

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

Agenda Item No. 5

meeting date: TUESDAY, 28 JANUARY 2020
 title: AMENDMENT OF CONDITIONS FOR PRIVATE HIRE OPERATORS
 submitted by: MARSHAL SCOTT – CHIEF EXECUTIVE
 principal author: STEPHEN BARKER – SOLICITOR

1 PURPOSE

- 1.1 To seek Committee's approval of the further restriction on the drivers and vehicles that may be engaged by an Operator providing private hire services in the Ribble Valley.
- 1.2 Relevance to the Council's ambitions and priorities:
- Community Objectives – } Consideration of these issues will promote the
 - Corporate Priorities – } Council's aim to be a well-managed Council.
 - Other Considerations – }

2 BACKGROUND

- 2.1 Committee will recall the concern which was expressed by those attending the public taxi meeting on 12 November 2019 that vehicles other than Ribble Valley licensed Hackney Carriages had been plying for hire in the Ribble Valley. This was mentioned in the context of the ability for Private Hire operators in the Ribble Valley to engage the services of Hackney Carriages vehicles licenced by another authority to provide private hire services in the Ribble Valley. The meeting was concerned that such vehicles did not display private hire signage and stickers, and gave the impression of being able to provide Hackney Carriage services whilst in the Ribble Valley.
- 2.2 This is an issue which also causes concern on another level, due to the disparity in conditions for vehicles and drivers imposed by different local authorities, and the different levels of licensing fees. This creates the potential for Private Hire operators to utilise vehicles and drivers who have obtained their Hackney Carriage licence from an authority with less stringent conditions, and who have also paid lower fees for obtaining such a licence.
- 2.3 In common with many other authorities, Ribble Valley Borough Council has attempted to address this issue by imposition of conditions on Operators of Private Hire vehicles in the Ribble Valley. Condition 6 of the Council's Private Hire Operator licencing conditions provides:
6. When, in the course of business, the Operator makes provision for the invitation or acceptance of bookings for a private hire vehicle, the Operator shall, save where the booking is to be sub-contracted to an Operator in an area outside the Ribble Valley pursuant to Section 55A of the Local Government (Miscellaneous Provisions) Act 1976) ensure that all services are provided by vehicles and drivers in respect of which a current and valid licence has been issued by Ribble Valley Borough Council (whether the Operator makes provision by use of private hire vehicle(s) or hackney vehicle(s) and/or driver(s)).
- 2.4 A copy of the full current conditions is attached at Appendix 1.

3 ISSUES

- 3.1 This condition is similar to that applied by many other local authorities. However, it does not provide specifically for the position where a Hackney Carriage licenced by another authority is used by a Ribble Valley Operator. Consideration could be given to the approach taken by another local authority where, in addition to a condition similar to that outlined above, a further specific condition has been introduced which introduces further safeguards on utilisation of out of borough Hackney Carriages.
- 3.2 It is proposed, therefore, that a further condition be added to those already in place for Private Hire Operators. There would be additional resources required in receiving and co-ordinating the additional information to be supplied by Operators, although it is anticipated that the level of reporting of such out of borough Hackney Carriages would be relatively modest.
- 3.3 Committee is asked to approve in principle the addition of the following condition:
25. Out of Borough Hackney Carriages Acting as Private Hire Vehicles in the Ribble Valley Borough Council Licensing District:
- a) The Private Hire Operator shall notify Ribble Valley Borough Council's Administration Assistant (Licensing) in writing within 48 hours of each and every Hackney Carriage vehicle employed or used by the operator that is licenced by another licensing authority.
 - b) Where a Private Hire Operator ceases to employ or use such licensed Hackney Carriage vehicle, the Operator shall forthwith, and in any event within 48 hours, notify Ribble Valley Borough Council's Administration Assistant (Licensing) in writing.
 - c) The Private Hire Operator shall retain a copy of the Hackney Carriage Vehicle Licence granted by the other authority, along with a copy of the MOT Certificate, Certificate and Policy of Insurance and vehicle registration document and any applicable driver's licence document and badge and forward a copy of those documents to the Ribble Valley Borough Council's Administration Assistant (Licensing) within 48 hours.
 - d) Where a Hackney Carriage Vehicle is licensed by another authority, such a Hackney Carriage driver or Hackney Carriage vehicle is prohibited from using any literature, any documentation, any advertising or displaying any signage associated to the Private Hire Operator or Ribble Valley Borough Council which suggests or might lead to a misunderstanding that the vehicle is licensed by Ribble Valley Borough Council.
 - e) The receipt of advanced bookings by the licensed Operator for Hackney Carriages which have been licenced by another authority or for any booking which is subsequently allocated to a Hackney Carriage vehicle which has been licenced by another authority, must be maintained in a completely separate register of bookings and in the same format as condition 10. If a computerised booking system is in place, those booking records must be kept on a completely separate and distinct area of the system's hard drive to enable easy inspection by Ribble Valley Borough Council.
 - f) In the event that a Ribble Valley licensed Private Hire Operator proposes to use a Hackney Carriage vehicle licenced by another authority on a pre-booked journey, the operator shall notify the prospective customer at the time of booking of the following:

“The driver and vehicle which you are about to book are not licenced by Ribble Valley Borough Council and therefore Ribble Valley Borough Council is not empowered to take licensing action against them in the event of a complaint. In the event of a complaint, customers will have to deal with the other authority where they may be licenced.”

- g) In any advertising literature or web information, a form of words must be used which clearly states to prospective customers the following, in the event that it is intended that Hackney Carriage vehicles licensed by another authority will be used for private hire purposes in the Ribble Valley:

“In certain circumstances, a vehicle which is booked may not be licensed by Ribble Valley Borough Council and therefore Ribble Valley Borough Council is not empowered to take enforcement action against the driver and vehicle in the event of a complaint. In the event of a complaint in such circumstances, you will have to deal with the other authority with which the driver and vehicle are licensed”.

- 3.4 Private Hire Operators licences are due to be renewed on the 1 February 2020. The existing conditions would be attached at the point of renewal, with Operators being made aware on renewal of the proposed changes which would have to be introduced later in the licence period.

4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications:

- Resources – Resources may be expended in carrying out the receipt and co-ordination of additional documentation supplied by Operators.
- Technical, Environmental and Legal – No implications identified.
- Political – No implications identified.
- Reputation – The Council’s reputation will be enhanced by ensuring the aspects of public safety are addressed.
- Equality & Diversity – No implications identified.

5 RECOMMENDED THAT COMMITTEE

- 5.1 Approve in principle of the amendment of the conditions for Private Hire Operators.
- 5.2 Authority the Head of Legal and Democratic Services to consult licence holders and other statutory consultees (eg Police/LCC) upon the introduction of the proposed amendment.

STEPHEN BARKER
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CHIEF EXECUTIVE

BACKGROUND PAPERS

None.

For further information please ask for Stephen Barker, extension 3216.

REF: SB/CMS/Licensing/280120



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

RIBBLE VALLEY BOROUGH COUNCIL PRIVATE HIRE OPERATOR'S LICENCE

The Council has the power to suspend, revoke or refuse to renew any Operator's licence if any of these standard conditions are not complied with.

The Private Hire Operator's Licence (the "Licence")

1. The private hire Operator's licence shall be valid from the date of issue until 31 January of the following year, unless suspended, revoked or surrendered.
2. All applicants must apply for a basic DBS check, the contents of which will form part of the process of assessing whether an applicant is a fit and proper person.
3. Upon request the Operator shall produce the Operator's licence to any authorised officer of the Council or Police Officer.

The Premises

4. The Operator shall:
 - (a) ensure that a valid planning consent is in force (when planning legislation and/or practice requires it) for the operation, on all the premises from which the operation is to be conducted;
 - (b) obtain and maintain appropriate public liability insurance in respect of any premises, which they use in the course of business. Upon request the certificate shall be produced to any authorised officer of the Council;
 - (c) ensure that the Standard Conditions for private hire Operators, vehicles and drivers are available for inspection by members of the public at the premises;
 - (d) permit any authorised officer of the Council to enter the premises for the purpose of inspecting both the premises and/or any relevant documentation held there;
 - (e) not permit any person who is drunk, or is behaving in a disorderly manner, to enter or remain upon the premises in respect of which the licence is in force; and
 - (f) not permit any person to smoke upon the premises in respect of which the licence is in force.

Drivers/Vehicles

5. The Operator shall not employ, engage, instruct or otherwise use as a driver any person who does not have:
 - (a) a current UK VOSA driver's licence;
 - (b) a current private hire or hackney carriage driver's licence and badge; and
 - (c) sufficient insurance to protect passengers in the event of claims for death or bodily injury.
6. When, in the course of business, the Operator makes provision for the invitation or acceptance of bookings for a private hire vehicle, the Operator shall (save where the booking is to be sub-contracted to an Operator in an area outside of the Ribble Valley pursuant to section 55A of the Local Government (miscellaneous provisions) Act 1976) ensure that all services are provided by vehicles and drivers in respect of which a current and valid licence has been issued by Ribble Valley Borough Council (whether the Operator makes provision by use of private hire vehicle(s) or hackney vehicle(s) and/or driver(s)).
7. The Operator shall not service, maintain or repair any private hire vehicle on a public street.

Employees

8. The Operator shall conduct such checks on those that they employ\use within their company/business to satisfy themselves that they are fit and proper people to undertake that task and retain that information to demonstrate compliance to the Council

Records

9. The Operator shall maintain at the premises particulars of all vehicles operated under their Operator's licence, which shall include the following:
 - (a) The call sign or other identifying mark used on booking records;
 - (b) The licence plate number;
 - (c) The registration number;
 - (d) The name and address of the proprietor;
 - (e) The names and address(es) of driver(s); and
 - (f) The badge number(s) of the driver(s) employ, engaged, instructed or otherwise used by the Operator.

Upon request the above records shall be produced to or made available for inspection to any authorised officer of the Council or to a Police Officer.

10. The Operator shall, at the time of booking and before the commencement of each journey, enter on to the record sheets (available from Ribble Valley

Borough Council) details of the private hire booking. The details shall include:

- (a) the time and the date of the booking;
 - (b) the method by which the booking was received, i.e. telephone or personal call;
 - (c) the collection, destination and drop points of the journey;
 - (d) the name of the person making the booking;
 - (e) the registration number, private hire vehicle or hackney carriage licence number or call sign, identifying the vehicle used for the booking; and
 - (f) the name or call sign of the driver.
11. Where a booking is to be sub-contracted to an Operator in an area outside of the Ribble Valley pursuant to section 55A of the Local Government (miscellaneous provisions) Act 1976) the Operator must keep and if requested produce records of any sub-contracted booking as will allow the Council to reasonably investigate any booking as if it had not been sub-contracted.
12. If the licence plate number or call sign is used for the records referred to in condition 9 and 10 above, then a record detailing the vehicle registration number and the plate number or call sign allocated to it and/or the drivers name and the call sign or badge number allocated to them, must be displayed at the Operator's premises.
13. The records shall be kept for a period of not less than twelve months from the date of the last entry or such longer period as required by an authorised officer of the Council and upon request must be produced to and/or made available for inspection to any authorised officer of the Council or to a Police Officer.
14. The Operator must ensure that all computer records are capable of being printed, and must make provision for this to take place upon request by any authorised officer of the Council or Police Officer.

Insurance

15. The Operator shall ensure that an appropriate certificate of motor insurance covers every vehicle operated by him/her under the Licence. The certificate must be produced upon request to any authorised officer of the Council or Police Officer.

Information as to charges

16. An Operator of a private hire vehicle must not invite or accept bookings for any licensed private hire vehicle or control or arrange a journey to be

undertaken by such vehicle without first informing the person making the booking, either orally or in writing, of the basis of charge for the hire of the vehicle.

Statement of fares

17. The Operator shall, if so required, ensure that a statement of fares (in a form previously submitted to and approved by the Council) is fitted and maintained in each licensed private hire vehicle operated under the Licence and in the Operator's premises, in such a position as to be clearly visible at all times to the person making the booking. This statement shall clearly show the following:
- (a) the minimum charge of each hiring (if any);
 - (b) the fare tariff;
 - (c) the retention charge per minute or portion thereof; and
 - (d) any additional charges.

Interference with equipment

18. The Operator shall not interfere with any equipment, including a taximeter, if fitted, attached to or forming part of his licensed private hire or hackney carriage vehicles.

Standard of service

19. The Operator shall provide a prompt, efficient, civil, orderly and reliable service to members of the public at all times and for this shall in particular:
- (a) ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, attend at the appointed time and place;
 - (b) keep clean, adequately heated, ventilated and lit any premises which the Operator provides and to which the public has access, whether for the purposes of booking or waiting;
 - (c) ensure that any waiting area provided by the Operator has adequate seating facilities;
 - (d) ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly;
 - (e) respond fully to any complaints as soon as reasonably possible; and
 - (f) ensure that office staff employed by the Operator act in a civil and orderly manner at all times.

Animals

20. An Operator must not fail or refuse to accept a booking for the vehicle

- (a) if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and
 - (b) the reason for the failure or refusal is that the disabled person will be accompanied by an assistance dog¹.
21. An operator must not make an additional charge for carrying an assistance dog which is accompanying a disabled person.
22. If an Operator does not comply with its obligations set out in 20 and 21 above it will be liable to a fine on summary conviction of Level 3 on the Standard Scale, currently **£1,000**.

Change of name and address

23. The Operator shall notify the Council in writing of any change:
- (a) of his address (including any address from which he operates or otherwise conducts his business as an Operator), within seven days of such change taking place; and
 - (b) to the name under which the business operates, during the period of the Licence, seven days before such change takes effect.

Convictions

- 24 During the term of the licence, the Operator shall as soon as possible but in any event within seven days disclose to the council in writing details of any convictions, or police cautions imposed on him (or if the Operator is a company or partnership, on any of the directors or partners).

¹ "assistance dog" means—

(a) a dog which has been trained to guide a blind person;

(b) a dog which has been trained to assist a deaf person;

(c) a dog which has been trained by a prescribed charity to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects;

(d) a dog of a prescribed category which has been trained to assist a disabled person who has a disability (other than one falling within paragraph (c)) of a prescribed kind.

