

Gloucester City Council

Meeting:	Licensing and Enforcement Committee	Date: 12 September 2023
Subject:	Proposed Revised Draft Conditions for Hackney Carriage and Private Hire Licensing	
Report Of:	Director of Communities	
Wards Affected:	All	
Key Decision:	Yes	Budget/Policy Framework: Yes
Contact Officer:	Darren Mountford, Licensing Team Leader	
	Email: darren.mountford@gloucester.gov.uk Tel: 396240	
Appendices:	Appendix 1 - The Hackney Carriage Driver and Vehicle Rule Book	
	Appendix 2 - The Private Hire Driver and Vehicle Rule Book	
	Appendix 3 – Response from Inclusion Gloucestershire	

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To present the result of the consultation feedback on the revised draft Policy Conditions for Hackney Carriage and Private Hire Licensing.
- 1.2 To consider the consultation feedback and agree a final version of the Hackney Carriage and Private Hire Policy for adoption by the Licensing and Enforcement Committee.

2.0 Recommendations

- 2.1 Licensing and Enforcement Committee is asked to **RESOLVE** that:

The revised Policy and conditions for Hackney Carriage and Private Hire Licensing and consultation feedback be noted by Members and adopted by the Licensing and Enforcement Committee to take immediate effect.

3.0 Background and Key Issues

- 3.1 Councils have the power to attach conditions to Hackney Carriage and Private Hire licences through the relevant legislation namely, The Town Police Clauses Act

1847 and The Local Government (Miscellaneous Provisions) Act 1976. There is no statutory requirement for a local authority to set hackney carriage and private hire policies, however, it is an integral part of the decision-making process, informing and guiding the decision-makers, and providing a valuable aid to consistent decision making.

- 3.2 General conditions have been applied to Hackney Carriage licences since 1972 when the Byelaws in respect of Hackney Carriages were adopted. Similar conditions have been applied to Private Hire licences since they were first issued in 1980.
- 3.3 The current conditions (Hackney Carriage and Private Hire Rule Books) were approved in September 2021 and have been in use since that date.
- 3.4 The revised draft conditions are attached at Appendix 1 and 2 of this report.
- 3.5 All the proposed amendments and revisions to the rule books (Appendices 1 and 2) are shaded in red.
- 3.6 Part of the revision concerns a 'tidying up' of the original wording and the deletion of those parts which are outdated and no longer relevant.
- 3.7 Over the last 12 months the Council have seen a reduction in wheelchair accessible vehicles (WAV's) licensed.
- 3.8 This is partly due to the vehicles being too old to carry on being licensed as they have reached the upper age limit of 10 years under the current licensing conditions.
- 3.9 The Council in the past has not been able to encourage the trade to invest in new WAV's that are under five years old and of Euro 6 emissions.
- 3.10 Consideration needs to be given to WAV's so the Council are not in a situation where the licensed vehicles do not offer a service to wheelchair users.
- 3.11 With the above in mind consideration needs to be given that emissions could be balanced with equality by exempting WAV's in a way that helps to keep the existing WAV's licensed and also making it easier for new applicants to invest in a WAV.
- 3.12 Licensing Officers have engaged with representatives of the Hackney Carriage and Private Hire trade through the Taxi and Private Hire liaison meetings to come up with a proposal. The proposed changes are that: -
 - WAV's are exempt from the lower age limit of 5 years for licensing on the first occasion and not re-licensed once they have reached their 15th anniversary from the date of first registration.
 - That they can be of Euro 5 or above.
 - All wheelchair accessible vehicles that are licensed for the first time and over 10 years old will be subject to an inspection from a Licensing Officer before a

vehicle licence is granted (provided that all other documentation is supplied with the application form and the appropriate fee is paid). This will ensure the vehicle is cosmetically fit for purpose e.g. no dents, major scratches, tears in seats and all ramps, straps are in working order.

- All wheelchair accessible vehicles when licensed must be available for wheelchair access.

- 3.13 At the Licensing and Enforcement Committee held on the 13 June 2023, members approved the proposed amendments and revisions for an 8 week consultation.
- 3.14 The draft revised Hackney Carriage and Private Hire Policy and Conditions were consulted on from the 20 June 2023 to 15 August 2023.
- 3.15 A consultation text message was sent to all drivers outlining where to see the key proposed amendments and revisions on the City Councils website.
- 3.16 An email was also sent to partners and Private Hire Operators outlining the key changes.
- 3.17 One response was received from Inclusion Gloucestershire who were in support of the proposed change as they know that there is a shortage of wheelchair assessable vehicles currently. A Copy of the response can be found in Appendix 3.

4.0 Social Value Considerations

- 4.1 The proposed changes to the Hackney Carriage and Private Hire rule books will allow the existing wheelchair accessible vehicles to stay licensed.

5.0 Environmental Implications

- 5.1 There are no 'Environmental' implications arising out of the recommendations in this report.

6.0 Alternative Options Considered

- 6.1 Members may decide not to approve the proposed changes. If this is the decision, then Gloucester City will see a decline in the number of WAV's that are licensed within the City.

7.0 Reasons for Recommendations

- 7.1 Reasons for the key changes are provided within paragraphs in 3.7 to 3.12.

8.0 Future Work and Conclusions

- 8.1 If members approve the proposed changes to the Hackney Carriage and Private Hire rule books then all existing drivers will be notified by way of a text message and Private Hire Operators will be written to by way of an email.

9.0 Financial Implications

9.1 The recommendations have no impact on the Council's budgets

(Financial Services have been consulted in the preparation this report.)

10.0 Legal Implications

10.1 The rationale behind the licensing regime is the provision of part of the public transport service that is accessible and safe, and seen to be so.

10.2 As referred to in the main body of the report, the Council has various powers for imposing reasonable licensing conditions on vehicles.

10.3 A "person aggrieved" has a right of appeal to the Magistrates' Court to challenge conditions imposed. These include persons from either trade and therefore it is important to apply conditions that are reasonable.

(One Legal have been consulted in the preparation this report.)

11.0 Risk & Opportunity Management Implications

11.1 The risk management implications for this report and Policies are as follows:-

- Hackney Carriage and Private Hire Policy is unfair or too prescriptive.
- Consultation inadequate.

12.0 People Impact Assessment (PIA):

12.1 The screen stage considered risks to customers in the areas of gender, disability, age, ethnicity, religion, sexual orientation or community cohesion. therefore, a full PIA was not required.

13.0 Other Corporate Implications

Community Safety

13.1 None

Sustainability

13.2 None

Staffing & Trade Union

13.3 None

Background Documents:

Town Police and Clauses Act 1847

The Local Government (Miscellaneous Provisions) Act 1976