

Non-Statutory Licensing Committee

22 January 2020

Report Title	Consultation Response on amendments to Driver / Vehicle / Operator Conditions	
Wards affected	All	
Accountable Director	Ross Cook, Director for City Environment	
Originating service	Licensing Services	
Accountable employee	Chris Howell Tel Email	Licensing Services Manager 01902 554554 chris.howell@wolverhampton.gov.uk

Recommendation for decision:

The Non-Statutory Licensing Committee is recommended to:

1. To approve the final draft conditions for Private Hire Driver, Vehicle and Operators attached at Appendices 1, 2 and 3.

Recommendations for noting:

The Committee is asked to note:

1. The proposed draft conditions that have been subject to the consultation exercise attached at Appendices 4, 5 and 6.
2. The consultation response attached at Appendix 7.

1.0 Purpose

1.1 This report is intended to:

- (a) Advise Councillors of the outcome of the consultation with the Private Hire Trade on proposals to amend the Council's existing conditions relating to Private Hire Driver, Vehicle and Operators.
- (b) Seek approval for the final draft Private Hire Driver, Vehicle and Operator conditions attached at Appendices 1, 2 and 3 and adopt them as the standard conditions for licences granted on or after 1 February 2020.

2.0 Background

- 2.1 The Non-Statutory Licensing Committee condition licences for Private Hire Driver, Vehicle and Operators through the Local Government (Miscellaneous Provisions) Act 1976 (the Act).
- 2.2 Private Hire conditions are reviewed on a regular basis. The conditions were previously amended and approved by the Licensing Committee on 29 November 2017 and effective from 1 January 2018.
- 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 amendments to the current Private Hire Licence conditions.
- 2.4 Although there is no legal requirement to consult with private hire trade groups, in the interest of positive working relationships, it was requested by the Non-Statutory Licensing Committee on 18 September 2019 to consult with the private hire trade as a whole.

3.0 Consultation/Outcome

- 3.1 The consultation exercise commenced on 18 October 2019 and the proposed amendments were sent to all Private Hire Trade Groups, Private Hire Drivers, Vehicle Proprietors and Operators licensed by City of Wolverhampton. The consultation was also available on the Council's website.
- 3.2 The proposed draft conditions subject to the consultation are attached at Appendices 4, 5 and 6.
- 3.3 The overall closing date for written comments in respect of the proposed amendments was 20 December 2019.
- 3.4 The responses received from the trade are attached at Appendix 7.
- 3.5 There were 21 responses from drivers requesting that they be allowed to work for multiple Private Hire Vehicle Operators. This request may be due to Birmingham City Council licensed Private Hire Vehicle Drivers being allowed to work for more than one operator. Given the number of requests, this is to be determined by Councillors.

4.0 Financial implications

4.1 There are no financial implications to this function [NC/14012020/Z].

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 Private Hire 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. [SH/10012020/B]

6.0 Equalities implications

6.1 An equalities analysis was undertaken at the proposed consultation stage.

6.2 The conditions will ensure that the service provided by Private Hire Driver, Vehicle Proprietor and Operators is fair and consistent with all users of the service.

7.0 Climate change environmental implications

7.1 There are no direct climate change or environmental implications arising from this report.

8.0 Schedule of background papers

8.1 Previous report to Non-Statutory Licensing Committee (18 September 2019).