

Bath & North East Somerset Council

MEETING/ DECISION MAKER:	Cabinet	
MEETING/ DECISION DATE:	13th November 2013	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2575
TITLE:	Policy and general conditions to be attached to hackney carriage and private hire licences.	
WARD:	All	

AN OPEN PUBLIC ITEM

List of attachments to this report:

Appendix A – Policy for hackney carriage and private hire licensing standards.

Appendix B – Conditions and byelaws applicable to licensed drivers.

Appendix C – Conditions applicable to hackney carriage vehicles.

Appendix D – Conditions applicable to private hire vehicles

Appendix E – Conditions applicable to private hire operators

Appendix F – Consultation replies and Officer responses.

1 THE ISSUE

- 1.1 This report seeks to update the current policy on hackney carriage and private hire licensing standards and amends the general conditions for hackney carriage and private hire drivers, hackney carriage vehicles, private hire vehicles and private hire operators' licences.

2 RECOMMENDATION

- 2.1 That the policy for hackney carriage and private hire licensing standards, specified in Appendix A, be adopted.
- 2.2 That the Cabinet provide comment to the Licensing Committee on the general conditions relating to hackney carriage and private hire drivers, specified in Appendices B, C, D, E and F.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 Financial: None arising directly from this report.
- 3.2 Staffing: None arising directly from this report.
- 3.3 Equalities: None arising directly from this report.
- 3.4 Economic: None arising directly from this report.
- 3.5 Environment: None arising directly from this report.
- 3.6 Council Wide Impacts: Comments where applicable, have been included in the body of the report.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Town Police Clauses Act 1847 (as amended) and the Local Government (Miscellaneous Provisions) Act 1976, give local authorities powers in relation to placing conditions on licences. Both Acts also, provide provision for any person aggrieved by any conditions attached to a licence the right of appeal to the courts.
- 4.2 In July 2000 the Housing and Public Protection Committee adopted a policy relating to hackney carriage and private hire licensing standards.
- 4.3 At the same meeting the Committee also considered and adopted conditions of licence to be attached to the standard grant of private hire/hackney carriage drivers, proprietors and operators licenses.

5 THE REPORT

- 5.1 Appendix A shows the updated recommended policy for hackney carriage and private hire licensing standards. (Amendments and additions are shown in bold). The key changes are:-
 - (1) A commitment to carry out an unmet demand survey every three years and the findings of the survey will be taking into account for any application for a hackney carriage in Zone 1 (Bath).
 - (2) Any new Hackney Carriage licence in Zone 1 will require a fully accessible vehicle.
 - (3) All vehicles will be required to undergo an annual mechanical test at an approved garage.
 - (4) All vehicles will normally be less than 5 years old when first licensed.
 - (5) Additional requirements from non UK applicants regarding translated copies of relevant documents.
 - (6) The requirement to provide an appropriate driving licence issued by the DVLA.
 - (7) All new drivers to have completed a B&NES assessment course.
 - (8) Changes to the DBS (CRB) procedures following changes by the Disclosure and Baring Service.
- 5.2 Appendices B, C, D and E show the updated conditions to be attached to the standard grant of licenses of private hire/hackney carriage drivers, proprietors and operators' licenses. (Amendments and additions are shown in bold). The key changes are:-

- (1) Additional requirements over the conduct of the driver to ensure the safety of the passengers and that they do not discriminate against any person.
- (2) Additional requirements over the driver regarding smoking, noise, standards of dress, and notification of criminal convictions.
- (3) Changes to the vehicle requirements to allow for 1400cc engines, that vehicles should be less than five years old when first licensed and vehicles over ten years old are subject to a review of its suitability to continue in service.
- (4) All vehicles should be European Community M1 type approved and should not have been modified or converted.
- (5) Additional requirements over the certification of use for alternative fuels.
- (6) The use of satellite or GPS navigation systems to be prohibited in Hackney Carriages for hire within the boundaries of B&NES.
- (7) Additional requirements over the capability of accessible vehicles.
- (8) Clarification over the use of permitted CCTV systems.
- (9) Additional requirements over the use of stretch limousines.
- (10) Exemptions from the requirement to display licence plates by certain executive hire/chauffeur hire.

5.3 The aim of the policy and conditions is to ensure, as far as reasonably practicable, the safety and comfort of members of the public travelling in licensed private hire and hackney carriages in the area of Bath & North East Somerset Council.

5.4 The policy and conditions aim to further enhance the reliability of the existing service provided and the overall standards of vehicles and drivers licensed by the Council whilst not being prohibitive to any person seeking to obtain a private hire/hackney carriage driver, proprietor or operator licence.

5.5 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 provide that the functions of imposing any condition, limitation or other restriction on hackney carriage and private hire licences and determining the terms under which any such licence is subject are not Cabinet functions. They are therefore Council functions and the Council has delegated its authority in relation to licensing to the Licensing Committee.

5.6 The Cabinet are therefore being asked to adopt the policy in Appendix A and then provide comment to the Licensing Committee on the proposed conditions in Appendices B, C, D, E and F.

6 RATIONALE

6.1 The previous conditions adopted by the Council have been updated and amended to take into account changes in technology, procedures and legislation that have come into force since they were originally adopted by the Housing and Public Protection Committee in 2000.

7 OTHER OPTIONS CONSIDERED

7.1 None

8 CONSULTATION

- 8.1 This report has not been sent to the Trades Unions because there are no staffing issues.
- 8.2 In the process of compiling this report the following have been consulted:- All currently licensed members of the Hackney Carriage and Private Hire trade including drivers, vehicle owners and operators.

Council Officers:- Transportation Planning Manager, Group Manager, Planning Policy & Transport, Public Transport Team Leader, Service Manager Transport and Performance Improvement, Senior Legal Advisor, Principal Solicitor, Equalities Team and all the Members of the Council's Licensing Committee.

Comments were received from:- *Transportation Policy Manager (B&NES), John Law (taxi driver), Mark Charlesworth (Managing Director Chauffeur Link), Rod Finlay (Managing Director Bath Chauffeur Services), Leslie Banks (Managing Director Leslie Banks Executive Hire), Nick Kingwell (Managing Director A-Class Travel), Martin Smith (Managing Director Executive Hire, Former Director/Operations Manager Abbey Taxis Bath), Harald Demski (taxi driver)*

Consultation replies and Officer responses can be found at Appendix C.

9 RISK MANAGEMENT

- 9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	<i>John Dowding 01225 477689</i>
Background papers	<i>Previous Policy and Licence Conditions available on request.</i>
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