

BIRMINGHAM CITY COUNCIL

**REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

13 DECEMBER 2017
ALL WARDS

CONDITIONS OF LICENCE FOR HACKNEY CARRIAGE VEHICLES

1. **Summary**

- 1.1 Following reports to this Committee most recently in April regarding changes to conditions for private hire operators, vehicles and drivers this report proposes the introduction of a new set of conditions to be attached to the licences issued in respect of hackney carriage vehicles as on the attached appendix.
- 1.2 The current conditions relating to this type of license have been reviewed, amended and updated in an attempt to clarify certain issues, introduce new initiatives, procedures and remove what are already legal duties.
- 1.3 This bring these conditions up to date and the wording in line with the conditions specifically relating to private hire vehicles to ensure consistency across both trades.

2. **Recommendations**

- 2.1 That the Committee consider the proposed updated conditions for hackney carriage vehicles and following any necessary amendments agree to full consultation with the trade.
- 2.2 A final version with comments from the trade be brought back to Committee for ratification and to agree an implementation date.

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3. Background

- 3.1 A report to this Committee in January 2016 regarding the Implications of the Casey Report on Child Sexual Exploitation in Rotherham set out an action plan “...to improve our systems and to minimise the risk...”
- 3.2 This review of conditions for Drivers and Vehicles completes part of that action plan.
- 3.3 This review of Hackney Carriage Vehicle conditions also brings those conditions in line with those of the private hire trade which have recently been approved by Committee.

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 current conditions for hackney carriage vehicles were last reviewed and/or amended on the 15/09/2010, with an additional amendment in February 2015 to account for the changes to the Equalities Act.
- 4.5 Since the current set of conditions were introduced we have moved office as Condition 1 referred specifically to our old office address.
- 4.6 The current conditions contain policy details, such as the type of vehicle that can be licensed. These have been removed from the proposed conditions as if it is the policy of the City Council not to approve a certain type of vehicle as a Hackney Carriage there is no need for it to also be a condition of licence.

- 4.7 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 following the proposed consultation and any subsequent amendments to the proposed conditions; if approved they will be issued on the grant or renewal of licence applications following the implementation of the proposed policy on vehicle signage.
- 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 Key Changes

- 6.1 The most significant change to the proposed conditions is around the testing of the taxi meter.
- 6.2 This would normally involve each vehicle owner being written to, a site that can accommodate 300 vehicle a day being sourced, an approved tester being available for the week and between 3-4 licensing enforcement officers on site all day every day.
- 6.3 This involves the use of a great deal of resources from the licensing service which could be better used elsewhere; it also allows the vehicle owners to obtain their own meter test certificate, from any approved tester, at any time in the 12 months before their licence is due for renewal rather than be restricted to a random week each year.
- 6.4 The following points highlight the key changes from the original conditions to the final draft of the proposed conditions. The list does not include every minor variation to wording.
- Changes to the way the meter test is carried out.
 - Duplication of policy removed.
 - Legal obligations removed.

7. Consultation

- 7.1 This initial draft of the proposed conditions will be consulted on with the trade and the wider public by way of a survey on the Birmingham Be Heard website.
- 7.2 Details of the consultation will be published on the City Councils website and sent out to various potentially interested parties via social media.
- 7.3 Account has also been taken of the Licensing Enforcement team's views and the need to protect the safety of the public.

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.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Current Hackney Carriage vehicle conditions