

WELWYN HATFIELD BOROUGH COUNCIL
ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE – 04 JULY 2016
REPORT OF THE DIRECTOR (GOVERNANCE)

**REVISED APPLICATION PACK AND HANDBOOK FOR HACKNEY CARRIAGE AND
PRIVATE HIRE DRIVERS**

1 Executive Summary

- 1.1 The council is responsible for licensing the drivers of hackney carriages (taxis) and private hire vehicles (minicabs) within the borough. As part of this, we provide information to drivers and potential drivers through a “Driver Handbook and Application Pack”. Members have previously agreed that this “driver handbook” should be updated and a consultation exercise on the revised content has now taken place. Members are asked to consider the results of that consultation process and agree that a revised handbook should be sent to Cabinet for consideration and onwards to Full Council to be adopted.

2 Recommendation(s)

- 2.1 For members to note and consider the results of the consultation exercise (appendices A and B) and consider and agree that the revised Driver Application Pack and Handbook (appendix C) is referred Cabinet for consideration and then onwards to Full Council to be adopted.

Implications

3 Financial Implication(s)

- 3.1 None directly arising from this report, the costs of carrying out the hackney carriage work is met from a ring fenced budget.

4 Link to Corporate Priorities

- 4.1 The subject of this report is linked to the Council’s Corporate Priorities “maintain a safe and healthy community”, “protect and enhance the environment”, “build a strong local economy”, “engage with our communities and provide value for money” and is linked to a statutory provisions under hackney carriage, private hire and road safety legislation.

5 Legal Implication(s)

- 5.1 The council is required to administer the licensing regime for hackney carriage and private hire vehicle drivers in accordance with the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, associated amendments and a canon of case law.

- 5.2 The purpose of the handbook and application pack is to assist drivers and prospective drivers understand the requirements, the process of application and the pre-application requisites which the council required. The handbook may therefore be cited as part of enforcement action.
- 5.3 In developing this document consultation has taken place as shown in appendix A and the results of this consultation have been considered as shown in appendix B and incorporated into the final document shown in appendix C.
- 5.4 Consultation comments were sought only on the text which constituted new material and this was identified during the consultation process by using different colour ink. The document also incorporates material from other council sources in order to aid understanding by the reader.
- 5.5 This document does not replace the previously adopted terms and conditions or bylaws, which although are incorporated into this document, but were not subject to this consultation process.

6 Climate Change Implication(s)

- 6.1 By year on year reducing the number of older vehicles on the road the work of the work of the hackney carriage team contributes to a reduction in pollution to the environment.

7 Risk Management Implications

- 7.1 Hackney Carriage and Private Hire Drivers are in a unique position in that they are exposed to one on one time with a stranger whilst they are conveyed in their vehicle, they are also able to glean knowledge about a persons movements and when for example property is unoccupied. This unique position gives rise to the risk of planned and opportunistic criminality by unscrupulous individuals. The integrity of hackney carriage and private hire drivers is therefore essential and this is what the licensing regime aims to ensure.
- 7.2 In developing this document consultation as shown in appendix A and B has taken place; adequate consultation being a key to minimise any legal challenge that the trade have not been given the opportunity to have their views made know in connection with the revisions to this document.

8 Explanation

- 8.1 The council is responsible for licensing the drivers of hackney carriages (taxis) and private hire vehicles (minicabs) within the borough. As part of this, we provide information to drivers and potential drivers through a “driver handbook and application pack” (hereafter referred to as “the driver handbook”).
- 8.2 The purpose of the driver handbook is to provide information to potential applicants for licences and to provide a ready reminder for existing drivers. It is also used during enforcement as a quick reference document containing the councils adopted conditions and bylaws.
- 8.3 The driver handbook summarises the standards expected of drivers so that new applicants know the standards the council expects, existing drivers can use it as a helpful reminder. It can also be used by officers and committee to assist with taking decisions regarding enforcement action in line with the council’s enforcement policy

8.4 Members are asked to consider and agree the draft driver handbook shown in appendix C is sent to Cabinet for their consideration and onwards to Full Council to be adopted.

9 Equality and Diversity

9.1 An Equality Impact Screening Assessment has been carried out in connection with the driver handbook and the findings have been incorporated into the final document.

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Date	May 2016	

Appendix A. List of consultees

The following organisations and individuals were consulted as part of preparing this document. This is a summary list presented in alphabetical order; a complete list is available from the Hackney Carriage Office.

Acacia Mews Care Home	Digswell Place Riding School for disabled
All Hackney Carriage and Private Hire drivers licensed by Welwyn Hatfield Council	Douglas Tilbe House
All members of the Borough Panel	Elizabeth House Care Home
All Private Hire Operators licensed by Welwyn Hatfield Council	Ellenbrook Residents Association
Applecroft School	Essendon C of E Primary School
Ayot Green Parish Council	Essendon Parish Council
Ayot St Lawrence Parish Council	Estates Office, Hatfield Park
Ayot St Lawrence Society	Ewart Price Solicitors
Birchwood Leisure Centre	Ewart Price, Solicitors
Birchwood Primary School	Fielder Centre, Frobisher Way
Bishops Hatfield Girls School	Finesse Leisure Trust
Brookmans Park School	First Church of Christian Scientist
Chancellors School	Friends of Danesbury & QVM
Citizens Advice Bureaux	Friends of DeHavilland School
Commonswood School	Friends of North Mymms St Mary's
Community Safety	GMB
Conservative Club	GMB, Thorne House
Conservative Club	Gosling Sports Park/Bar Leisure Centre
Co-op Food Group	Green Lanes Primary School
Countess Anne School	Greenacres Care home
Creswick Primary and Nursery School	Haldens Residents Association
Cuffley School	Haldens Residents Association
Danesbury Residents Association	Harwood Hill JMI School and Nursery
De Havilland Residents Association	Harwood Hill School Association
Dehavilland Primary School	Hatfield Beales Hotel
DeHavilland Sports & Social club	Hatfield Community Free School
	Hatfield Fire Station

Hatfield Fire Station
Hatfield Residential and Nursing Home
Hatfield Trades & Labour
Hatfield Trades and Labour Club
Hatfield Train Station
Hawthorne Theatre
Hertfordshire Action on Disability
Hertfordshire Constabulary H/Q
Hertfordshire Constabulary, Hatfield
Hertfordshire County Council
Hertfordshire County Council Trading Standards
Hertfordshire Fire and Rescue
Holwell Primary School
Holy Family RC Primary School
Homerswood Primary and Nursery School
Honister Care Home
Hornbeams Society
Howards Centre
Howe Dell Manor
Howe Dell Primary School
Hyde Valley House
Isabel House
Jimmy Macs
John Lewis
Jubilee House Care Trust
Knebworth Care Home
Knebworth PC
Knightsfield School
Lakeside School and PTA
Lemsford Residents Association
Little Heath Primary School /PTA
Ludwick Nursery School
Monks Walk School

National Private Hire Association
North Mymms PC/Residents Association
North Mymms Youth & Community Centre
Northaw CofE Primary School
Oak View Primary & Nursery School
Oaklands College School
Oaklands Primary School
Old Owens Sports Association
Onslow St Audreys' School
Oshwal Association of the UK
Our Lady's Catholic School
Our Lady's Family Centre
Panshanger School
Parish Councils
Passenger Transport Unit
Peartree Primary School
Plain English Campaign
Planning
Ponsbourne St Mary's CofE VC Primary School
QEII Sports & Social
Quantum Care
Queenswood School
Ramada Jarvis Hotel
Roe Green Residents Association
Rowans Primary School
Royal Naval Association
Royal Vet College
Safeguarding Children's Board
Sainsbury's
Salvation Army
Sherrardswood School
Sir Frederic Osborn School
Society of Friends (Quakers)

Southfield school School
Springfield Primary School
Springmead School/PTA
St Andrew's Care Home
St Audrey's Care Home
St Christopher's Care Home
St John's VA CofE Primary School
St John's Youth Centre
St Mary's Church of England VA Primary School
St Mary's Woolmer Green VA CofE Primary School
St Michaels' House
St Philip Howard Catholic School
Stanborough Lodge
Stanborough School
Swallow Dell Primary School
Templewood Primary School
Templewood School Association
Tenterfield Nursery School
The Coach House
The Fielder Centre
Trades Union Congress
TUC
University of Hertfordshire

All Private Hire and Hackney Carriage drivers
All Operators
All Borough Panel members
All Councillors

University Sports Village
Waitrose
Watchlytes Primary School
Welham Green TS
Welwyn Garden City Fire Station
Welwyn Garden City Golf Club
Welwyn Garden City Society
Welwyn Garden City Society
Welwyn Garden City Train Station
Welwyn Hatfield Alliance
Welwyn Hatfield Alliance Partnerships Team
Welwyn Hatfield Conservative Association
Welwyn Hatfield Council Environmental Health
Welwyn Hatfield Council human resources team
Welwyn Hatfield Council Law & Admin Team
Welwyn Hatfield Islamic Society
Welwyn Hatfield Tenants Panel
Welwyn Hatfield WH Chamber of Commerce
Welwyn PC
Welwyn St Mary's CofE VA Primary School
Woolmer Green Parish Council
YMCA

Appendix B

Consideration of comments received as part of the consultation process

Comment received	Response	Action taken in revised document
Looks great	Noted	N/A
Long conversations on radios, could cause distraction	Considered dangerous, but not illegal. See comment below.	N/A
Speed of travel and passenger comfort	Consideration is being given to improve driving standards and is part of this year's hackney carriage business plan.	N/A
Group night parking in residential streets, being loud and leaving litter.	Agreed this is unacceptable, Operator companies have been informed. EH have supplied letter template /Legislation to be used if further complaints received	Not Applicable in this document but will revise Operator terms and Conditions.
Plain English Campaign are able to assist if required	Noted	Agreed if required
Dress code, change the word "offences" to "offensive"	Noted	A complete review of the document has been undertaken and all spelling mistakes and 'typos' have been corrected

Safety whilst fasting during daylight hours. Drivers should not fast from water or food for an extended period before driving, perhaps the NHS or Highways Agency can help decide what length of time is appropriate	Noted. Consideration is being given to improve driving standards and is part of this year's hackney carriage business plan.	Not applicable to this document but will revise driver standards this year. Advice has been taken and road traffic legislation already covers this situation, the onus being on all drivers to drive safely, including during religious and sporting festivals etc.
Happy with the revised handbook and all additions, pleased that CSE training has been included	Noted	CSE training will become mandatory for all taxi drivers before the renewal of their licence. This is in accordance with recommendations made in the Jay report (Rotherham)
Document considered by Welwyn Parish Council Planning and Licensing Committee, no changes recommend	Noted	Agreed
Safeguarding issues covered	Noted	As above.
I have noticed some spelling errors in the document	Noted	A complete review of the document has been undertaken and all spelling mistakes and 'typos' have been corrected
Consider references to "similar offences" should include references to "attempts to commit the specified offences" in the list of relevant convictions. No other comments	Noted Forwarded to Legal	'Attempted' in regard to offences is deemed as serious as being successful and the conviction policy shall apply equally.
Very thorough document clearly laying out expectations of the council and what is not acceptable	Noted.	Agreed

Results of EIA screening exercise in relation to the 9 protected characteristics	Response	Action taken in revised document
Neutral and not adverse impacts have been identified in relation to Age, sex, religion or belief, sexual orientation, gender reassignment, marriage and civil partnership, pregnancy and maternity	No changes needed	No changes needed; references to fasting which were made as part of the consultation have been addressed and are covered by existing legislation
A low positive impact has been identified in relation to disability	Document makes reference to the Equality Act requirements relating to carriage of passenger assistance dogs, wheelchair users and those of limited mobility	No changes needed
A medium positive impact in relation to race has been identified	The document makes reference to a good standard of conversational English and the right to work in the UK, which will help advance good community relations between drivers and passengers	No changes needed