

REGULATORY SERVICES COMMITTEE

21 MARCH 2018

PART I - DELEGATED

5. CONDITIONS FOR PRIVATE HIRE DRIVER, VEHICLES & OPERATORS (DCES)

1. Summary

- 1.1. Three Rivers District Council (TRDC) is responsible for licensing Private Hire drivers, vehicles and operators under the Local Government (Miscellaneous Provisions) Act 1976. The Council is also responsible for licensing Hackney Carriages and their drivers under the Town Police Clauses Act 1847.
- 1.2. Under the Local Government (Miscellaneous Provisions) Act 1976 the Council may attach conditions to a licence.
- 1.3. The conditions were last reviewed in 2005, the previous conditions have been in place for a number of years and this report seeks to review and replace the conditions as part of the Regulatory Service Committee's work programme.
- 1.4. The report explains and details proposed conditions for drivers, vehicles and operators. Committee approval is sought for progressing with a consultation exercise on the proposed conditions.

2. Details

- 2.1. In relation to a Private Hire Driver's Licence S.51(2) of the Local Government (Miscellaneous Provisions) Act 1976 states "*A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary*".
- 2.2. In relation to a Private Hire Vehicle Licence S.48(2) of the Local Government (Miscellaneous Provisions) Act 1976 states "*A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates*".
- 2.3. In relation to a Private Hire Operator Licence S.55(3) of the Local Government (Miscellaneous Provisions) Act 1976 states "*A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary*".
- 2.4. When specifically looking at Private Hire driver conditions the draft conditions contained in Appendix A look to build on the current conditions contained as Appendix D. A number of items have been added such as informing the Council of any arrest or prosecution within a timescale. These additional conditions are all considered to be reasonably necessary not only to ensure public safety but also to ensure the customer receives an excellent standard of service.

- 2.5. With regards to the Private Hire vehicle conditions the draft conditions contained in Appendix B look to build on current conditions contained in Appendix E. The additional conditions seek to ensure that the vehicle is designed for the carriage of passengers, to reduce any emissions, that the vehicle carries a first aid kit and where appropriate by manufacturer's guidelines, carry a replacement bulb kit. These are again considered to be reasonably necessary to ensure public safety.
- 2.6. With regard to the Private Hire operator conditions the proposed conditions contained in Appendix C seek to strengthen the current conditions contained in Appendix F by ensuring the operator can show diligence and ensuring each driver and vehicle is licensed, insured and safe. These additional conditions are all considered to be reasonably necessary not only to ensure public safety but also to ensure the customer receives an excellent standard of service.
- 2.7. The revised conditions incorporate the current conditions but seek to establish a more robust approach to ensure drivers, customers and the general public have a safer and cleaner environment and an excellent standard of customer care.
- 2.8. At present there are no national standard for conditions. The proposed conditions are however in line with current best practice.
- 2.9. The additional requirements may unfortunately discourage some applicants from applying for a license although this is not the intention of adding them. The conditions are thought to be balanced with the needs of being reasonable necessary to ensure public safety

3. Options/Reasons for Recommendation

- 3.1. Following discussion at Committee and any suggested amendments, there are three options:

Option 1 – Authorise Officers to consult on the draft conditions.

Option 2 – Authorise Officers to consult on alternative draft conditions;

Option 3 – Determine that a review of the draft conditions in this format is not required.

4. Policy/Budget Reference and Implications

- 4.1. The recommendations in this report are within the Council's agreed budgets but require a modification to Licensing Policy.

5. Financial Implications

- 5.1. This proposal of amending the conditions will be subject to stakeholder and public consultation which will incur a small cost. These costs will be subsumed within existing budgets
- 5.2. Conditions are open to appeal at the local Magistrates' Court. There may be financial implications to defend these matters.

5.3. The addition of more requirements may unfortunately discourage applicants from applying for a license even though this is not the intention of adding them. Members should be aware this may lead to a reduction of income. As the service runs on cost recovery this should not impact on the costs of the service.

6. Legal Implications

6.1 The Local Government (Miscellaneous Provisions) Act 1976 allows the Council to add conditions to the licences they grant.

6.2 Conditions are open to appeal at the local Magistrates' Court. There may be legal implications to defend these matters.

7. Equal Opportunities Implications

7.1. Relevance Test

Has a relevance test been completed for Equality Impact? <i>There is no change to the Equality Impact since the original conditions were imposed</i>	No
Did the relevance test conclude a full impact assessment was required?	No

7.2 Impact Assessment

There is no detrimental impact likely towards any protected group from amending the conditions of private hire drivers, vehicles and / or private hire operator licences. Any consultation with the public will seek to collect relevant demographic data in order to assess the different views of relevant protected groups if any.

8. Staffing Implications

8.1 There are no staffing implications as this would replace the current licence conditions.

9. Environmental Implications

9.1 None specific

10. Community Safety Implications

10.1 By a licence holder informing us of any arrest or conviction etc. within a certain timeframe the proposed conditions will help to ensure we protect the health and wellbeing of the most vulnerable people in our community.

11. Public Health implications

11.1 With regards to Private Hire Vehicle conditions the proposed conditions include a proposal that would reduce vehicle emissions and therefore would be better for public health.

12. Customer Services Centre Implications

12.1 If approved for consultation this policy may increase the number of calls from applicants and residents during the consultation process.

13. Communications and Website Implications

13.1 If the recommendation is approved, the amended conditions will need to be consulted upon. It is recommended that this consultation is advertised on the Three Rivers District Council website.

14. Risk Management and Health & Safety Implications

14.1. The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

14.3. The following table gives the risks if the recommendation(s) are agreed, together with a scored assessment of their impact and likelihood:

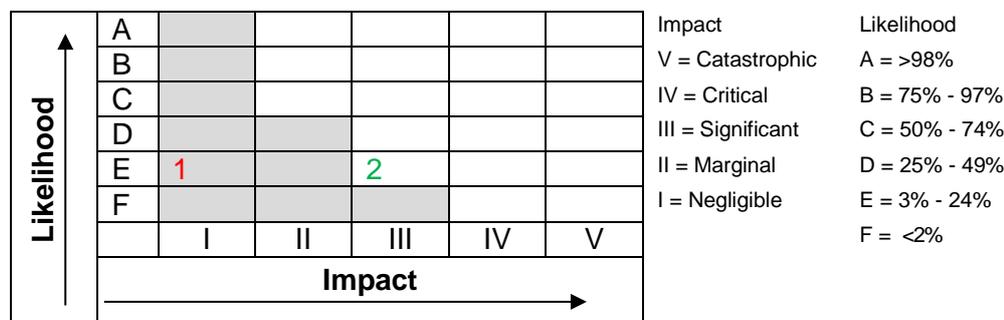
Description of Risk		Impact	Likelihood
1	Risk of appeal to Magistrates Court	I	E

14.4. The following table gives the risks that would exist if the recommendation is rejected, together with a scored assessment of their impact and likelihood:

Description of Risk		Impact	Likelihood
2	Weak conditions would not match the Council's duty of care to the public	III	E

14.5. Of the risks detailed above none is already managed within a service plan.

14.6. The above risks are plotted on the matrix below depending on the scored assessments of impact and likelihood, detailed definitions of which are included in the risk management strategy. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood are plotted in the shaded area of the matrix. The remaining risks require a treatment plan.



14.7. In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are

therefore operational risks. The effectiveness of treatment plans are reviewed by the Audit Committee annually.

15. Recommendation

15.1. Members agree:

Option 1 – Authorise Officers to consult on the draft conditions detailed in Appendix A, B and C attached to this report.

15.2 A further report will be returned to Committee detailing the outcome of the consultation exercise and requesting formal approval of final conditions.

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Data Quality

Data sources: None

Background Papers

APPENDICES / ATTACHMENTS

Appendix A: Draft Private Hire Driver Conditions
Appendix B: Draft Private Hire Vehicle Conditions
Appendix C: Draft Private Hire Operator Conditions
Appendix D: Current Private Hire Driver Conditions
Appendix E: Current Private Hire Vehicle Conditions
Appendix F: Current Private Hire Operator Conditions