

**TO: LICENSING AND SAFETY COMMITTEE
6 OCTOBER 2016**

**REVIEW OF GUIDANCE NOTES AND CONDITIONS FOR HACKNEY CARRIAGE
AND PRIVATE HIRE VEHICLE OWNERS, OPERATORS AND DRIVERS
Chief Officer: Environment and Public Protection**

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek approval to go out to consultation on amendments and additions to the Council's Guidance Notes and Conditions document.

2 RECOMMENDATION

2.1 That the Committee:

- i) approves the amendments and additions to the Guidance Notes and Conditions document set out at Annex A for consultation, and**
- ii) requires officers to bring back a report to the next meeting on the results of that consultation.**

3 REASONS FOR RECOMMENDATION

- 3.1 The Council issues the Guidance Notes and Conditions document to owners, drivers and operators of hackney carriages and private hire vehicles. These notes are intended to set out the legal requirements, licence conditions and give guidance to the trade. The guidance notes are updated on a regular basis to reflect changes in law and Council policy.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Members may choose to vary the document at this stage prior to the consultation.

5 SUPPORTING INFORMATION

- 5.1 Attached at Annex A are the proposed additions and amendments to the Guidance Notes for 2017. In addition to updating dates, the material changes to the document are as follows:
- Adding details of the checks the Council is now required to carry out for all driver and operator licence applicants as a result of the Immigration Act 2016
 - Confirming it is the responsibility of the applicant or licence holder to ensure relevant planning approvals are in place for any premises used as a private hire operator base
 - Confirming the requirement of a licence holder to provide a certificate of calibration for any installations or change of taximeter – this is due to us no longer having a suitable location within the Council area for testing of meters
 - Confirming details of the policy in respect of reinstatement of revoked licences
 - Adding a condition that drivers should not eat or drink whilst driving, nor should they use a PDA or any other hand held device whilst driving
 - Adding a condition in respect of the appearance and conduct of the driver

Unrestricted

- Confirming the procedure in respect of what driver should do with any property found in their vehicles
- Add a requirement for new private hire operator licence applicants who are not already a licensed driver, or applying to be a licensed driver, to do the private hire knowledge test (theory section only)
- Adding a condition to clarify that drivers should notify the Licensing Section of fixed penalty notices within 28 days of receipt, rather than 28 days from the date of return of the DVLA licence
- Confirming the procedure for private hire driver licence applicants who do not have a current operator licensed by the Council
- Amend a current condition to allow any vehicle to be licensed up to 5 years old from date of first registration (currently wheelchair accessible vehicles are required to be less than 4 years old, all other vehicles 5 years old)
- Amend a current condition to specify that no new operators shall be permitted to use a trading name containing the words 'Taxi' or 'Cab' [unless the firm uses predominantly hackney carriages to fulfil bookings]
- Amend a current condition to clarify that drivers should not initiate dialogue of a sexual nature with passengers by telephone, social media, email or any other form of communication.

5.2 The consultation will run from 12 October to 12 December and a further report will be brought to Committee on 5 January 2017 for consideration of any comments received.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

6.1 The legal implications are identified within the report.

Borough Treasurer

6.2 There are no significant financial implications arising from the recommendation in this report.

Equalities Impact Assessment

6.3 There are no implications arising from the recommendation in this report.

Strategic Risk Management Issues

6.4 There are no implications arising from the recommendation in this report.

7 CONSULTATION

Principal Groups Consulted

7.1 All licence holders and members of the public may comment on the consultation.

Method of Consultation

7.2 The consultation will take place via the Council's public consultation portal. Details of the consultation will be sent to all licence holders who have provided an email address to the Licensing team.

Representations Received

7.3 Not applicable at this stage.

Unrestricted

Background Papers

Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers (August 2015)

Contact for further information

Laura Driscoll, Licensing Team Leader, 01344 352517

laura.driscoll@bracknell-forest.gov.uk