

ITEM 8 Private Hire Vehicle Licensing Conditions

Report of the Head of Legal and Democratic (Portfolio: Corporate)

Recommended:

That the scheme of delegation be amended so that the Head of Legal and Democratic Services has authority to depart from Standard Private Hire Vehicle Licence Conditions regarding vehicle signage upon grant or renewal of a licence in any individual case where he considers it appropriate to do so.

Recommendation to Council

SUMMARY:

- The Council licenses Private Hire operators, vehicles and drivers and various licence conditions control what is permitted by operators and their vehicles.
- A potential operator wishes to license with the Council but their proposed vehicle signage does not comply with the Council's current licence conditions.
- As the operator is providing a specific service it is considered appropriate to relax the conditions and it is proposed to delegate authority to the Head of Legal and Democratic to amend conditions in this and any other appropriate cases.

1 Introduction

1.1 The Council licenses private hire vehicles, their operators and drivers in accordance with the Local Government (Miscellaneous Provisions) Act 1976. Unlike a hackney carriage (commonly known as a taxi), private hire vehicles (commonly referred to as mini cabs) cannot be hailed in the street or ply for hire from a rank. Although most private hire vehicles undertake general work conveying persons to shops, public houses, transport interchanges and entertainment venues, an increasing number of vehicles are used for corporate executive hire, chauffeuring work or other specific work. As at May 2016 the Council licenses 74 operators, 208 vehicles and 298 drivers.

2 Background

2.1 Once licensed, vehicles are subject to the Council's standard conditions which cover many matters including that of the appearance of the vehicle. Specifically private hire vehicles may only carry advertising that includes the operator's name, telephone number and address; such advertising must not exceed 5 centimetres in height. If such advertising is displayed then the words "pre-booking only" must be included to indicate that the vehicle is not immediately available for hire.

The condition is shown at Annex 1 to this report. This is important as if the vehicle operated in a way that meant it had not been pre-booked, it would do so illegally. This would invalidate the vehicle's insurance and cause significant problems if the vehicle were to be involved in an accident. Ultimately the purpose of private hire vehicle licensing is to protect the public and Test Valley Borough Council in common with many other local authorities believes that advertising on private hire vehicles must be strictly controlled so as to ensure no member of the public believes that the vehicle is immediately available for hire. Illegal plying for hire by private hire vehicles is acknowledged as a major problem in more urban areas and many authorities, e.g. Basingstoke and Deane, Portsmouth and Southampton, have even more stringent requirements regarding the signage that can be displayed by private hire vehicles.

- 2.2 Section 48(2) of the Act enables the Council to attach conditions to a licence "as they may consider reasonably necessary including, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates." Although the Head of Legal and Democratic has delegated authority to issue, suspend and revoke licences, the amendment of licence conditions is a policy matter which means that any decisions must be made by members.
- 2.3 The Council has been approached by the proprietor of a business trading as 'Driving Miss Daisy' who wishes to license an operation within Test Valley. Driving Miss Daisy provides a trusted, safe and reliable community companion driving service for those people who find it difficult to get out and about. The main difference between the business and other transportation providers is the companionship given with each and every journey and the social engagement enabled and made possible with the service. The company uses liveried cars because, apart from branding purposes, this is an important visual aid for the customers who use the service, the majority of whom are elderly with a proportion of them having early stages dementia and/or sight issues. Within Hampshire operations have been licensed by Gosport, Havant and New Forest Councils but the business also operates in numerous other parts of the UK.
- 2.4 Driving Miss Daisy is a slightly unusual driving business as more of the work is of a companionship basis than driving and the average annual mileage for most of the vehicles is approximately 10-15,000 per year, unlike a normal Taxi or Private Hire vehicle which would be considerably more. Because the service is that of providing a vehicle and a driver Private Hire licenses are required. This presents a problem in that the condition mentioned in paragraph 2.1 above would prevent the usual corporate livery as shown in Annex 2 to this report being applied as some of the wording exceeds 5 cms in height.
- 2.5 In the view of officers because of the specialist nature of the Driving Miss Daisy operation it would be appropriate to relax the vehicle licence condition to permit the desired livery to be applied. A change to the delegation to the Head of Legal and Democratic is proposed to enable this to happen on this and also any other similar occasion in the future.

3 Corporate Objectives and Priorities

- 3.1 None; the licensing of Private Hire vehicles is a statutory function of the Council and thus does not relate directly to any of the corporate objectives or priorities. Licensing of private hire vehicles reduces the potential for illegal plying for hire by unlicensed vehicles. It provides transport for the public who may not have any safe alternative means of transport available.

4 Consultations/Communications

- 4.1 No specific consultations have been undertaken in respect of this matter. However, the request would not impact upon most Private Hire vehicle operators and so any consultation would be of limited value. It should also be noted that there is no single body representing Private Hire vehicle operators in Test Valley. As mentioned above, other local authorities in Hampshire have already licensed vehicles with the livery shown in Annex 2.

5 Options and Option Appraisal

- 5.1 There are effectively two options to be considered. Firstly, the Council could insist on the vehicle meeting the existing signage conditions; this is likely to mean that the proposed franchisee may either decide not to be licensed with the Council or they would be required to undertake changes to the signage, possibly at some considerable cost. The other option – having taken account of the specialist nature of the business – would be to allow the existing vehicle signage conditions to be relaxed thus allowing the desired livery and wording to be applied. In the view of officers this option would be the most appropriate.

6 Resource Implications

- 6.1 There are no direct implications arising from this report. As mentioned above, if the recommendation is not adopted then the prospective operator will need to decide to either go ahead and license the vehicle under the existing conditions – which may involve them in some cost in adapting the standard livery and signage – or they may choose not to license themselves thus denying the Council the licence fee income and more importantly denying the local community the ability of accessing the Driving Miss Daisy service.

7 Legal Implications

- 7.1 If the recommendation is not accepted and the prospective operator chooses to go ahead and license with the Council they will be issued with a licence that has attached to it a condition requiring the vehicle to comply with the Council's requirements regarding signage. They could then take up their right under section 48(7) of the Local Government (Miscellaneous Provisions) Act 1976 for any person who is aggrieved by a licence condition to appeal to the Magistrate's Court. However, such an appeal must be lodged within 21 days of the Council issuing the licence and thus at present this is not an option.

8 Equality Issues

- 8.1 National studies show that taxis and private hire vehicles are used significantly by some of the more vulnerable and disadvantaged members of the community who do not have access to their own private transport and for whom such vehicles provide an essential safe form of transport.

9 Other Issues

- 9.1 Community Safety – none specific other than the comments mentioned in paragraph 3.1. above.
- 9.2 Environmental Health Issues – none.
- 9.3 Sustainability and Addressing a Changing Climate – none.
- 9.4 Property Issues – none.
- 9.5 Wards/Communities Affected – none specifically.

10 Conclusion

- 10.1 Public safety is paramount in the licensing regime that governs 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. However, the whilst the Driving Miss Daisy service meets the legal definition of Private Hire and thus requires licensing, it is the view of officers that the distinct nature of the service means the current stringent conditions on vehicle signage could be relaxed to allow use of the company's standard livery. It is therefore recommended that the current delegation to the Head of Legal and Democratic be amended to allow him the ability waive the requirement to meet this condition on this and any future similar occasion.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Hackney Carriage and Private Hire Vehicle Licensing Conditions February 2014			
Local Government (Miscellaneous Provisions) Act 1976			
<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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