

LICENSING AND REGULATION COMMITTEE

28 March 2011

REVIEW OF THE HACKNEY CARRIAGE AND PRIVATE HIRE CONDITIONS OF LICENCE

REPORT OF HEAD OF LEGAL SERVICES

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RECENT REFERENCES:

[LR348](#) - Review of the Hackney Carriage and Private Hire Conditions of Licence, 1 December 2010

EXECUTIVE SUMMARY:

Members considered the review of hackney carriage and private hire conditions of licence at the Licensing and Regulation Committee held on 1 December 2010 and these conditions formed the basis of the consultation with the trade. Members are asked to determine the final set of conditions. The set of conditions recommended by officers can be found at Appendices 1 to 3.

RECOMMENDATION:

That Members approve the Hackney Carriage and Private Hire Conditions of Licence, to come into effect from 1 April 2011, as set out in Appendices 1-3 of this Report.

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DETAIL:

1 Introduction

- 1.1 Members considered the review of hackney carriage and private hire conditions of licence at the Licensing and Regulation Committee held on 1 December 2010. Those draft conditions formed the basis of the consultation with the trade which was held between 17 January 2011 and 28 February 2011.
- 1.2 There were no comments from the trade regarding the conditions except comments which referred to the age limits of vehicles when first presented for licensing. However these are covered in the Statement of Licensing Policy for Hackney Carriage and Private Hire Vehicles, Drivers and Operators.
- 1.3 There have been a few minor amendments to the conditions which are listed below and some typographical errors which have been corrected.

2 Amendments

- 2.1 Appendix 1 (Driver conditions) number 5; The Driver shall immediately and in any case within seven days disclose to the Council in writing any convictions **or cautions**, motoring or otherwise imposed upon him/her during the period of the licence.
- 2.2 Vehicle conditions numbers 1 to 6 and number 8 have been removed as they have also been included in the Statement of Licensing Policy for Hackney Carriage and Private Hire Vehicles, Drivers and Operators. These conditions referred to the age limits and appearance of vehicles.
- 2.3 Vehicle condition number 13; The Vehicle shall not be used as a Hackney Carriage or Private Hire Vehicle unless there is a current mechanical inspection certificate and, if applicable, an MOT certificate in force in respect of that vehicle, ***in addition to a current hackney carriage or private hire vehicle licence being in force.***
- 2.4 Vehicle condition numbers 16 (a) and (b) have been moved to numbers 25 and 38.

- 2.5 Vehicle condition number 22 (g) has been removed as it is covered under the Hackney Carriage only section of the conditions.
- 2.6 Vehicle condition number 46 (a) has been removed as this has been included in the Statement of Licensing Policy for Hackney Carriage and Private Hire Vehicles, Drivers and Operators. This condition referred to the criteria for wheelchair capable vehicles.
- 2.7 The following condition has been inserted in the conditions under Private Hire Vehicles only; ***Vehicles that are exempt from the requirement to display the Licence Plates must keep a copy of the letter of exemption in the vehicle at all times. This letter must be produced upon request.***
- 2.8 The conditions attached at Appendices 1 to 3 are the amended versions to be finalised by Members. The condition numbers above refer to the numbering in the draft conditions.

OTHER CONSIDERATIONS:

3 SUSTAINABLE COMMUNITY STRATEGY AND CORPORATE BUSINESS PLAN (RELEVANCE TO):

- 3.1 This report covers issues which relate to Safe and Strong Communities.

4 RESOURCE IMPLICATIONS:

- 4.1 It is anticipated that an appropriate level of officer attendance will be provided within the existing budget.

5 RISK MANAGEMENT ISSUES

- 5.1 None

BACKGROUND DOCUMENTS:

Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (March 2010)

APPENDICES:

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| Appendix 1 | Hackney Carriage and Private Hire Drivers Conditions |
| Appendix 2 | Hackney Carriage and Private Hire Vehicle Conditions |
| Appendix 3 | Private Hire Operator's Licence Conditions |