

# Licensing Committee

## 27 September 2017

<b>Report title</b>	Consultation exercise on proposed amendments to Private Hire Operator / Driver / Vehicle Conditions	
<b>Wards affected</b>	All	
<b>Accountable director</b>	Kevin O'Keefe	
<b>Originating service</b>	Governance	
<b>Accountable employee(s)</b>	Chris Howell	Licensing Manager
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<b>Report to be/has been considered by</b>	N/A	

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### Recommendation(s) for action or decision:

The Committee is recommended to:

1. Request Licensing Officers to undertake a consultation exercise with the trade groups.
2. Request a future report to Licensing Committee detailing the consultation responses and a final draft of private hire conditions, with a recommendation, for consideration.

### Recommendations for noting:

The Committee is asked to note:

1. An internal consultation with Legal Services and Environmental Health has already been undertaken.

## **1.0 Purpose**

- 1.1 To gain support for consultation with the private hire trade group on the proposed draft changes to conditions for private hire Operator, Driver's and Vehicles.

## **2.0 Background**

- 2.1 Licensing Committee conditions licences for Private Hire Operator, Driver's and Vehicles through The Local Government (Miscellaneous Provisions) Act 1976 (the Act).
- 2.2 Private Hire conditions were last approved at Licensing Committee circa 2008.
- 2.3 There have been many changes with the recent onset of technology within the private hire trade. This together with the intricacy of cross border hiring necessitates the proposed draft changes at Appendices 1 to 3.

## **3.0 Proposal**

- 3.1 The proposed draft changes shown at Appendices 1 to 3 bring the current conditions up to date and endeavours to set them out in plain English.

- 3.2 The changes are summarised below.

### **Operators**

- Clarify requirements for cross border working, ensuring that Public Safety is not compromised.
- Set out access requirements to information held in satellite offices.
- Implement a service level agreement for responding to requests to provide information from authorised officers.
- Staff to undergo CSE training.

### **Driver**

- Insert requirements to comply with traffic regulations to deal with vehicles simply waiting near busy venues so they are nearest to the fare when jobs are being allocated.
- Other minor changes to improve driver conduct and clearly set out requirements.

### **Vehicle**

- Minor changes to improve the vehicle standards

- 3.2 Although there is no legal requirement to consult with the private hire trade groups, in the interest of positive working relationships, it is proposed to consult with the private hire trade groups.

## **4.0 Financial implications**

- 4.1 The proposed CSE training for the staff of private hire operators can be accommodated within the existing private hire budgets. [SR/18092017/W]

## **5.0 Legal implications**

- 5.1 The Local Government (Miscellaneous Provisions) Act 1976 Part II (the Act) allows the local authority to condition licences for hackney carriage and private hire vehicles, proprietors, drivers and private hire vehicle operators.
- 5.2 Section 48(2) of the Act provides a district Council may attach to the grant of a private hire vehicle licence such conditions as they may consider reasonably necessary and section 48(7) provides the safeguard of an appeal for anyone aggrieved by any condition attached to the grant of their PH Vehicle Licence.
- 5.3 Section 51(2) of the Act provides that the Council may attach such conditions to a driver's licence as the Council considers are reasonably necessary and section 52 provides the safeguard of an appeal to the Magistrates' Court for anyone aggrieved by any conditions attached to the licence.
- 5.4 Section 55(3) of the Act provides that the Council may attach such conditions to an operator's licence as the Council considers are reasonably necessary and section 55(4) provides the safeguard of an appeal to the Magistrates' Court for anyone aggrieved by any conditions attached to the Operator's licence.
- 5.5 As mentioned earlier in this report, the Act does not request consultation for the imposition of new conditions, although consulting the trade would be good practice.  
[LW/19092017/E]

## **6.0 Equalities implications**

- 6.1 An initial equality analysis has been undertaken on the changes to this consultation.

## **7.0 Environmental implications**

- 7.1 There are no environmental implications arising from this report.

## **8.0 Human resources implications**

- 8.1 There are no Human Resource implications arising from this report.

## **9.0 Corporate landlord implications**

- 9.1 There are no Corporate Landlord implications arising from this report.

## **10.0 Schedule of background papers**

- 10.1 There are no background papers.