

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Licensing Committee **DATE:** 27<sup>th</sup> June 2017

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**WARD(S):** ALL

### **PART I** **FOR INFORMATION**

#### **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING STATEMENT**

1. **Purpose of Report**

To inform the Committee of the preparation of the Hackney Carriage and Private Hire Licensing Statement.

2. **Recommendation(s)/Proposed Action**

The Committee is requested to note the report and details of the revised Hackney Carriage and Private Hire Licensing Statement.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

The report outlines that the hackney carriage and private hire licensing regime is governed by Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the Transport Act 1985 all of which place a duty on Slough Borough Council to carry out its licensing functions in respect of hackney carriage and private hire drivers, vehicles and operators, as well as all current Council approved policies relating to hackney carriage and private hire licensing.

Approved Council policy and procedure is regularly reviewed and either amended or superseded, as well as the applicable legislation constantly being amended.

The Licensing Statement is therefore meant to be an explanatory document that Summarises the requirements and the Council's policy and procedures in carrying out its duties for this licensing regime, similar to the 'Statements' for the Licensing Act 2003 and Gambling Act 2005 and will constantly be updated to keep abreast of any changes to policy and the legislation.

3a. **Slough Joint Wellbeing Strategy Priorities –**

As an explanatory document the Licensing Statement will be available in house and on the SBC website for any member of the public or prospective new applicant or indeed current licence holder to understand the Councils duties in relation to hackney carriage and private hire licensing.

The Licensing Statement will contribute to the Slough Joint Wellbeing Strategies Priorities of:

1. Protecting vulnerable children
2. Increasing life expectancy by focusing on inequalities

3b. **Five Year Plan Outcomes**

The new Hackney Carriage and Private Hire Licensing Statement will contribute to the Five Year Plan Outcomes of:

- Our children and young people will have the best start in life and opportunities to give them positive lives.
- Slough will be an attractive place where people choose to live, work and visit.
- Slough will attract, retain and grow businesses and investment to provide jobs and opportunities for our residents.

4. **Other Implications**

(a) Financial

There are no financial implications of proposed action.

(b) Risk Management

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
From section 2 above	None	The Licensing Statement details only the current approved Council policies and procedures as well as the current legislation and does not contain anything that is not already in place. The document will be kept under constant review.

(c) Human Rights Act and Other Legal Implications

Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of a licence and shall not be deprived of the possession except in the public interest.

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

(d) Equalities Impact Assessment

An Equality Impact Assessment has not been completed, as the information contained within Hackney Carriage and Private Hire Licensing Statement covers all legislation, policy and procedure that has been approved and currently in place and therefore there is no negative or adverse impact on any individual or any equality group.

5. Supporting Information

- 5.1 Members will be aware that the Hackney Carriage and Private Hire Licensing regime is governed by Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the Transport Act 1985 which places a duty on Slough Borough Council to carry out its licensing functions in respect of hackney carriage and private hire drivers, vehicles and operators, as well as all current Council approved policies relating to hackney carriage and private hire licensing.
- 5.2 Currently all approved Council requirements, policies, procedures and relevant legislation applicable to hackney carriage and private hire licensing are contained within 'Policy and Conditions' booklets which were last updated in 2013.
- 5.3 Some requirements and conditions contained within the current 'Policy and Conditions' booklets for this licensing regime are now redundant, or have been superseded by amendments to legislation or by new and revised Council approved policies. For example but not limited to Safeguarding Training, Disclosure and Barring Service policy, Tinted windows in licensed vehicles, CCTV in licensed vehicles and the new provisions of the Immigration Act 2016.
- 5.4 As with a number of other local authorities, the licensing team has prepared a Hackney Carriage and Private Hire Licensing Statement (**attached at Appendix A**) similar to the Licensing Act 2003 Statement of Licensing Policy and the Gambling Act 2005 Statement of Licensing Principles.
- 5.5 The purpose of the licensing statement, is to be an explanatory document that summarises the requirements and the Council's policy and procedures in carrying out its duties for this licensing regime. It is not intended to be a comprehensive legal document detailing in full all requirements and approved policy. The licensing statement will be kept under constant review and update accordingly with any amendments or changes.
- 5.6 The licensing statement does not contain any new requirements or procedures that have not been previously approved or are not currently in place and therefore a consultation with the hackney carriage and private hire trade has not been conducted.
- 5.7 Having prepared the new licensing statement, the existing 'Policy and Conditions' booklets will be completely reviewed, removing all redundant areas, and only detailing the specific conditions applicable to a licence holder after the grant of a licence. All reference of the application process will also be removed, as this is a completely separate process which has to be completed in full before a licence is granted.

6. **Comments of Other Committees**

None.

7. **Conclusion**

For the Committee to note the report and the revised Licensing Statement.

8. **Appendices Attached**

'A' - Hackney Carriage and Private Hire Licensing Statement

9. **Background Papers**

'1' - Town Police Clauses Act 1847

'2' - Local Government (Miscellaneous Provisions) Act 1976

'3' - Transport Act 1985

'4' - Hackney Carriage Driver and Vehicle Policy and Conditions Booklet

'5' - Private Hire Driver and Vehicle Policy and Conditions Booklet

'6' - Private Hire Operator Policy and Conditions Booklet