

**REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE, DRIVER AND OPERATOR CONDITIONS. IMPLEMENTATION OF A TAXI LICENSING POLICY AND PENALTY POINT SCHEME. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, TOWN POLICE CLAUSES ACT 1847**

**REPORT BY: Head of Environmental Health and Trading Standards**

## **Purpose**

1. To consider implementing revised licence conditions for :-
  - Private hire operator conditions
  - Dual driver conditions
  - Private hire and hackney carriage vehicle conditions
2. To consider the introduction of a penalty point scheme
3. To consider adopting the Taxi and Private Hire Licensing Policy

## **Legal Background – revised conditions**

4. Under the terms of the Local Government (Miscellaneous Provisions) Act 1976 s 47 (Private Hire Vehicle) s 51 (Private Hire Drivers) s 55 (1) (Operators), Town Police Clauses Act 1847 s 42 (Hackney Carriage) s 46 (Hackney Carriage Drivers), local authorities may make reasonable conditions for the regulation of both hackney carriages and private hire vehicles, drivers and operators.
5. Any person aggrieved by any conditions, which have been imposed, has a right of appeal to the Magistrates Court.

## **Legal Background – policy**

6. In creating this policy this Authority has had regard to Government guidance taken from the Action Plan for Hackney Carriage and Private Hire, Office of fair trading regulation of licensing taxi and PHV services in the UK, the Best practice draft guidance on Taxis and Private Hire Vehicles and the Hackney Carriage and Private Hire Steering Group. The Policy is consistent with Section 17 of the Crime and Disorder Act 1998 which requires the Local Authority to do all that it reasonably can to prevent crime and disorder within its locality. The policy is consistent with the Human Rights Act 1998, the Environmental Protection Act 1992, the Race Relations Act 1976, the Race Relations (Amendment) Act 2000, Herefordshire Council's enforcement policy, and the Anti-social Behaviour Act 2003. The Licensing Authority will have due regard to other organisation's policies and strategies.

7. Any person aggrieved by the policy has a right to challenge the decision making process of the Local Authority by Judicial Review.

### **Legal Background – penalty point scheme**

8. To assist the Council in improving standards it is proposed to introduce a penalty points scheme. The aim of a penalty point scheme is to work in conjunction with current procedures and if used properly will help provide a formalised stepped enforcement plan easy for drivers and proprietors to understand. The purpose of the scheme is to record misdemeanours and to act as a record of driver's behaviour and conduct so as to ascertain whether they are a fit and proper persons. Its introduction will not prejudice the Council's ability to take other actions.
9. Any person aggrieved by the penalty point policy has a right to challenge the decision making process of the Local Authority by Judicial Review.

### **Background**

- 10.. The licence conditions were last reviewed in December 2004. The review was deemed necessary as a result of the Taxi and Private Hire Vehicle Licensing Best Practice Guide produced by the Department for Transport.
11. All persons holding a licence issued by this authority in relation to Hackney Carriages and Private Hire were consulted in the first phase of consultation. The Taxi and Private Hire Steering Group have been consulted throughout the second and third phase of consultation. All responses were considered.
12. All County Councillors were consulted and some responses were received and considered.
13. An advert was placed in the Hereford Journal inviting people to comment on the proposals for licence conditions, policy and penalty points, for which no responses were received.
14. The revised conditions are:-
- Appendix 1 Private Hire Operator Conditions
  - Appendix 2 Dual Driver conditions
  - Appendix 3 Private Hire and Hackney Carriage vehicle conditions
15. The introduction of a penalty point scheme
- Appendix 4
16. The introduction of a Taxi and Private Hire Policy
- Appendix 5
17. One item could not be resolved through consultation. Vehicle licence condition 8.1 (b) Both front doors of all Licensed Hackney Carriages must display the sign Herefordshire Council Corporate logo together with the Vehicle Licence number, in the following dimensions:-: the total area of the sign must be a minimum of

60cm x 22.5cm wide with lettering measuring at least 6cm x 6cm. The Steering Group have voted to allow only sticky door signs and not the Magnetic type. Because this has a cost implication to the trade who already have the magnetic type signs the matter has been referred to Regulatory Committee for the decision to be made. The cost of the signs are sticky £22 and £35 magnetic.

### **Options for door signs**

It is for the Regulatory Committee to decide:-

- To amend condition 8.1 (b) to only allow sticky door signs.
- To leave condition 8.1 (b) to allow both sticky and magnetic door signs.
- To amend condition 8.1 (b) to include a clause which states if the vehicle proprietor receives a written warning and is then caught a second time without the magnetic signs, they must be replaced with sticky signs.
- Or reach some other decision.

### **Options for adoption of amended conditions, penalty point scheme and policy**

It is for the Regulatory Committee to decide: -

- Whether to adopt the revised licence conditions, penalty point scheme and policy
- Refuse to adopt the licence conditions, penalty point scheme and policy
- or reach some other decision.