

## LICENSING COMMITTEE



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PORTFOLIO	Housing & Environment
REPORT AUTHOR	Head of People, Law & Regulation
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### Scoping the Strategic Review of Taxi Licensing Policy

#### PURPOSE

1. To approve the scope of a Strategic Review of taxi licensing policy.

#### RECOMMENDATION

2. That the Head of People, Law & Regulation commence the Strategic Review of taxi licensing policy in line with the principle set out in the report;
3. That the Head of People, Law & Regulation provides to the Committee periodic progress reports.

#### REASONS FOR RECOMMENDATION

4. To ensure that the Council's taxi licensing policy accords with the Principles of Good Regulation.

#### SUMMARY OF KEY POINTS

5. The Legislative and Regulatory Reform Act 2006, Part 2, requires the Council to have regard to the Principles of Good Regulation when exercising a regulatory function such as taxi licensing.

We should exercise our regulatory activities in a way which is:

- (i) **Proportionate** – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence,
- (ii) **Accountable** – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures,
- (iii) **Consistent** – our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in similar ways to other local authorities,
- (iv) **Transparent** – we will ensure that those we regulate are able to understand

what is expected of them and what they can anticipate in return, and  
(v) **Targeted** – we will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities.

6. The taxi trade in Burnley makes a significant contribution to the local economy, as well as providing an essential public service to the people of Burnley and visitors to the Borough. Currently we have 43 hackney carriages, 51 hackney carriage drivers, 38 private hire operators, 285 private hire vehicles and 519 private hire drivers, operating within two statutory schemes overseen by the Council. Broadly speaking though, both elements of the trade have the same objectives, namely the provision of a safe and reliable transport service to the public and business.
7. The current 'policy' is derived from a number of stand-alone policies that have evolved over a number of years. For example, the vehicle testing manual; vehicle '3 strikes policy'; driver training; vehicle age limits; driver convictions; vehicle and operator conditions. Collectively, the policies set both a policy framework and detailed rules within which the taxi trade is regulated by the Council. Some of these policies have been in place for many years and whilst they were very relevant at the time of adoption, like any policies of a certain age, they would benefit from a refresh to ensure that the Principles of Good Regulation continue to be met. At a very practical level, some aspects of current policy is unnecessarily complex, which makes administration and customer understanding more difficult than it ought to be.
8. In considering the principles of good regulation when deciding whether to review a regulatory policy, the Licensing Authority should ask itself whether the policy we currently have helps us to oversee a thriving fleet of safe hackney & private hire vehicles.

Practical considerations relevant to any local review of taxi licensing policy are:

- (i) **Proportionality** – are the costs of implementation reasonable to the trade, are there appropriate sanctions that take into account the seriousness of any non-compliance and adequately safeguard taxi users?;
- (ii) **Accountability** – has the framework been developed through open and meaningful consultation, and is it open to the ongoing scrutiny of the community?;
- (iii) **Consistency** – is the policy fair, capable of smooth & responsive administration, and does it provide a level playing field?;
- (iv) **Transparency** – does it outline in clear and simple terms what standards we expect from licence holders? and
- (v) **Targeted** – are our resources targeted at those higher risk activities, reflecting local need and national priorities. Is it sufficiently flexible to meet the current and planned future needs of the community?

Additionally the Council is committed to support local business growth, so other relevant objectives of a taxi licensing policy should be to promote access into the trade for new entrants, and encourage business investment to continually improve the service.

9. With those principles in mind, and taking account of the government's national strategy to:

- remove or simplify existing regulation that unnecessarily impedes growth;
- reduce the overall volume of new regulation by introducing regulation only as a last resort;
- improve the quality of any remaining new regulation;
- move to less onerous and less bureaucratic enforcement regimes where inspections are targeted and risk-based;

It is proposed to begin the Review with a consolidation of the various taxi licensing policy documents into one document (in draft form), so we can better understand the scale of the task. Then, moving on to a more focussed review of priority elements of the policy which is likely to include the following areas in priority order:

- A simplification of licence conditions so that regulatory requirements are better understood and easier to enforce;
- A review of permitted hackney vehicle types (committee is referred to the temporary relaxation on upper age limits approved by Council on 20 December in response to the demise of the Manganese Bronze taxi manufacturer;
- An extension of the number of approved contractors for vehicle testing;
- An examination of the effectiveness of current policy in driving up standards of vehicle conditions, and the implementation of strategies to encourage the Trade, and individuals within it, to take ownership of vehicle standards;
- Improved provision of places for pick up, drop off and ranks in Burnley Town Centre. It is noted that the review of ranks may have to be done in parallel with a review of permitted hackney vehicle types given the potential changes to vehicle dimensions;
- Driver safety – consider how new technology might assist, along with support and guidance to drivers on keeping safe;
- The effectiveness and efficiency of licensing administration, from the point of view of customer experience and value for money.

10. The Review is a significant undertaking which will need both time and resource from Members, officers and the Taxi Task Group. It is anticipated that all elements of the Review will take at least 12 months to complete, but we propose to return periodically to the Committee with substantive policy recommendations for Committee to make to Council, on specific themed elements, rather than wait to the end of the Review and go for a ‘big bang’ approach. Subject to the Committee’s view on the scope of the Review, it is proposed to agree a prioritised timetable with the Taxi Forum, to ensure that the most pressing matters are looked at first.

**FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

11. Not yet known, although the intention is for the outcome to be budget neutral or better.

**POLICY IMPLICATIONS**

12. Not yet identified.

**DETAILS OF CONSULTATION**

13. The Taxi Task Group.

**BACKGROUND PAPERS**

14. Current published Burnley Council Taxi Licensing Policy.

**FURTHER INFORMATION**

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