultation. Evidence from Northamptonshire Highways stated that from previous experiences it is likely that objections to this would be received from restaurants, churches in the area. In closing Bridge Street it would require traffic remodelling throughout the town centre



to enable traffic to enter and leave the town centre. Currently drivers would be able to enter via St Giles Square but would have no way of exiting the area. Allowing taxis and buses only through may be potentially more hazardous than having a more constant flow of vehicles. Pedestrians in the area may not be expecting vehicles and there would be a zero traffic flow for most of the time. Northamptonshire Highways would raise objections to this if there were Police or Borough Council powers used to close the road.

- 3.6.23 The Scrutiny Panel supported temporary full closures to traffic of Bridge Street being introduced on specific risk dates as identified by the Licensing Sergeant, Northants Police such as Halloween, Christmas Eve, New Year 's Eve and New Year's Day, various payday weekends and other celebratory dates.
- 3.6.24 At one of its early evidence gathering meetings, the Scrutiny Panel was shown CCTV footage of the night-time economy in the town that highlighted issues incurred with traffic, groups of individuals being in the road and crossing the road after a night out.
- 3.6.25 The Scrutiny Panel noted that the Taxi Trade felt it would be useful for Kingswell Street opened up to traffic. It is currently blocked off to traffic by two large plant pots.

## **4. Options**

- 4.1 Cabinet will need to consider the possible options as part of its response to the recommendations.

## **5. Implications (including financial implications)**

### **5.1 Policy**

- 5.1.1 The work of Overview and Scrutiny plays a major part in the development of the Council's policy framework through its work programme.
- 5.1.2 The report and its recommendations have policy implications in relation the effectiveness of the enforcement of Licensing Policies in respect of Taxis and Private Hire. Cabinet's response will need to consider these issues in detail.

### **5.2 Resources and Risk**

- 5.2.1 Cabinet will need to consider the resourcing issues for the recommendations made.

### **5.3 Legal**

- 5.3.1 Legal issues will need to be considered as part of Cabinet's response to the recommendations.

## **5.4 Equality**

5.4.1 Equality issues will need to be considered as part of Cabinet's response to the recommendations.

## **5.5 Consultees (Internal and External)**

5.5.1 The Committee consulted and took evidence from a variety of sources as detailed in paragraph 3.5 of this report.

## **6. Background Papers**

- Overview and Scrutiny Committee report – Effectiveness of the Enforcement of Licensing Policies and Private Hire
- Minutes of the meeting of the Overview and Scrutiny Committee – 11 April 2016

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