

BIRMINGHAM CITY COUNCIL

**REPORT OF THE DIRECTOR OF REGULATORY SERVICES
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

10 APRIL 2019
ALL WARDS

**CONDITIONS OF LICENCE FOR
HACKNEY CARRIAGE VEHICLES**

1. Summary

- 1.1 Following a report to this committee in September 2018 a new set of conditions to be attached to the licences issued in respect of hackney carriage vehicles was agreed.
- 1.2 This report recommends a minor amendment to those conditions to clarify the position on window advertising.

2. Recommendation

- 2.1 That the Committee approve the proposed amendment to the conditions for Hackney Carriage Vehicles and these are introduced with immediate effect.

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3. Background

- 3.1 A report to this committee in December 2017 proposed the introduction of a new set of conditions to be attached to the licences issued in respect of hackney carriage vehicles.
- 3.2 The proposed conditions were consulted on in May and June 2018 and agreed by this committee in September 2018.
- 3.3 This brought conditions for Hackney Carriage Vehicle into line with those of the private hire trade which had already been approved by Committee.
- 3.4 Since the introduction of the new conditions it has become apparent that adverts are being placed on side windows and officers feel this point needs clarification.

4 Conditions

- 4.1 Sections 47 of the Local Government (Miscellaneous Provisions) Act 1976, which relate to the issue of licenses for hackney carriage vehicles states:

“A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary “.

- 4.2 The purpose of attaching conditions to these licences is to be able to regulate a large variety of matters relating to the way proprietors and drivers conduct themselves and the use of their vehicles. Conditions can prescribe the ways in which activities are conducted, the sort of documentation proprietors and drivers must maintain and how vehicles are to display their plates and signage.
- 4.3 The conditions are used to deal with issues that require regulating and are drafted to stipulate the exact manner in which activities are to be undertaken. Failing to comply with conditions may result in enforcement action being taken. This may include referral to a Licensing Sub Committee for them to consider whether the licensee is “fit and proper” and if not whether their licence should be suspended or revoked. For example, a complaint from members of the public about a drivers’ behaviour.
- 4.4 The Licensing Enforcement Team deal with numerous complaints about the activities of licensees and undertake various exercises throughout the year including the stop checking of vehicles and drivers and the inspection of records and documentation retained at operator’s bases. These conditions are used to measure the licensee’s compliance and deal with such complaints.

5. Issue of Conditions of Licence

- 5.1 Conditions of licence can only be issued upon the grant of a licence. Thus if committee approves them, they will be issued on the grant or renewal of licence applications from Thursday 14th April 2019.
- 5.2 This will mean that we will be enforcing two sets of conditions for up to 12 months following the proposed introduction of new conditions.
- 5.3 Any individual aggrieved by the conditions of licence may make an application for exemption from them and attend a hearing before a Licensing Sub Committee. Alternatively, they can appeal to a Magistrates Court within 21 days of the service of the licence upon them.

6. Summary of Changes

- 6.1 There is only one change to the conditions, namely the insertion of 18. e) which clarifies the position on window advertising with the exception of rear windscreens.
- 6.2 If agreed Condition 18 will now read

18. Any advertisement displayed upon the exterior of a Hackney Carriage shall be located either upon:-

- a) The whole vehicle (whole livery);*
- b) Each side of the vehicle;*
- c) The rear windscreen provided that an advertisement shall only be displayed upon the rear windscreen if the advertisement is printed upon a transparent screen which does not obscure the driver's view.*
- d) The roof of the vehicle as an approved "taxitop" installation*
- e) With the exception of c) above, advertisements on windows are not allowed.*

7. Consultation

- 7.1 This amendment has not been consulted on as officers feel that
 - a. it is minor
 - b. it is a clarification of what we understood the position on window advertising to be.

8. Implications for Resources

- 8.1 This work will be undertaken within the resources available from within those funds generated by the licence fee structure.

9. Implications for Policy Priorities

- 9.1 The contents of this report are consistent with the Regulation and Enforcement Mission Statement - locally accountable and responsive fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors.

10. Implications for Equality and Diversity

- 10.1 No specific implications have been identified.

DIRECTOR OF REGULATORY SERVICES

Background Papers: Current Hackney Carriage vehicle conditions