

**TO: LICENSING AND SAFETY COMMITTEE
5 JANUARY 2017**

**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 bring to the attention of the Committee the results of the recent consultation on the proposed amendments to the Council's Guidance Notes and Conditions document (current version at Annex A), and to seek approval to make these revisions to the document.

2 RECOMMENDATION

2.1 That the Committee:

- i) notes the results of the consultation as set out at Annex B; and**
- ii) approves the amendments and additions to the Guidance Notes and Conditions document as set out at Annex C with immediate effect, and**
- iii) also approves the additional amendment set out at 5.2 within this report.**

3 REASONS FOR RECOMMENDATIONS

- 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 additions or amendments proposed, or may propose additional changes to the document.

5 SUPPORTING INFORMATION

- 5.1 Attached at Annex C are the proposed additions and amendments to the Guidance Notes. 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

Unrestricted

- 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
- Confirming the procedure in respect of what drivers 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)
- Confirming the procedure for private hire driver licence applicants who do not have a current operator licensed by the Council
- Amending a current condition to clarify that drivers should notify the Licensing Section of convictions, cautions or fixed penalty notices imposed within 28 days of the conviction, acceptance of the caution or issue of the fixed penalty
- Amend a current condition to allow any vehicle to be licensed up to 5 years 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 Driver and Vehicle Standards Agency (DVSA) recently announced that it would no longer carry out their practical driving assessment specifically designed for taxi and private hire drivers. An amendment is therefore also required to current condition 5.13 within the Guidance Notes, which currently requires drivers to pass the DVSA assessment, in order to permit the Council to accept certificates from other providers operating similar assessments. The proposed wording is as follows:

- All new applicants for driver licences must take and pass the appropriate practical driving assessment(s) from the Council's list of approved providers.

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 were able comment on the consultation.

Method of Consultation

- 7.2 The consultation took place from 23 November 2016 to 5 January 2017 via the Council's public consultation portal. Details of the consultation were sent to all licence holders who had previously provided an email address to the Licensing team.

Representations Received

- 7.3 Two responses were received to the consultation, outlined in Annex B.

Background Papers

None

Contact for further information

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