

REPORT OF THE EXECUTIVE DIRECTOR OF

COMMERCIAL DEVELOPMENT

REGULATORY COMMITTEE – 18 APRIL 2016

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

VARIATION OF CONDITIONS FOR PRIVATE HIRE VEHICLE OPERATOR AND PRIVATE HIRE VEHICLE LICENCES

1.0 PURPOSE OF THE REPORT

- 1.1 To request the Committee to vary the conditions relating to licences for private hire vehicle operators and private hire vehicles.

2.0 DESCRIPTION OF DECISION (RECOMMENDATION)

- 2.1 The Committee is recommended to agree that the conditions currently applied to private hire vehicle operator and private hire vehicle licences be amended as set out in the appendices to this report.

3.0 INTRODUCTION/BACKGROUND

- 3.1 Sections 51 and 55 of the Local Government (Miscellaneous Provisions) Act 1976 permit a Council to impose such conditions as the Council believes reasonably necessary upon private hire vehicle and private hire vehicle operator licences.
- 3.2 The conditions currently imposed on private hire vehicle operator and private hire vehicle licences were determined some time ago and do not reflect modern methods of communication or recent legal guidance.

4.0 CURRENT POSITION

- 4.1 Appendix 1 contains details of those existing conditions on our private hire vehicle operator licences that it is proposed are changed followed by the proposed changes to the conditions and associated comments.
- 4.2 Appendix 2 contains details of those existing conditions on our private hire vehicle licences that it is proposed are changed followed by the proposed changes to the conditions and associated comments.

5.0 REASONS FOR THE DECISION

- 5.1 To update the conditions on our licences in respect of private hire vehicle operators and private hire vehicles in order to take account of modern technology and current legal guidance.

6.0 ALTERNATIVE OPTIONS

- 6.1 None submitted.

7.0 RELEVANT CONSIDERATIONS

7.1 None.

8.0 GLOSSARY

None

9.0 LIST OF APPENDICES

9.1 Appendix 1 – Private Hire Vehicle Operator Licence - existing and proposed conditions.

9.2 Appendix 2 – Private Hire Vehicle Licence - existing and proposed conditions.

10.0 BACKGROUND PAPERS

10.1 None.

APPENDIX 1

Private Hire Vehicle Operator Licence Conditions

Condition Number	Existing Condition	Proposal/Comment
Special condition 3	Where planning permission is required for the use of the premises referred to in special condition 2 in connection with the operation of a private hire business, this Licence shall only be valid during such time as planning permission is in force and during such hours of operation as may be specified as a condition of that planning permission.	Condition to be removed. Issue covered by planning legislation.
Condition 10(a)	The operator shall ensure that a current planning consent in respect of the operating premises is in force where applicable, and shall adhere to any conditions imposed by such consent.	Condition to be removed. Issue covered by planning legislation.
Condition 10(b)	All premises for the operation of private hire vehicles shall have the adequate off street parking facilities for the number of vehicles specified on the operator's application form.	Condition to be removed. Issue covered by highways legislation.

APPENDIX 2

Private Hire Vehicle Licence Conditions

Condition Number	Existing Condition	Proposal/Comment
2(c)(ii)	<p>Subject to condition 2 (d) below, the operator/proprietor shall not attach or affix or cause to be attached or affixed to a vehicle any sign or mark other than required by condition 2(a) and ANY of the following, namely:-</p> <p>ii) A display on or affixed within the upper panel of the rear nearside and rear offside passenger doors of the vehicle (and the wheelchair access doors on wheelchair accessible vehicles, if desired) not exceeding a size of 38.1cm (15 inches) in height and 61cm (24 inches) in width bearing words and figures indicating the name of the operating company and its telephone number(s) and in characters not less than 7.6cm (3 inches) in height, the words "BY PRIOR BOOKING ONLY" and with no reference to the words TAXI(S) or CAB(S) or any other word which in the opinion of the Council implies that the vehicle is a hackney carriage. Wheelchair accessible vehicles shall make reference to that facility in any such door display.</p>	<p>Replace with:</p> <p>Subject to condition 2 (d) below, the proprietor shall not attach or affix or cause to be attached or affixed to a vehicle any sign or mark other than required by condition 2(a) and ANY of the following, namely:-</p> <p>ii) A display on or affixed within the upper panel of the rear nearside and rear offside passenger doors of the vehicle (and the wheelchair access doors on wheelchair accessible vehicles, if desired) not exceeding a size of 38.1cm (15 inches) in height and 61cm (24 inches) in width bearing words and figures indicating the trading name of the operator and in characters not less than 7.6cm (3 inches) in height, the words "BY PRIOR BOOKING ONLY" and with no reference to the words TAXI(S) or CAB(S) or any other word which in the opinion of the Council implies that the vehicle is a hackney carriage. The display referred to in this section may show a telephone number of the operator or other means of contacting the operator. Wheelchair accessible vehicles shall bear a reference to that facility in any such door display.</p>

2(c)(iii)	<p>iii) A sign not exceeding 7cm 6mm (3 inches) in height displayed in the front and rear top section of the windscreens bearing the name of the operating company and ONE (1) company telephone number, provided that the sign strip shall not be so positioned or of such a length as to contravene the Road Traffic Acts or Regulations made thereunder and:-</p> <ul style="list-style-type: none"> - shall not carry the word TAXI(S) or CAB(S) or any other word which in the opinion of the Council implies that the vehicle is a hackney carriage, shall not illuminate in any way. 	<p>Replace with:</p> <p>iii) Signs not exceeding 7cm 6mm (3 inches) in height displayed in the top sections of the windscreen and rear window bearing the trading name of the operator, provided that the signs shall not be so positioned or of such a length as to contravene the Road Traffic Acts or Regulations made thereunder and:-</p> <ul style="list-style-type: none"> - shall not carry the word TAXI(S) or CAB(S) or any other word which in the opinion of the Council implies that the vehicle is a hackney carriage and shall not illuminate in any way. The signs referred to in this section may show a telephone number of the operator or other means of contacting the operator.
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<p>13.</p>	<p>The Proprietor shall at the request of an authorised officer produce:</p> <ul style="list-style-type: none"> (a) his current driving licence (b) his registration document (c) his insurance document (d) evidence he is self employed <p>either forthwith or at the offices of the Council's Licensing Section within 7 days of the request.</p>	<p>Replace with:</p> <p>The Proprietor shall at the request of an authorised officer produce:</p> <ul style="list-style-type: none"> (a) his vehicle registration document (b) a valid insurance document <p>at the offices of the Council's Licensing Section within seven days of the request.</p>
<p>14.</p>	<p>A Proprietor who wishes to renew a licence must make application at least 7 days before its expiration.</p>	<p>To be removed.</p> <p>Requirement not necessary.</p>
<p>15.</p>	<p>A Proprietor shall return the licence for endorsement when changing his address or his operator.</p>	<p>Replace with:</p> <p>A Proprietor shall inform the Licensing Section in writing within 72 hours after changing his/her address.</p>

19.	The Proprietor shall inform the Council in writing should he undertake any trade business or employment likely to interfere substantially with his trade as a Private Hire Vehicle Licensee	To be removed. Requirement not necessary.
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