

# Gloucester City Council

<b>Meeting:</b>	<b>Licensing and Enforcement Committee</b>	<b>Date:</b>	<b>13 June 2023</b>
<b>Subject:</b>	<b>Proposed Revised Draft Conditions for Hackney Carriage and Private Hire Licensing</b>		
<b>Report Of:</b>	<b>Head of Communities</b>		
<b>Wards Affected:</b>	<b>All</b>		
<b>Key Decision:</b>	<b>No</b>	<b>Budget/Policy Framework:</b>	<b>Yes</b>
<b>Contact Officer:</b>	<b>Darren Mountford, Licensing Team Leader</b>		
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<b>Appendices:</b>	<b>Appendix 1 - The Hackney Carriage Driver and Vehicle Rule Book</b>		
	<b>Appendix 2 – The Private Hire Driver and Vehicle Rule Book</b>		

## FOR GENERAL RELEASE

### 1.0 Purpose of Report

- 1.1 To seek Licensing and Enforcement Committee's approval to consult on the draft revised conditions for Hackney Carriage and Private Hire Licensing.

### 2.0 Recommendations

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

The revised draft Policy for Hackney Carriage and Private Hire Licensing is approved for an 8 week public consultation.

### 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- 3.6 Part of the revision concerns a 'tidying up' of the original wording and the deletion of those parts which are outdated and no longer relevant.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 15<sup>th</sup> 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 The Council intends to consult with:-
- Hackney Carriage Drivers

- Private Hire Drivers
- Private Hire Operators
- Gloucestershire Licensing Officer Group
- Other interested Persons/Groups

3.14 There is nothing to prevent a Licensing Authority from consulting more widely than the above list. To this end the Council will seek to identify and consult with other organisations and individuals who may be affected or have an interest in this Policy.

#### **4.0 Social Value Considerations**

4.1 The whole purpose of consulting is to ensure we focus our resources on the things that mean most and bring most value to our residents. 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 Alternative options will be considered where representations are raised against the proposed revisions. This policy will not take effect until after the 8 week consultation period and all feedback has been considered by the Licensing and Enforcement Committee for final approval and adoption.

6.2 Given the tight timescales available to consult before the next Licensing and Enforcement Committee as well as the ability of the Licensing Team to engage stakeholders quickly, Gloucester City Council will consult on this document for a period of 8 weeks.

6.3 Members may decide not to approve the proposed changes for consultation. 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 the draft Hackney Carriage and Private Hire Driver and Vehicle rule books are approved to go out for consultation, a text message will be sent to all drivers outlining where to see the key amendments on the City Councils website.

8.2 It is important that the consultation commences as soon as possible to allow for an 8 week consultation period before bringing back any feedback to the next Licensing and Enforcement Committee on 12 September 2023 for a decision.

## **9.0 Financial Implications**

9.1 There are no financial implications relating to this report.

(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 The overall aim of the licensing regime is public protection.

### 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