SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Environmental Health Portfolio Holder/Licensing 20 February 2007

Committee

AUTHORS: Corporate Manager Health & Environmental Services / Licensing Officer

PRIVATE HIRE DRIVER LICENSING CONDITIONS

Purpose

 A recommendation by the Environmental Health Portfolio Holder and the Licensing Committee to Cabinet for the adoption of new drivers conditions for the licensing of Private Hire drivers.

Background

- 2. The Local Government (Miscellaneous Provisions) Act 1976 Part II and the Town Police Clauses Act 1847 creates a statutory duty for Local Authorities to licence Private Hire and Hackney Carriage drivers. In carrying out this function the Licensing Authority has a duty to ensure that public safety is paramount whether it is to prevent direct danger to the passenger from the driver of the vehicle or danger to the passenger and other members of society from the vehicle itself.
- 3. Under current legislation the Licensing Authority has the powers to impose conditions that they consider reasonably necessary. However case law dictates that conditions cannot be imposed upon Hackney Carriage drivers (Port Talbot v Neath).

Considerations

- 4. Once licensed, any Private Hire driver must comply with the current set of licensing conditions (Appendix A). Failure to comply with these conditions may result in suspension, revocation or in extreme cases a prosecution through the Magistrates Courts. Any driver that has a licence revoked or suspended for breach of the conditions will have a right of appeal to a Magistrates Court.
- 5. The public should feel safe in the knowledge that as far as reasonably possible the Authority has conditions in place to ensure that the driver is safe and acts in a reasonable manner. Requirements should take into account the Department of transport: Taxis and Private Hire vehicle licensing best practice guidance. As such conditions must be reasonable and promote the safety of the travelling public without being too onerous on the trade. The proposed conditions take into account the need to promote safety whilst not being too restrictive to those persons that wish to enter the trade.
- 6. As part of a review a new set of conditions have drawn up that reflect the changes in recent years within the trade and the need to continue to ensure that public safety remains a paramount reason for imposing licensing conditions. After careful consideration of the consultation responses a new set of conditions are proposed. Should members agree the new conditions, as laid out in **Appendix C**, they will, unless otherwise stated, apply to all licensed drivers.
- 7. The main proposals within the new conditions relate to the following areas:

- (a) Requirement for foreign applicants to supply a certificate of good conduct. The Criminal Records Bureau will not generally carry out checks on foreign applicants. Therefore this is the most appropriate way to ensure that such applicants have a satisfactory history
- (b) The power to revoke or suspend a licence for touting or plying for hire within another district boundary. This Authority has no powers to prosecute a driver plying for hire in another district and in general neighbouring Authorities rarely take action. Any vehicle picking up customers illegally would be liable to having their vehicle insurance made void in the case of an accident. It is currently the perception within the trade that touting is an offence worth taking the risk because the likelihood of any Authority taking action is minimal.
- (c) Granting of a one year licence for EU drivers. An EU licence would not indicate any traffic offences committed in the GB (i.e. speeding) and at present there is no method to check the history of the licence with the originating country. However an applicant with a GB licence has a full historical check carried out with the DVLA. Under legislation holders of EU licenses can hold a P/H or H/C license but it is for the Licensing Authority to determine the length of that licence
- (d) The requirement for all new applicants to take the DSA driving test prior to grant of a licence. The introduction of the DSA test is covered in detail by another report.

Options

- 8. Members may take the following options:
 - (a) Agree the proposed conditions as recommended at Appendix C
 - (b) Reject the proposed conditions as recommended at Appendix C
 - (c) Amend the conditions attached as at Appendix C

Implications

9.	Financial	None arising from this report
	Legal	As referred to in this report.
		Any Private Hire driver who has a licence refused, revoked or
		suspended has a right of appeal to a Magistrates Court.
	Staffing	There are no staffing implications resulting from this report
	Risk Management	N/A
	Equal Opportunities	The licensing regime promotes equal opportunity

Consultations

10. Over 900 operators and licensed drivers have been consulted on this matter. The replies are attached as **Appendix B**. In general, the response from the trade has been supportive of the changes.

Effect on Annual Priorities and Corporate Objectives

11.	Affordable Homes	Not applicable
	Customer Service	The improvements in standards will benefit the general public
	Northstowe and	Not applicable
	other growth areas	

Quality, Accessible	As referred to in paragraph 5
Services	
Village Life	The provision of a safe and reliable transport system assists this
	objective
Sustainability	N/A
Partnership	Enforcement of conditions is regularly carried out as a partnership working with Police and neighbouring authorities

Conclusions/Summary

12. Drivers of Private Hire vehicles are placed in a position of trust and often are expected to drive persons who are vulnerable. The revision of the conditions would as far as is practicable ensure that drivers maintain a high standard and offer a safe and trustworthy service to the general public.

Recommendation

13. The Environmental Health Portfolio Holder and Licensing Committee are requested to recommend to Cabinet the adoption of the Private Hire Driver Licensing Conditions attached at Appendix C.

Background Papers: the following background papers were used in the preparation of this report: Local Government (Miscellaneous Provisions) Act 1976

Town Police Clauses Act 1847

DFT Taxi & Private Hire Vehicle Licensing – best practise guidance

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