

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING COMMITTEE

27 SEPTEMBER 2022

REPORT OF THE CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY

PROPOSED AMENDMENT TO THE HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS, PRIVATE HIRE VEHICLE CONDITIONS AND THE HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE CONDITIONS

1. Purpose of report

- 1.1 The purpose of this report is to seek to amend the Hackney Carriage and Private Hire Vehicle licence conditions along with the dual Hackney Carriage/Private Hire Driver's Licence conditions to promote public safety, and to seek approval to formally consult with the taxi trade.

2. Connection to corporate well-being objectives/other corporate priorities

- 2.1 This report relates to a regulatory function. There is no direct link to the corporate well-being objectives / other corporate priorities.

3. Background

- 3.1 Under the Local Government (Miscellaneous Provisions) Act 1976, the Council may attach any conditions to the grant of a Hackney Carriage Vehicle Licence, Private Hire Vehicle Licence, and dual Hackney Carriage/Private Hire Driver's Licence that they consider reasonably necessary. Conditions of licence are essential to promote public safety.
- 3.2 Bridgend County Borough Council's current conditions for the aforementioned licences have been in place for a number of years. The Hackney Carriage Vehicle Licence conditions can be found in **Appendix A** of this report, the Private Hire Vehicle Conditions at **Appendix B**, and the Hackney Carriage/Private Hire Driver's Licence conditions are detailed in **Appendix C**.

4. Current situation/proposal

- 4.1 Welsh Government is proposing to introduce national guidelines for taxis but it is believed that the proposed amendments would not have a detrimental impact on that process and that, in the interim, these amendments are necessary to strengthen the existing conditions.
- 4.2 A proportion of vehicle licensees/proprietors rent, lease or loan out their vehicle to other licensed drivers. Whilst the current procedures require the licensee to declare who is involved in the letting or keeping of the vehicle, at the commencement of the licence, the current conditions do not require the licensee to keep records of who is

driving the vehicle throughout its duration. This can prove difficult when investigating complaints.

- 4.3 The licensing authority is proposing to further safeguard the public by adding the following condition to the Hackney Carriage and Private Hire Vehicle Licence conditions:

In the case of Licensees/Proprietors who rent, lease, hire or loan out their [Hackney Carriage Vehicle][Private Hire Vehicle], the Licensee/Proprietor shall provide and keep a suitable register in which he/she shall enter the following particulars relating to the details of the driver to whom the vehicle has been rented, hired, leased or loaned.*

- a) *The name and address of the driver.*
- b) *The Badge number and expiry date of the Hackney Carriage/Private Hire Driver's Licence relating to the driver.*
- c) *The plate number and registration number of the vehicle rented, hired, leased or loaned.*
- d) *The date(s) and time(s) the vehicle is rented, hired, leased or loaned by the driver.*

The records shall be kept for a minimum of 12 months, be in chronological order and must be produced on request to an authorised officer of the Council or a police constable for inspection.

**condition to be amended for the relevant licence condition.*

- 4.4 With this added condition the Licensing Authority will ~~not~~ be able to ensure that those who drive licensed hackney carriage and private hire vehicles can be more easily traced when investigating complaints or assisting other agencies.
- 4.5 Hackney carriage/private hire vehicle drivers may be issued with a one or three year licence and as part of their grant and renewal application they must provide the Licensing Authority with an enhanced DBS certificate. The authority will then consider any convictions they may have, in accordance with the Licensing Committee's Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades.
- 4.6 There are already multi agency data sharing protocols in place to notify the Licensing Authority of issues involving taxi drivers. However, proposed that in order to promote public safety the following condition is added to the dual Hackney Carriage/Private Hire Driver's Licence. It would therefore cover all types of relevant issues not just criminal convictions:

The licensee shall notify the Council in writing, within seven days if:

- a) *he/she is convicted of any offence or receives a caution, warning, fixed penalty notice or any other kind of penalty notice.*
- b) *he/she is the subject of any pending criminal investigation*
- c) *If he/she is notified of the outcome of any pending criminal investigation*

- 4.7 The addition of this condition places an onus on licensees to inform the Licensing Authority of any convictions or pending convictions/investigations during the course of their licence.
- 4.8 Applicants and licensees are also required to provide a medical certificate upon the grant and renewal of a licence. A medical certificate is required to ensure that drivers are in good enough health to maintain public safety on the roads. Hackney carriage and private hire drivers are subject to higher medical standards than ordinary drivers. They are legally obliged to report any changes in their medical condition to the Driver and Vehicle Licensing Agency (DVLA) for an assessment as to whether this affects their legal ability to drive safely, but this proposal also places an onus on them to report any changes to the Licensing Authority.
- 4.9 The Licensing Authority is proposing that the following condition also be added to the current Hackney Carriage/Private Hire Driver's Licence conditions:

The licensee shall notify the Council in writing within seven days of:

- a) *any change or deterioration to his/her health which requires notification to the Driver and Vehicle Licensing Agency (DVLA).*
- b) *The Council reserves the right to require an existing licence holder to produce medical evidence of their continuing fitness to drive, from their own GP or consultant (as deemed appropriate), during the period of the licence. Such medical evidence shall be produced by the licensee to the Council within fourteen days of request.*

- 4.10 The Committee is requested to authorise a 14 day consultation with the taxi and private hire trade in relation to the addition of the aforementioned conditions.

5. Effect upon policy framework and procedure rules

- 5.1 The report content has no direct effect upon the policy framework and procedure rules.

6. Equality Act 2010 implications

- 6.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. This report relates to a regulatory function, therefore it is not necessary to carry out an Equality Impact assessment in the production of this report. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

7. Well-being of Future Generations (Wales) Act 2015 implications

7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

8. Financial implications

8.1 There are no financial implications arising from the report.

9. Recommendation(s)

9.1 It is recommended that the Committee consider the contents of the report and authorise officers to carry out a 14 day consultation with the taxi and private hire trade on:

1) Amending the Hackney Carriage and Private Hire Vehicle conditions to include the condition:

In the case of Licensees/Proprietors who rent, lease, hire or loan out their [Hackney Carriage] [Private Hire Vehicle], the Licensee/Proprietor shall provide and keep a suitable register in which he/she shall enter the following particulars relating to the details of the driver to whom the vehicle has been rented, hired, leased or loaned.

- a) *The name and address of the driver.*
- b) *The Badge number and expiry date of the Hackney Carriage/Private Hire Driver's Licence relating to the driver.*
- c) *The plate number and registration number of the vehicle rented, hired, leased or loaned.*
- d) *The date(s) and time(s) the vehicle is rented, hired, leased or loaned by the driver.*

The records shall be kept for a minimum of 12 months, be in chronological order and must be produced on request to an authorised officer of the Council or a police constable for inspection.

2) Amending the dual Hackney Carriage/Private Hire Driver's Licence conditions to include the conditions:

The licensee shall notify the Council in writing, within seven days if:

- a) *he/she is convicted of any offence or receives a caution, warning, fixed penalty notice or any other kind of penalty notice.*
- b) *he/she is the subject of any pending criminal investigation*
- c) *If he/she is notified of the outcome of any pending criminal investigation*

The licensee shall notify the Council in writing within seven days of:

- c) *any change or deterioration to his/her health which requires notification to the Driver and Vehicle Licensing Agency (DVLA).*

- d) *The Council reserves the right to require an existing licence holder to produce medical evidence of their continuing fitness to drive, from their own GP or consultant (as deemed appropriate), during the period of the licence. Such medical evidence shall be produced by the licensee to the Council within fourteen days of request.*

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Background documents:

None