

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Environmental Health Portfolio Holder/ Licensing Committee 20 February 2007
AUTHORS: Corporate Manager Health & Environmental Services / Licensing Officer

PRIVATE HIRE/ HACKNEY CARRIAGE VEHICLE LICENSING CONDITIONS

Purpose

1. A recommendation by the Portfolio Holder for Environmental Health and the Licensing Committee to Cabinet to amended conditions of licensing for Hackney Carriage and Private Hire vehicles.

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 vehicles. 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 in order to promote public safety. Too restrictive an approach can work against the public interest - and can, indeed, have safety implications. The provision of a service to the public should be accessible and safe.

Considerations

4. The Governments best practise report, issued in October 2006, on the licensing of the Taxi & Private Hire trades states in relation to vehicle licensing;
'Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, local authorities might usefully set down a range of general criteria, leaving it open to the taxi and PHV trades to put forward vehicles of their own choice, which can be shown to meet those criteria. In that way there can be flexibility for new vehicle types to be readily taken into account.'
5. The guidance also makes it clear that the public should have reasonable access to taxi and PHV services, because of the part they play in local transport provision. It also stresses that licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting up the cost of operation or otherwise restricting entry to the trade.
6. The Hackney Carriage and Private Hire vehicle licensing requirements have been reviewed (The existing conditions (**Appendix A**) were last reviewed in 1999). In recommending the proposed new set of conditions (**Appendix C**) consideration has been given to the Department of Transport Best practise on Taxi & Private hire

vehicle licensing, views from the trade, conditions of licensing by neighbouring authorities and the need to promote public safety.

7. The main changes proposed within the new conditions relate to the following areas:-
- Type of vehicle with consideration to access and egress. Restricted or inappropriate access or egress could be a safety risk in the case of an accident. Clear guidelines on types of vehicles prevent unsuitable or inappropriate vehicles from being licensed.
 - Age of vehicles when first presented for licensing. Age restriction on initial licensing will promote the use of newer and safer vehicles within the trade.
 - General Safety and maintenance of vehicles to promote issues of public safety
 - Transfer of licence. It is essential that records of ownership are kept up to date for both Local Authority enforcement and partnership working primarily with the Police. Failure to notify a transfer would now be an enforceable matter.
 - Penalties for failure to comply with licensing conditions. The addition of this wording assists in promoting the conditions in general by making it clear that the Licensing Authority takes seriously any breaches.

The proposals are intended to maintain and improve the safety of the travelling public and improve the standard of licensed vehicles within the District.

Options

8. Members may adopt 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 Appendix C.

Implications

9. Financial	Conditions relating to reduced Licensing Fees will result in a small reduction of income for the Licensing Authority
Legal	As referred to in the report. Any applicant for a Private Hire Vehicle or Hackney Carriage Vehicle has a right of appeal to a Licensing sub-committee or a Magistrates Court if the application is refused on the grounds that the vehicle does not meet the licensing conditions adopted by this Authority
Staffing	There are no staffing implications resulting from this report
Risk Management	N/A
Equal Opportunities	The licensing regime promotes equal opportunity

Consultations

10. All existing vehicle proprietors were consulted seeking their written views and comments on the proposed changes. Those that replied have their letters attached as **Appendix B**. The general view was in support of the proposed conditions. Constructive comments particularly in respect to the age of vehicles and the engine capacity, have been considered and the proposed conditions amended to accommodate these, whilst still ensuring that public safety and high standards are maintained

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 other growth areas	Not applicable
Quality, Accessible Services	As referred to in paragraph 5, relating to access of the service to the general public
Village Life	The provision of a safe and reliable transport system assists this objective licensing controls are there to ensure the community is not put at risk
Sustainability	N/A
Partnership	Enforcement of conditions is regularly carried out as a partnership working with Police and Vehicle inspectorate

Conclusions/Summary

12. The intention is to ensure that South Cambridgeshire's Licensing conditions promote public safety, reflect Government guidance whilst at the same time not being unnecessarily onerous on both the existing trade and those wishing to enter the trade. Careful consideration has been given to the comments made by the trade in preparing this report for members. The revision of these conditions would as far as is practicable ensure that vehicles maintain a high standard and offer a safe 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 new set of conditions as attached in 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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