

REPORT TITLE: REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE
CONDITIONS OF LICENCE

15 DECEMBER 2020

REPORT OF CABINET MEMBER: Cllr Jackie Porter, Cabinet Member for
Environment and Wellbeing

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WARD(S): ALL

PURPOSE

This report is to consider proposed changes to the Hackney Carriage & Private Hire Driver's Conditions, Hackney Carriage & Private Hire Vehicle Conditions and Private Hire Operator Conditions following the review of the Statement of Licensing Policy with respect to Hackney Carriage & Private Hire Vehicles, Drivers and Private Hire Operators ("the Policy").

RECOMMENDATIONS:

1. That the amended Hackney Carriage & Private Hire Driver's Conditions at Appendix 1, the amended Hackney Carriage & Private Hire Vehicle Conditions at Appendix 2 and the amended Private Hire Operator's Licence Conditions at Appendix 3, 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 a future Licensing and Regulation Committee meeting. If no comments are received following consultation, that Members delegate to the Service Lead for Public Protection authority to implement the amended set of Conditions and to make any further amendments in keeping with the Policy.

IMPLICATIONS:

1 COUNCIL PLAN OUTCOME

- 1.1 Tackling the Climate Emergency and Creating a Greener District
- 1.2 The current Conditions require licensed drivers to minimise the running of vehicle engines when waiting for a passenger. The draft Conditions do not propose to make any changes to this.
- 1.3 Vibrant Local Economy
- 1.4 Supporting our taxi and private hire trade (private hire operators and self-employed drivers) to provide a safe and professional service for residents, visitors and tourists.
- 1.5 Living Well
- 1.6 The taxi and private hire trade provide an invaluable service to many different customers, especially those who are less mobile and rely on licensed drivers to pick them up and drop them off door to door. Without this service, some wouldn't be able to leave their homes.
- 1.7 Your Services, Your Voice
- 1.8 Following the adoption of the revised Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators, these Conditions seek to reflect the requirements of the licence holders to ensure that they provide high standards of service to the public.

2 FINANCIAL IMPLICATIONS

- 2.1 The implementation of revised Conditions will not require any additional resourcing. The compliance and enforcement will be carried out by the current licensing team.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 The proposed amendments to the licence conditions for Hackney Carriage & Private Hire Vehicles are implementation of the policy changes agreed by cabinet on 10 November 2020 [CAB3272](#). Consultation is required when a policy change is implemented and for transparency purposes. However as the conditions are implementation of the policy document recently consulted upon the city council is fulfilling this duty conscientiously.
- 3.2 The Licensing and Regulation Committee are delegated to approve 'Standard Conditions'.

4 WORKFORCE IMPLICATIONS

- 4.1 There is already a set of licence Conditions which must be complied with and are enforced by Authorised Officers. The revised Conditions would replace the existing set of Conditions.

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 N/A

6 CONSULTATION AND COMMUNICATION

- 6.1 All current licence holders will be consulted on the proposed changes to the revised set of Conditions. This will likely be held from 18 December 2020 to 24 January 2021.
- 6.2 Where comments are received following consultation, these will be considered by the Licensing and Regulation Committee on 23 February 2021.

7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 This has been covered in the recent review and adoption of the Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators. Report [CAB3270](#) refers.

8 EQUALITY IMPACT ASSESSEMENT

- 8.1 An Equality Impact Assessment was carried out as part of the review of the Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators. This can be found as a background report to [CAB3270](#).

9 DATA PROTECTION IMPACT ASSESSMENT

- 9.1 None required because there is no processing of personal data, or where there is processing it does not result in a high risk to the rights and freedoms of natural persons

10 RISK MANAGEMENT

- 10.1

Risk	Mitigation	Opportunities
<i>Property</i>	N/A	
<i>Community Support</i>	The Conditions set out the expected standard of compliance from licence holders.	To ensure that a continued high standard of service is provided to the public.
<i>Timescales</i>	The amended Conditions of licence will be	

	implemented as soon as possible after Member approval.	
<i>Project capacity</i>	N/A	
<i>Financial / VfM</i>	N/A	
<i>Legal</i>	The amended Conditions of licence could be subject to an appeal to the Magistrates Court as set out in the Local Government (Miscellaneous Provisions) Act 1976.	
<i>Innovation</i>	N/A	
<i>Reputation</i>	The Council's paramount consideration is to protect the public, whilst ensuring that licence holder comply with the law and Conditions of licence.	
<i>Other</i>	N/A	

11 SUPPORTING INFORMATION:

Introduction

- 11.1 A District Council may attach conditions to Hackney Carriage & Private Hire Driver's Licence under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976, Hackney Carriage & Private Hire Vehicle Conditions under Section 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976 and Private Hire Operator Licences under Section 55 of the Local Government (Miscellaneous Provisions) Act 1976.
- 11.2 On 15 September 2020, the Licensing and Regulation Committee resolved to approve the draft proposals to the Policy and these draft proposals were subsequently adopted by the Cabinet on 10 November 2020.

12 Amendments

- 12.1 Following the adoption of the reviewed policy, proposed changes are recommended to insert the following conditions of licence, in summary below:
- a) If the driver has any safeguarding concerns these must be reported immediately to the Local Safeguarding Board or Police. Appendix 1 Paragraph 11 refers.

- b) A contactless payment device shall be carried in the vehicle at all times as prescribed in the Policy, this condition excludes vehicles that are exempt from displaying licence plates and door signs. Appendix 2 paragraph 13 refers.
- c) The licence holder shall ensure that the contactless payment device is connected, maintained and working at all times to ensure customers are able to pay by card. Appendix 2 paragraph 14 refers.
- d) The driver must not charge an additional fee or minimum fare for passengers who wish to pay by card. Appendix 2 paragraph 15 refers
- e) The vehicle must display a permanent sign at all times as required in the Policy. This excludes vehicles that are exempt from displaying licence plates. Appendix 2 Paragraph 16 refers.
- f) Vehicles not required to display Internal and External licence plates must display the Plate Exemption Card in the windscreen at all times. Appendix 2 paragraph 29 refers.
- g) A replacement (temporary) vehicle must comply with the vehicle conditions, other than the requirement to display permanent door signs and the Winchester City Council Logo on the roof sign. [Replacement (temporary) vehicles are licensed by third party companies when a licensed vehicle has been taken off the road due to an accident]. Appendix 2 paragraph 43 refers.
- h) The vehicle roof sign must carry the word "TAXI" in black font on a white background, on the front and rear, together with the Winchester City Council Logo on the front. The roof sign must be installed in a central position across the width of the roof. Appendix 2 paragraph 45 refers.
- i) All passengers in wheelchairs may also enter the vehicle from the rear, as the Policy now allows rear loading as well as side loading. Appendix 2 paragraph 47(e) refers.
- j) The Operator must ensure that a Basic DBS certificate is provided to the Licensing Authority for each member of staff who makes the provision for bookings on their behalf, prior to their employment. Appendix 3 paragraph 3 refers.

13 OTHER OPTIONS CONSIDERED AND REJECTED

13.1 NONE

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

[CAB 3272](#) – Review of Hackney Carriage & Private Hire Policy Phase 2 – 10 November 2020

[LR526](#) - Review of Private Hire Operator Licence Conditions - 19 September 2019

Other Background Documents:-

[Statement of Licensing Policy with Respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators](#)

APPENDICES:

Appendix 1 – Draft Hackney Carriage & Private Hire Drivers Conditions.

Appendix 2 – Draft Hackney Carriage & Private Hire Vehicle Conditions.

Appendix 3 – Draft Private Hire Operator Licence Conditions.