

Item 7 Revision to Hackney Carriage and Private Hire Vehicle Licence Conditions

Report of the Head of Administration (Portfolio: Corporate)

Recommended:

That the revised Hackney Carriage and Private Hire Vehicle Licence Conditions as set out in Annex 1 attached to this report be approved and adopted with effect from 1 January 2012.

SUMMARY:

- Licences for Hackney Carriages and Drivers and Private Hire Vehicles, Operators and Drivers are issued with conditions to regulate their activities.
- A review of the conditions has been undertaken and a number of revisions made.

1 Introduction

- 1.1 The Council issues licences for Hackney Carriages and their drivers and Private Hire Vehicles, Operators and Drivers in accordance with the Local Government (Miscellaneous Provisions) Act 1976. Licences are issued with conditions attached which regulate and control the activities of those to whom licences are issued. The purpose of licensing is to protect the public and licence conditions ensure that a safe and reliable service is provided for the benefit of both the community and also the trade themselves.

2 Background

- 2.1 Licence conditions were last reviewed in 2008 and a review has been undertaken to ensure that the conditions remain relevant. Accordingly a number of revisions have been made, largely to ensure that the conditions remain clear, unambiguous and enforceable.

3 Corporate Objectives and Priorities

- 3.1 The licensing of hackney carriages and private hire vehicles falls within the broader remit of public safety. Licensing reduces the potential for illegal plying for hire by unlicensed vehicles. It provides transport for those members of the public who may not have any safe alternative means of transport.

4 Consultations/Communications

- 4.1 All hackney carriage proprietors and private hire vehicle owners were consulted on the proposed revisions. Only one response was received asking that condition 30 reflect the fact that some vehicles have separately controlled air conditioning for the passenger compartment. The respondent further suggested that the additional terms and conditions attached to the five new hackney carriage licences made available from January 2011 be included and these now appear as an annex to the conditions. The Environmental Services Transport Manager who acts as the Council's Vehicle Inspector has put forward all those revisions of a technical nature.

5 Revisions

- 5.1 The revised set of conditions is attached as Annex 1 to this report. The specific revisions are summarised in Annex 2 to this report.

6 Option Appraisal

- 6.1 The only option for members is either to accept or reject the revised conditions. The revisions are recommended for approval as suggested in paragraph 2.1.

7 Resource Implications

- 7.1 There are no direct resource implications associated with this report. Members may wish to note that income from hackney carriage and private hire vehicle licence fees is estimated at £62,500 in the current financial year.

8 Legal Implications

- 8.1 Under the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1976 any person who is aggrieved by a licence condition has a right of appeal to the Magistrate's Court. However, such an appeal must be lodged within 21 days of the Council issuing any licence. Officers are unaware of any instance in recent years when a licence condition has been appealed and it is considered unlikely that any of the proposed changes are so controversial that they would give rise to an appeal.

9 Equality Issues

- 9.1 The Department for Transport National Travel Survey shows that taxis and private hire vehicles are commonly used by younger people and those on low incomes who do not have access to a household car and for whom such vehicles provide an essential safe form of transport. Women aged 16 to 20 years make the greatest number of trips in taxis and private hire vehicles.

10 Other Issues

- 10.1 Community Safety – none other than as mentioned in paragraph 3.1 above.
- 10.2 Environmental Health/Sustainability Issues – none specific.
- 10.3 Property Issues – none specific.
- 10.4 Wards/Communities Affected – the entire Borough.

11 Conclusion

- 11.1 Public safety is paramount in the licensing regime that governs hackney carriages and their drivers and private hire vehicles, operators and drivers, whether it is to prevent direct danger to the passenger from the driver of the vehicle or a slightly less direct danger to the passenger and other members of society from the vehicle itself or the way the vehicle is driven. Officers believe that the revised conditions proposed in this report will ensure the continued provision of a safe, efficient and reliable service to the community.

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| <u>Background Papers (Local Government Act 1972 Section 100D)</u> Report to Licensing Committee 13 February 2008 Department for Transport National Travel Survey 2005 | | | |
| <u>Confidentiality</u> It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public. | | | |
| No of Annexes: | 2 | | |
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