

# LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

## Agenda Item 16

Brighton & Hove City Council

<b>Subject:</b>	<b>Hackney Carriage and Private Hire, Drivers, Vehicles and Operators Blue Book Review – 5th Edition</b>		
<b>Date of Meeting:</b>	<b>29 November 2018</b>		
<b>Report of:</b>	<b>Director of Neighbourhoods, Communities &amp; Housing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b><i>Martin Seymour</i></b>	<b>Tel:</b> 29-6659
	<b>E-mail:</b>	<a href="mailto:martin.seymour@brighton-hove.gcsx.gov.uk">martin.seymour@brighton-hove.gcsx.gov.uk</a>	
<b>Wards Affected:</b>	All		

### 1. PURPOSE OF REPORT AND POLICY CONTEXT:

To review byelaws, conditions advice and information for Hackney Carriage and Private Hire, Drivers, Vehicles and Operators contained in the blue handbook. (The Blue Book).

### 2. RECOMMENDATIONS:

2.1 That Committee approve the handbook 5th Edition of the handbook (Appendix A)

### 3. CONTEXT/ BACKGROUND INFORMATION:

3.1 The Council licenses Hackney Carriage and Private Hire, Drivers, Vehicles, and Private Hire Operators. The authority for doing so is by adoption of the Local Government (Miscellaneous Provisions) Act 1976, Part II. (Section 45), The Town Police Clauses Act 1847, (Section 68) and the Public Health Act 1875, (Section 171).

The Acts require that the Council must be satisfied that the vehicle is: -

- suitable in type, size and design for use as a hackney carriage or private hire vehicle and it is in a suitable mechanical condition, safe and comfortable.

In the case of private hire vehicles it is further required that

- they must not be of such design or appearance as to lead any person to believe that the vehicle is a hackney carriage.

Any vehicle used as a hackney carriage or for private hire must

- have in force a policy of insurance in relation to the use of that vehicle.

In addition to the statutory requirements a Council may attach to the grant of a licence such conditions, as the Council considers reasonably necessary. However, the 1985 Transport Act specifically states that the Council shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the Council. It should be noted that in the case of hackney

carriages the numbers may be limited only if the Council can show there to be no significant unmet demand for this type of vehicle licence. In respect of the issue of driver's licences the Local Government (Miscellaneous Provisions) Act of 1976 requires the Council to be satisfied that each applicant is a fit and proper person to hold such a licence prior to its grant. There is no authority to attach any condition to a hackney carriage driver's licence as they are controlled by means of byelaws, but conditions may be applied to private hire driver licences.

- 3.2 The handbook was designed to combine many bye laws, conditions, advice and information for hackney carriage and private hire drivers, vehicles and operators previously in various and separate forms and was first approved by committee in February 2007.
- 3.3 All changes previously agreed by Members since November 2015 are now included in the new version of the Blue Book. Updated guidance on determining the suitability of applicants and licensees has been incorporated into the book following suggested guidance issued by the Institute of licensing (see Appendix 2). The Institute hope that the guidance will be adopted by all Local Authorities so that a level playing field regarding applicant suitability is inforce across the country. The majority of these amendments are in Section 9 (see Appendix 3) which is the Guidelines on Convictions but they are also incorporated into the various licence conditions. There are some changes in the operators section (see Appendix 4). The requirement for additional door alarms has been removed as warning lights or buzzers are incorporated at manufacture.
- 3.4 It had been planned to include amendments to CCTV requirements following intervention from the ICO and the Council becoming Data Controller but it has become clear that further consultation and clarification from the ICO would be necessary before implementation. Therefore a further report on CCTV will come to Committee at a later date.
- 3.5 Any amendments, changes or additions approved and issued by the council to this handbook must be attached to the inside of this cover and treated as if they are part of the handbook.
- 3.6 It is best practice to review any policies adopted by the council every three years. The handbook should therefore be reviewed in 2021.
- 3.7 It is intended that the handbook will be produced in a booklet format and made available for all hackney carriage & private hire, drivers, proprietors & operators and available on the Councils website.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

None

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

Finance, Legal Services, Taxi Forum. The matter has been discussed at the council's Hackney Carriage and Private Hire Consultation Forum where there were objections to some changes to CCTV conditions so these changes have been delayed for further consultation.

## **6. CONCLUSION**

That members consider the recommendations.

## **7. FINANCIAL & OTHER IMPLICATIONS:**

### **7.1 Financial Implications**

The costs associated with revising the Blue Book have been met from within existing revenue budgets.

Finance Officer Consulted: Michael Bentley

Date: 15/10/18

### **7.2 Legal Implications**

There are no direct legal implications other than those set out in the body of the report.

Lawyer: Rebecca Sidell

Date: 23/10/18

### **7.3 Equalities Implications:**

Recommendations are designed to promote equality of opportunity, eliminate unlawful discrimination, promote participation in public life and meet the needs of disabled people. Improving access to taxis/Private Hire Vehicles (PHVs) is a priority action in the council's Equality Scheme. Improving access to services by public transport is included in the Local Area Agreement.

### **7.4 Sustainability Implications:**

The role of the taxi trade is included in the Local Transport Plan, which identifies it as a key element in providing sustainable transport choices. It creates important links in the transport network to other forms of sustainable transport providing a seamless connection. It will contribute to three of the government's four shared transport priorities – reducing congestion, improving air quality and accessibility. Use of taxis for school transport, licensed vehicles using bus lanes, locating ranks at railway stations and the city coach station, approved use of liquid petroleum gas all contribute to reducing congestion and moving passengers quickly.

