

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

Agenda Item No 7.

meeting date: TUESDAY, 20 OCTOBER 2020
 title: AMENDMENT OF CONDITIONS FOR PRIVATE HIRE OPERATORS
 submitted by: CHIEF EXECUTIVE
 principal author: STEPHEN BARKER, SOLICITOR

1 PURPOSE

1.1 To seek Committee's formal approval of amendment of the conditions applicable to Private Hire Operators.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives }
- Corporate Priorities } Consideration of these issues will promote the
Council's aim to be a well-managed Council
- Other Considerations }

2 BACKGROUND

2.1 Committee will recall having approved in principle that a further condition (Condition 25) be added to the conditions applicable to Private Hire Operators at the meeting held on 28 January 2020, and having authorised the Head of Legal and Democratic Services to carry out consultation on the proposal. The proposed condition was to address issues reported when Ribble Valley Private hire Operators utilised the services of Hackney Carriages licensed by another authority as a Private Hire Vehicle in the Ribble Valley.

2.2 Pursuant to this authorisation, the Council's Solicitor wrote to all relevant licence holders and interested parties to consult them. A copy of the consultation document is enclosed with this report as Appendix 1. Notice was also given that breach of the proposed condition would result in the imposition of 3 penalty points under the Council's Infringement Points Scheme (Private Hire).

3 ISSUES

3.1 The Council received three responses to the consultation. All three replies supported the proposed additional condition. The responses are detailed at Appendix 2.

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 coordination 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 that aspects of public safety are addressed.
- Equality & Diversity – No implications identified.

5 **RECOMMENDED THAT COMMITTEE**

5.1 Approve amendment of the Council’s Standard Conditions for Private Hire Operators licences by introduction of condition 25 as follows:

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”.

- 5.2 Approve consequential amendment of the Council’s Infringement Points Scheme (Private Hire).

STEPHEN BARKER
SOLICITOR

MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

Report of Chief Executive dated 28 January 2020

Ribble Valley Borough Council Private Hire Operators’ Standard Conditions

Ribble Valley Borough Council Infringement Points Scheme (Private Hire)

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

REF: SB/EL/20/10/20

APPENDIX 2

Response to consultation on the proposed addition of condition 25 to the Conditions for Private Hire Operators.

I support the variation of the conditions by the introduction of condition 25 relating to out of borough Hackney Carriages being used as private hire vehicles in the Ribble Valley.

Comments

1. Drivers from other boroughs seem to be working in Ribble Valley exclusively and should at least have Ribble Valley badge and cars checked.
2. I think this is a good idea and it is about time something was done.
3. I would also like to see the taxi signs on the vehicle roof also removed from the car if they are working as private hire, because on Friday and Saturday nights, you see them parked outside pubs touting for customers.



RIBBLE VALLEY BOROUGH COUNCIL

please ask for: **STEPHEN BARKER**
direct line: 01200 413216
e-mail: stephen.barker@ribblevalley.gov.uk
my ref: SB/EL
your ref:
date: 26 August 2020

Council Offices
Church Walk
CLITHEROE
Lancashire BB7 2RA

Switchboard: 01200 425111
Fax: 01200 414488
www.ribblevalley.gov.uk

Dear Sirs

CONSULTATION ON INTRODUCTION OF AN ADDITIONAL CONDITION ON THE LICENCE OF PRIVATE HIRE OPERATORS REGARDING THE USE OF HACKNEY CARRIAGES LICENSED BY ANOTHER AUTHORITY FOR PRIVATE HIRE PURPOSES IN THE RIBBLE VALLEY

I write to inform you that the Council's Licensing Committee has recently been considering the introduction of a condition to the licence for private hire operators, requiring them to record and notify the Council when a Hackney Carriage licensed by another authority is used for private hire purposes in the Ribble Valley, and to notify prospective customers that the driver and vehicle are not licensed by Ribble Valley Borough Council, and that any complaint will have to be taken up with the authority which has issued the licence.

Please see the enclosed sheet for the proposed revision.

If you wish to respond with your views on this, please do so in writing using the enclosed form, and submitting it to me at the above address or email address on or before 7 October 2020.

Please contact me if you have any queries.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Stephen Barker'.

STEPHEN BARKER
SOLICITOR

To all Private Hire Operators



Ribble Valley Borough Council

www.ribblevalley.gov.uk

CONSULTATION RESPONSE FORM

NAME:

ADDRESS:

LICENCE NO:

CONTACT DETAILS:

I support / do not support the variation of Ribble Valley Borough Council private hire licence conditions by the introduction of condition 25 relating to out of borough Hackney Carriages being used as private hire vehicles in the Ribble Valley.

COMMENTS:



Ribble Valley Borough Council

www.ribblevalley.gov.uk

PROPOSED REVISION OF THE COUNCIL'S PRIVATE HIRE OPERATORS ON LICENCE

The Council's Licensing Committee discussed this matter on 28 January 2020.

Committee was informed that:

- concern had been expressed with regard to the use of Hackney Carriages licensed by another authority for private hire purposes in the Ribble Valley by operators licensed in the Ribble Valley.
- consideration was given the introduction of a further condition ('condition 25') in to the licence for private hire operators in the Ribble Valley as follows:

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”.

- If introduced, it would be intended also to amend the infringement scheme of Ribble Valley Borough Council to provide for the imposition of 3 penalty points for any breach of the condition that was recorded against a private hire operator.

The Council's Licensing Committee approved this amendment in principle, and resolved to consult upon this issue.

Timetable

The consultation will run from 26 August 2020 to 7 October 2020, and the results will then be reported to Committee.

If you wish to respond with your views, please do this by completing the enclosed form and submitting it to Stephen Barker at the Council offices on or before 7 October 2020.

Response to consultation on the proposed addition of condition 25 to the Conditions for Private Hire Operators.

I support the variation of the conditions by the introduction of condition 25 relating to out of borough Hackney Carriages being used as private hire vehicles in the Ribble Valley.

Comments

1. Drivers from other boroughs seem to be working in Ribble Valley exclusively and should at least have Ribble Valley badge and cars checked.
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