

LICENSING AND REGULATION COMMITTEE

8 October 2015

REVIEW OF PRIVATE HIRE OPERATOR LICENCE CONDITIONS

REPORT OF HEAD OF ENVIRONMENTAL HEALTH & LICENSING

Contact Officer: Anya Pyke Tel No: 01962 848 443 [apyke@winchester.gov.uk](mailto:apyke@winchester.gov.uk)

RECENT REFERENCES:

[LR 359](#) - Review of the Hackney Carriage and Private Hire Conditions of Licence – 28 March 2011

[LR 348](#) - Review of the Hackney Carriage and Private Hire Conditions of Licence – 1 December 2010

EXECUTIVE SUMMARY:

This report is to consider proposed changes to the Private Hire Operator's Licence Conditions in relation to sub-contracting of bookings.

RECOMMENDATIONS:

- 1 That the amended Private Hire Operator's Licence Conditions at Appendix 1 be agreed and approved for consultation with the taxi and private hire trade.
- 2 Where comments are received following consultation, that these are considered by Members at the Licensing and Regulation Committee on 14 January 2016.
- 3 If no comments are received following consultation, Members delegate to the Head of Environmental Health & Licensing power to implement the amended Private Hire Operator's Licence Conditions within a reasonable time.

## LICENSING AND REGULATION COMMITTEE

8 October 2015

### REVIEW OF PRIVATE HIRE OPERATOR LICENCE CONDITIONS

### REPORT OF HEAD OF ENVIRONMENTAL HEALTH & LICENSING

#### DETAIL:

#### 1 Introduction

- 1.1 A District Council may attach conditions to private hire operator licences under Section 55 of the Local Government (Miscellaneous Provisions) Act 1976.
- 1.2 On 28 March 2011, the Licensing and Regulation Committee resolved to approve the set of Hackney Carriage and Private Hire Conditions of Licence to come into effect from 1 April 2011. This included the Private Hire Operator's Licence Conditions.
- 1.3 From 1 October 2015, changes contained within the Deregulation Act 2015 come into force in relation to Hackney Carriage and Private Hire Licensing which amends the Local Government (Miscellaneous Provisions) Act 1976.
- 1.4 Members are asked to consider the amendment to the conditions as shown at Appendix 1.

#### 2 Amendments

- 2.1 The Deregulation Act 2015 amends Section 55 of the Local Government (Miscellaneous Provisions) Act 1976 to permit private hire operators to subcontract bookings to any other private hire operator licensed under section 55 of the Act.
- 2.2 Prior to the Deregulation Act 2015 taking effect, private hire operators could only subcontract bookings to another private hire operator licensed by the same district council.
- 2.3 Officers welcome changes to the legislation which make it difficult for private hire operator's close to the Council district boundary to subcontract work.
- 2.4 In view of the changes, Officers consider that the addition of the condition as detailed in Appendix 1 paragraph 13 is required in the interests of public safety and to ensure that the customer is made aware of which private hire operator will be carrying out their booking.

### 3 Consultation

- 3.1 It is recommended that the reviewed Private Hire Operator's Licence Conditions be approved for consultation with the taxi and private hire trade.
- 3.2 The consultation period will take place from 22 October 2015 to 22 November 2015.
- 3.3 Where comments are received following consultation, these will be considered by the Licensing and Regulation Committee on 14 January 2016.

#### OTHER CONSIDERATIONS:

#### 4 COMMUNITY STRATEGY AND PORTFOLIO PLANS (RELEVANCE TO):

- 4.1 This report relates to ensuring the safety of the public using taxis and private hire vehicles licensed by the Council.

#### 5 RESOURCE IMPLICATIONS:

- 5.1 The changes to the Conditions and implementation do not require any additional resource implications. The cost of implementation will be covered in the existing budget.

#### 6 RISK MANAGEMENT ISSUES

- 6.1 None.

#### BACKGROUND DOCUMENTS:

Department for Transport Taxi and Private Hire Vehicle Licensing – Best Practice Guide – 2 March 2010.

#### APPENDICES:

Appendix 1                      Draft Private Hire Operator's Licence Conditions – October 2015



## Private Hire Operator's Licence Conditions

These conditions are made under section 55(3) Part II of the Local Government (Miscellaneous Provisions) Act 1976.

The holder of a Private Hire Vehicle Operator's licence shall observe and carry out the requirements of the Local Government (Miscellaneous Provisions) Act 1976, Part II, and any orders or regulations made thereunder and the requirements of any other Act of Parliament or orders, regulations or byelaws made thereunder relating to the operation of the motor vehicles.

Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.

Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

### Interpretation

In these conditions

**"Assistance Dogs"** means as defined in Section 37A(2) Disability Discrimination Act 1995.

**"Authorised Officer"** means any officer of the Council authorised in writing by the Council for the purpose of these conditions.

**"Private Hire Vehicle"** means a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers.

**"the Act"** means Local Government (Miscellaneous Provisions) Act 1976.

**"the Council"** means Winchester City Council.

**"the Driver"** means a person licensed to drive a hackney carriage and private hire vehicle under Section 51 of the Act.

**"the Operator"** means the person to whom the Council has granted the Private Hire Operator's Licence to which these conditions apply. In the case of a partnership these conditions apply to each of the partners and in the case of a company to each of the company directors.

**The Operator shall be familiar with the conditions and apply them at all times.**

1. Any vehicle employed or used by the Operator shall be licensed by Winchester City Council before it is used as a private hire vehicle.

### Records to be kept by the Operator

2. The records required to be kept by the Operator under Section 56(2) and (3) of the Act shall be kept in a book, electronic file or other form approved by the Council, and produce on request to an Authorised Officer for examination.
3. The Operator shall record before the commencement of each journey, the following particulars of every booking of a private hire vehicle accepted:-
  - a) the name and pick up point of the hirer
  - b) the time and date of the booking
  - c) the time and date of the pick up and the call sign of the vehicle used
  - d) the name and licence badge number of the Driver dispatched
  - e) how the booking was made (i.e. by telephone, personal call, etc)
  - f) the destination
  - g) fare quoted or to be charged by the meter and in either case to include call out or return fee
4. The Operator shall keep copies of all hackney carriage and private hire driver and vehicle licences operated.
5. The Operator must inform the Council of the names and licence badge number of all drivers operated by him/her within 7 days of the arrangement.
6. The Operator shall keep a record of all vehicles and their call signs.
7. The Operator shall keep a copy of the letter of exemption issued by the Council of all private hire vehicles that are exempt from displaying a licence plate.
8. The Operator shall keep all records for a period of at least 12 months following the date of the last entry.
9. If the telephone number of the operating company is diverted to a person outside of the operating premises at any time, that person must record all bookings as in 3 above. These records must be added to the full record within 48 hours.

### Standard of service

10. The Operator shall provide a prompt, efficient and reliable service to the public at all reasonable times, in particular shall ensure that the hirer is aware of the fare for the journey, or whether it is to be metered and in either case to include any call out or return fee.
11. The Operator shall ensure that when a private hire vehicle has been booked the Driver attends at the appointed time and place punctually, unless delayed or prevented by sufficient cause.
12. Any premises to which the public have access, whether for the purpose of booking or waiting, the Operator shall keep clean, adequately heated, ventilated and lit premises which the Operator provides.

12.13. The Operator shall notify the customer if their booking is to be sub-contracted to another Private Hire Operator and provide the sub-contracted Operator's name and telephone number to the customer.

Formatted: List Paragraph, No bullets or numbering

## Fares

- | ~~13.14.~~ If a minimum fare is to be charged, the Operator shall ensure that each customer is informed at the time of booking. If no fare is quoted, the meter shall be used to calculate the fare and the Driver shall not demand more than the fare shown on the meter. The meter shall not be started until the customer is seated in the vehicle.

## Provisions regulating signs on vehicles

- | ~~14.15.~~ The Operator shall ensure that any licensed private hire vehicle shall not display any advertisement that includes the words 'taxi', 'cab' or words of a similar meaning.

## Conduct of the Operator

- | ~~15.16.~~ The Operator shall immediately upon receipt notify the Council in writing of any complaints concerning the conduct of a driver or the cleanliness/condition of a vehicle.
- | ~~16.17.~~ The operating address shall be located within the County of Hampshire.
- | ~~17.18.~~ No Operator shall change the operating address without prior agreement in writing from the Council.
- | ~~18.19.~~ The Operator shall notify the Council in writing of any change of operating address during the period of the licence within seven days of such change.
- | ~~19.20.~~ The Operator shall provide details to the Council in writing within seven days of the date of any caution or conviction he/she receives.
- | ~~20.21.~~ The Operator may only sub-contract any accepted booking to another private hire operator licensed by Winchester City Council.
- | ~~21.22.~~ The Operator shall not refuse any booking made for carrying wheelchair bound passengers without reasonable cause and shall ensure that each of these bookings is carried out.
- | ~~22.23.~~ The Operator shall not refuse any booking nor apply any additional charge for carrying Assistance Dogs without reasonable cause and shall ensure that each of these bookings is carried out.

## Appeals

- | ~~23.24.~~ The Operator may appeal against the imposition of any of these conditions.
- | ~~24.25.~~ The Operator/applicant may appeal against the refusal to grant or renew a licence, or the suspension or revocation of a licence.
- | ~~25.26.~~ Any appeal should be made to the Magistrates Court within 21 days of the refusal to grant or renew a licence, or the suspension or revocation of such a licence.