

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Corporate Director for Place

To

Licensing Committee

on

15th November 2013

Report prepared by: Dipti Patel, Head of Public Protection

Review of Hackney Carriage and Private Hire Licence Conditions

Part 1 (Public Agenda Item)

1. Purpose of Report

Members are invited to consider proposed amendments to the Hackney Carriage & Private Hire Vehicle Licence Conditions, the Hackney Carriage Drivers Licence, the Private Hire Drivers Licence and the Private Hire Operators Licence Conditions.

2. Recommendations

- 2.1 To agree the proposed amendments and revisions to the Southend on Sea Hackney Carriage & Private Hire Vehicle Licence Conditions, the Hackney Carriage Drivers Licence, the Private Hire Drivers Licence and the Private Hire Operators Licence Conditions.**

3. Background

- 3.1** The Local Government (Miscellaneous Provisions) Act 1976, (LG(MP)A 1976) and the Town Police Clauses Act 1847 gives the local authority discretionary powers in relation to Hackney Carriage and Private Hire Vehicle Licences and Hackney Carriage and Private Hire Drivers Licences and Private Hire Operators Licences, and the local authority may impose any reasonable conditions it deems necessary.
- 3.2** Apart from minor individual changes, the last full amendment of these Licences and Conditions was made in 2001.
- 3.3** It had been the intention to review Conditions and Licences and the Southend Licensed Taxi Drivers Association (SLTDA) submitted proposals in respect of Hackney Carriage Vehicle Conditions in November 2011. At that time the Law Commission was undertaking a national review of Hackney Carriage and Private Hire Licences and Conditions. It was considered appropriate to await any results of that review before implementing any local review.

- 3.4 By the end of 2012 it became apparent that the Law Commission Review was taking some time to conclude and it was considered appropriate for officers to carry out a local review.
- 3.5 The submission by the SLTDA in respect of Hackney Carriage Vehicle Conditions is contained at **Appendix 5**. The submission was considered in its entirety as has influenced the review, however there were a number of matters that were unable to be considered fully for the following reasons: some were already covered in legislation and should not be duplicated in Conditions; certain issues were a matter of policy, not necessarily Conditions; there was a certain amount of duplication in the format of the Conditions; certain matters were relevant to other Conditions and Licences, not necessarily Vehicle Conditions and some matters were already in place as part of existing Southend's Licence Conditions.
- 3.6 Having undertaken a review of the HC Vehicle Licence Conditions a review of all other relevant licences and conditions was pursued. This includes Private Hire Vehicle Licence Conditions, Hackney Carriage and Private Hire Drivers Licences and Private Hire Operator Licence Conditions, as they are interdependent.

4. Consultation

- 4.1 The SLTDA were consulted specifically on the Hackney Carriage Vehicle Licence Conditions in early 2013, at meetings between trade representatives and officers. As a result officers reviewed and revised specific Conditions.
- 4.2 Officers reviewed the Private Hire Vehicle Licence Conditions, Hackney Carriage and Private Hire Drivers Licences and Private Hire Operator Licence Conditions during the summer 2013, consulting with the trade, including SLTDA representatives and members of the Private Hire trade in October 2013. Feedback from this meeting is included in the tables to the report, specifically Appendix 1 – Appendix 4.

5. Specific Proposed Amendments to Note

Full details of the current and proposed Conditions and Licences are contained in Appendices (Appendix 6 – 13). The following are the main proposed amendments.

5.1 Hackney Carriage and Private Hire Driver Licence –

A table of proposed changes to the Hackney Carriage and Private Hire Drivers Licence is contained at **Appendix 1**.

These include the following:

The main revision to the Driver Licence is to propose a Dual Licence for both hackney carriage and private hire. Currently there are a number of drivers who are licensed for both hackney carriage and private hire who are required to pay extra for the second licence. This had raised complaints previously as the checks and administration are the same for each licence and although a discounted rate of £50 had been charged in more recent years (as opposed to

the full fee of approx £250), issuing a dual licence would provide for a more efficient administration of the licences and a fair system for those drivers choosing to undertake both types of work.

Other Licensing Authorities locally that issue dual licences include Castle Point, Basildon and Rochford District Councils.

5.2 Hackney Carriage and Private Hire Vehicle Conditions –

A table of proposed changes to the Hackney Carriage Vehicle Licence Conditions is contained at **Appendix 2**.

A table of proposed changes to the Private Hire Vehicle Licence Conditions is contained at **Appendix 3**.

These include the following:

- 5.2.1 Taking account of advances in technology in respect of vehicles being capable of remaining in good condition for longer, the revision contains a proposal to consider the condition of a vehicle to potentially extend its working life to 10 years as opposed to the current 8 years + a discretionary 6 month extension.
- 5.2.2 Advances in graphic design for advertising has resulted in a proposal to include increased opportunities to carry advertisement both inside and on the body of the vehicle.
- 5.2.3 Developments in respect of in-car Closed Circuit Television (CCTV) cameras has resulted in a proposal to include some controls on camera use and security in vehicles, for the protection of both the driver and the customer.
- 5.2.4 In respect of Wheelchair Accessible Vehicles, it was raised by the HC trade that no vehicle should be allowed to be a PH vehicle if the vehicle Log Book for the vehicle states 'Taxi'. This is to avoid any confusion between HC/PH vehicles. SBC Legal opinion is that the appropriate distinctions between HC/PH vehicles are whether a roof light is in place and the different type of Licence Plates carried by each. The use of the vehicle in respect of its respective HC or PH Conditions will also draw the distinction, therefore this proposal is not included in the revised Conditions.

The SLTDA proposals were largely based on vehicle conditions currently in place at Rochford District Council, and were considered fully alongside Vehicle Conditions currently in place before proposing revised Vehicle Conditions.

5.3 Private Hire Operator Licence Conditions –

A table of proposed changes to the Private Hire Operators Licence Conditions is contained at **Appendix 4**.

These include the following:

5.3.1 The main proposed amendments relate to advances in technology and the requirement to keep electronic records and to hold relevant information for a period of 6 months, in line with DfT best practice, as well as specific record keeping requirements from the use of any automated booking system employed to identify any vehicle and driver allocated to specific jobs.

5.3.2 Additionally, there is a proposed requirement to obtain Planning consent for any business operating base for which a multi-vehicle Operator Licence is in place.

6. Other Options

The proposed amendments to the relevant Licences and Conditions have been subject to consultation with trade representatives and other options have been explored during that process.

The current Licences and Conditions have been in place since 2001 therefore a review was due and it would not be an option to continue with the existing Licences and Conditions.

7. Reasons for Recommendations

The proposals contain relevant updates which take account of improvements in technology in respect of vehicles and other relevant systems and take account of consultation with trade representatives in updating and clarifying the Licences and Conditions.

8. Corporate Implications

8.1 Contribution to Council's Vision & Corporate Priorities.

To maintain and improve transport availability within the Borough.

8.2 Financial Implications.

A small potential loss of income is anticipated if a Dual HC / PH Driver Licence is approved, currently approximately £600, which will be offset by the efficiencies in the administration of issuing Dual Licences.

The Licence Application Forms contain all relevant Conditions on the reverse of each and will be printed as required by applicants.

8.3 Legal Implications

Advertising on vehicles – there is no reason why vehicle advertising should not be the same for both HC and PH vehicles and to restrict one or other would be potentially discriminatory and open to reasonable challenge.

Wheelchair Accessible Vehicles – these may be used as both HC and PH vehicles unless purpose built purely for the use as a hackney carriage – the

iconic London Taxi International (LTI) vehicle and the MetroCab London vehicle.

Vehicle Log Book – having the description ‘taxi’ on the Log Book does not restrict any vehicle from becoming a private hire vehicle or *vice versa* provided a hackney carriage has a roof light and a private hire vehicle does not and each is used in accordance with its respective Conditions.

8.4 People Implications

None

8.5 Property Implications

None

8.6 Consultation

All recommendations have been consulted with officers and interested Parties including the SLTDA and members of the Private Hire trade.

8.7 Equalities and Diversity Implications

One matter has arisen from the proposed amendments to Vehicle Licence Conditions in respect of the use of in-car CCTV. This is considered as a safety measure for both passengers and drivers and the proposals to control the standard of systems used and how images are accessed is designed to eliminate any misuse of any images.

Additionally, the hackney carriage and private hire fleet in Southend has approximately 27% wheelchair accessible vehicles in place.

No other specific implications have been identified.

8.8 Risk Assessment

No specific risks have been identified.

8.9 Value for Money

The review has been carried out at no additional cost.

A small potential loss of income is anticipated if a Dual HC / PH Driver Licence is approved, currently approximately £600, which will be offset by the efficiencies in the administration of issuing Dual Licences.

8.10 Community Safety Implications

To maintain a Taxi service within the Borough and assisting with night time economy dispersal of persons leaving the town centre.

8.11 Environmental Impact

Making transport available to impact on reduction of crime and disorder in the town centre and other parts of the Borough and enabling greener vehicles to become hackney carriages / private hire vehicles by removing a limit on the minimum engine capacity for vehicles.

9. Background Papers

No background papers

10. Appendices

APPENDIX 1 – Table of Proposed Changes – HC / PH driver Licence

APPENDIX 2 – Table of Proposed Changes – HC Vehicle Licence Conditions

APPENDIX 3 – Table of Proposed Changes - PH Vehicle Licence Conditions

APPENDIX 4 – Table of Proposed Changes – PH Operator Licence Conditions

APPENDIX 5 – SLTDA Submission in Respect of HC Vehicle Conditions

APPENDIX 6a – Current HC Drivers Licence Application Form

APPENDIX 6b – Current PH Drivers Licence Application Form

APPENDIX 7a – Proposed HC Drivers Licence Application Form

APPENDIX 7b – Proposed PH Drivers Licence Application Form

APPENDIX 8 – Current HC Vehicle Licence Conditions

APPENDIX 9 – Proposed HC Vehicle Licence Conditions

APPENDIX 10 – Current PH Vehicle Licence Conditions

APPENDIX 11 – Proposed PH Vehicle Licence Conditions

APPENDIX 12 – Current PH Operator Licence Conditions

APPENDIX 13 – Proposed PH Operator Licence Conditions