



Civic Centre,
Arnot Hill Park,
Arnold,
Nottinghamshire,
NG5 6LU

Agenda

Environment and Licensing Committee

Date: **Tuesday 7 March 2017**

Time: **4.15 pm**

Place: **Council Chamber**

For any further information please contact:

Lyndsey Parnell

Senior Elections and Members' Services Officer

0115 901 3910

Environment and Licensing Committee

Membership

Chair Councillor Marje Paling

Vice-Chair Councillor Nicki Brooks

Councillor Bruce Andrews
Councillor Sandra Barnes
Councillor Bob Collis
Councillor Gary Gregory
Councillor Barbara Miller
Councillor John Parr
Councillor Carol Pepper
Councillor Alex Scroggie
Councillor Jane Walker

AGENDA

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- 1 **Apologies for Absence and Substitutions.**
- 2 **To approve, as a correct record, the minutes of the meeting held on Tuesday 7 February 2017** 5 - 8
- 3 **Declaration of Interests.**
- 4 **Any other item which the Chair considers urgent.**
- 5 **Proposed changes to the Hackney Carriage/Private Hire Driver's Licence Conditions and Private Hire Operator's Conditions** 9 - 28

Report of the Director for Health and Community Wellbeing
- 6 **Request to be exempt from displaying fixed plated - Stephen Miles** 29 - 30

Report of the Director for Health and Community Wellbeing
- 7 **Exclusion of the Press and Public.**

To move that under Section 100(A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting during consideration of the ensuing report on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.
- 8 **Change of circumstances of Hackney Carriage/Private Hire Drivers Licence - AM** 31 - 32

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Report of the Director for Health and Community Wellbeing

MINUTES ENVIRONMENT AND LICENSING COMMITTEE

Tuesday 7 February 2017

Councillor Marje Paling (Chair)

Present: Councillor Bruce Andrews Councillor Carol Pepper
Councillor Sandra Barnes Councillor Alex Scroggie
Councillor Bob Collis Councillor Jane Walker
Councillor Barbara Miller Councillor Meredith Lawrence
Councillor John Parr

Absent: Councillor Nicki Brooks and Councillor Gary Gregory

Officers in Attendance: P Gibbs, H Cash, L Chaplin, L Mellors and K Nealon

54 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillor Brooks.

Councillor Lawrence attended the meeting as a substitute for Councillor Gregory, who had given his apologies.

55 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 17 JANUARY 2017.

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

56 DECLARATION OF INTERESTS.

None.

57 PROPOSED GENERAL AND TAXI LICENSING FEES FOR 2017/18

Consideration was given to the report by the Director of Health and Community Wellbeing, which had been circulated prior to the meeting, to seek approval to a proposed increase to taxi licensing fees for 2017/18 subject to advertising requirements being satisfied and to approve an increase in general fees for 2017/18.

RESOLVED TO:

1. Approve the fees and charges for 2017/18 with effect from 1st April 2017.
2. Approve the fees for taxi operators and vehicle licences for 2017/18 for advertisement in accordance with the Local Government (Miscellaneous Provisions) Act 1976, such fees to automatically come into force if no objections are received within the statutory period.
3. Approve the proposed fees for taxi driver's licences for 2017/18 for advertisement and the Director of Health and Community Wellbeing in consultation with the Chair of Environment and Licensing Committee be authorised to agree the final fees after taking into account any comments received during the consultation period.

58 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

59 EXCLUSION OF THE PRESS AND PUBLIC.

RESOLVED:

That, the Members being satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information that under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during the consideration of the ensuing reports on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

60 CHANGE OF CIRCUMSTANCE OF JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - MZ

Consideration was given to a report by Director of Health and Community Wellbeing, which had been circulated prior to the meeting, regarding an application for a change of circumstances of Joint Hackney Carriage/Private Hire Driver's Licence for MZ.

MZ attended the meeting and addressed the Committee.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from policy.

RESOLVED:

To suspend the Hackney Carriage/Private Hire Driver's Licence held by MZ for a period 28 days, without immediate effect and to give MZ 21 days to surrender his licence. And issued with a warning to have the passenger doors of his licenced vehicle locked whilst stationary to prevent unauthorised persons entering the vehicle.

MZ was advised of his right to appeal against the decision of the Committee.

61 CHANGE OF CIRCUMSTANCE OF JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - JC

Consideration was given to a report by Director of Health and Community Wellbeing, which had been circulated prior to the meeting, regarding an application for a change of circumstances of Joint Hackney Carriage/Private Hire Driver's Licence for JC.

JC attended the meeting and addressed the Committee.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from policy.

RESOLVED:

To suspend the Hackney Carriage/Private Hire Driver's Licence held by JC for a period 28 days, without immediate effect and to give JC 21 days to surrender his licence. And issued with a warning that his licence may be revoked by the Committee should he receive further Fixed Penalty Notice for smoking in a licenced vehicle.

JC was advised of his right to appeal against the decision of the Committee.

62 APPLICATION FOR A JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - SS

Consideration was given to a report by Director of Health and Community Wellbeing, which had been circulated prior to the meeting, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence for SS.

SS attended the meeting along with his wife and addressed the Committee.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from policy.

RESOLVED:

To approve SS's application for a Joint Hackney Carriage/Private Hire Driver's Licence for a period of 1 year.

63

APPLICATION FOR A JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - AR

Consideration was given to a report by Director of Health and Community Wellbeing, which had been circulated prior to the meeting, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence for AR.

AR attended the meeting along with his wife and addressed the Committee.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from policy.

RESOLVED:

To approve AR's application for a Joint Hackney Carriage/Private Hire Driver's Licence for a period of 1 year.

The meeting finished at 6.05 pm

Signed by Chair:

Date:

Report to the Environment and Licensing Committee

Subject: Proposed changes to the Hackney Carriage/Private Hire Driver's Licence Conditions and Private Hire Operator's Conditions

Date: 7 March 2017

Author: Director for Health and Community Wellbeing

Purpose of the Report

To inform Members of the results and recommendations of the recent Coroner's inquest into the death of a member of the public involved in an accident with a Taxi

To inform Members of proposed changes, taking in to account those recommendations, to the Hackney Carriage/ Private Hire Driver's Licence Conditions and Private Hire Operator's Conditions and to obtain approval to consult on those proposed changes.

To request that Members note the miscellaneous operational changes proposed following the recommendations in the Coroner's report.

1. Background

- 1.1. The Nottinghamshire Coroners Court recently held an inquest into the death of a member of the public involved in a road traffic accident with a taxi driver who was licensed with another Nottinghamshire Authority. Following the conviction of the taxi driver, for dangerous driving, the judge in the case invited the Coroner to re-open the inquest on the grounds of continuing public interest in ensuring that this type of tragedy be avoided in the future. The Coroner made all Nottinghamshire Licensing Authorities 'interested parties' to the inquest, the inquest was attended by officers from the Licensing and Legal Departments.
- 1.2. Prior to the inquest the Coroner suggested areas of the licensing process she would like each Council to consider particularly in relation to driver hours, the fitness of drivers to drive due to health conditions, DBS checks and complaints procedures. Each Authority was invited to submit a statement before attending the hearing detailing their current practices and proposals for changes taking in to consideration the particular circumstances surrounding the fatal accident. In her summing up the Coroner's opinion was that Licensing Authorities have a responsibility to use their best endeavours to ensure that those afforded licences are 'fit and proper persons'.
- 1.3. The Council currently has a rigorous vetting process for applicants applying for taxi licensing including driving test, medical, knowledge test, DBS checks, DVLA checks and safeguarding training. However, in the light of the inquest, officers went through the application process and licence conditions in detail to identify any areas that could be improved to increase the fit and proper tests we carry out in the interests of increasing safety for members of the public. As a result of this exercise Members are asked to consider the following proposals to be sent out to consultation to the trade and the public and to note the miscellaneous operational changes.

2. Proposal 1 – Change to Hackney Carriage and Private Hire Driver Conditions relating to medical circumstances

- 2.1 Medical examinations under the DVLA Group 2 standard adopted by the Council, are currently required on first application and then at age 45, 50, 55, 60 at 65th birthday and then annually after 65. In some cases there is a long period of time between the medical at first application and the licence holder's 45th birthday. It is currently assumed that any change to a licence holder's medical circumstances will be notified to the Council by the licence holder. To make sure that this is the process followed by all licence holders it is proposed to amend the Hackney Carriage and Private Hire Driver's Licence Conditions to add a new condition requiring notification of any change to their medical circumstance. This proposed additional condition is detailed in **Appendix 1** attached. Approval is requested to consult on this change to the Drivers Conditions.

Reason

- 2.2 In the interests of public safety, and in line with the Coroner's report, this condition will ensure that licensed drivers notify us of any change in their medical condition, that could affect the Group 2 standard required, and enable the Council to take appropriate action with regard to the driver's 'fit and proper' status.

3. Proposal 2 – Change to Hackney Carriage and Private Hire Driver Conditions relating to Disclosure and Barring Services (DBS) checks.

- 3.1. Currently all Hackney Carriage and Private Hire Drivers are required to have a DBS check every 3 years. Applicants are also required to complete a declaration, regarding any change to their circumstances, annually either on their renewal application or on an annual declaration where a licence has been granted for a period of more than one year. Licence holders are also required to undertake a DVLA check at each renewal or at the time of declaration.
- 3.2. It is proposed to introduce a condition requiring all Hackney Carriage and Private Hire Drivers to have an annual DBS check in addition to submitting a yearly declaration and DVLA check. The proposed amended condition is attached at **Appendix 1**. Approval is requested to consult on this change to the Drivers Conditions.

Reason

- 3.3 The requirement for an annual DBS check will increase public safety by providing information to the Council on a more regular basis as to licence holders' criminal records allowing the Council to consider the 'fit and proper' status of its licence holders.

4. Proposal 3 – Change to Private Hire Operator Conditions

- 2.3 Following the outcome of the Coroner's report the Private Hire Operator's Licence conditions were examined and it was decided that they required a comprehensive review. In addition to incorporating the Coroner's recommendations it is considered appropriate to update the conditions to ensure that they reflect modern working practices and to remove any that are outdated and unduly restrictive.
- 2.4 In terms of the recommendations of the Coroner's report it is proposed to introduce a condition requiring Private Hire Operators to submit an annual DBS check. Currently they are required to sign a declaration, regarding any change to their circumstances, at every renewal or on an annual declaration where a licence for more than five years has been granted.

- 2.5 The proposed changes are set out in detail at **Appendix 2** and the proposed draft conditions attached at **Appendix 3**. For comparison purposes the current conditions are attached at **Appendix 4**. It is requested that approval be given for the draft conditions to go out for consultation.

Reason

- 4.1. The changes will bring the conditions up to date with regards to record keeping of bookings, drivers and vehicles, ensuring that the conditions remain relevant and that sufficient information is recorded in an appropriate format by the Operator to allow investigation by the Council in to complaints. The Operator will be required to record and retain details of complaints made against the Company and/ or driver, and any disciplinary action taken towards drivers and staff. Recording and making available such information will enable Operators to work more closely with the Council, increasing public safety and improving standards, by addressing and effectively dealing with any complaints made. The removal of outdated conditions will enable the licence holders to operate their businesses more effectively .The requirement for an annual DBS check will increase public safety by providing information to the Council on a more regular basis as to licence holders' criminal records allowing the Council to consider the 'fit and proper' status of its licence holders.

5. Miscellaneous Operational changes – for information

- 2.6 The Coroner acknowledged in her findings that her questions and areas of concern had been addressed and that considerable work had been done by Nottinghamshire Licensing Authorities already. She also noted that it is 'a dynamic process' and that the work was continuing.
- 5.1. As part of the process the Nottingham Authorities Licensing Group (NALG) is considering issuing a Best Practice Guidance and encouraging drivers and operators to adopt it. This best practice guidance booklet will advise them on a variety of subjects relating to safe driving and good conduct including advice on avoiding driving when tired, use of mobile phones in vehicles and how to avoid committing offences under the Act.
- 5.2. Licensing Officers will also be working in partnership with other licensing services in the County and region in relation to enforcement and information sharing.
- 5.4 Changes to application forms regarding information sharing with other agencies will also be introduced.

Reason

- 5.5 The above actions will assist in the protection of the public and safeguard the fit and proper status of licence holders by providing clear information as to their responsibilities to others as licensed drivers and road users. The actions will also encourage partnership working between Authorities in relation to enforcement practices, to ensure the sharing of relevant information between partners and to encourage consistency across the County. It will also ensure that the applicant is aware that in making an application their information may be shared as reasonably necessary in line with the Data Protection Act 1998.

Appendices

Appendix 1 - Proposed amended Hackney Carriage and Private Hire Driver Conditions.

Appendix 2 - Proposed changes Private Hire Operator Conditions.

Appendix 3 - Proposed Private Hire Operator Conditions

Appendix 4 - Current Private Hire Operator Conditions

Recommendations

That Committee:

1. Approve the proposed changes to the Hackney Carriage and Private Drivers Conditions, detailed in the report and shown at Appendix 1, to go out to consultation.
2. Approve the proposed changes to the Private Hire Operators Licence Conditions, detailed in the report and shown at Appendix 2, to go out to consultation.
3. Note the miscellaneous operational changes contained in the report.

It is intended the consultation will be for a period of 4 weeks and the final conditions and operational changes (with any necessary amendments as a result of responses to the consultation) being presented to Committee for adoption.

Appendix 1
Proposed amendments to Hackney Carriage Driver Conditions

Condition No	Amendment	Reason
<p>8 – Amend Condition which currently states:</p> <p>12 month declaration</p> <p>For licences issued for more than one year but less than three years the licence holder will sign and submit a declaration to the Council in relation to their circumstances at the end of each 12 month period. If this condition is not complied with the licence holder will be brought before the Environment and Licensing Committee</p>	<p>Licence renewals and declarations</p> <p>For licences issued for more than one year but less than three years the licence holder will sign and submit a declaration to the Council in relation to their circumstances, at the end of each 12 month period. The licence holder will also undertake a DVLA check.</p> <p>The licence holder will also undertake a Disclosure and Barring Services (DBS) check and submit the new DBS certificate, or provide the results from the online checking system, at the time of renewal in the case of a licence issued for 1 year, or at the time of the 12 or 24 month declarations in the case of a licence that has been granted for a period greater than 12 months.</p> <p>If this condition is not complied with, the licence holder will be brought before the Environment & Licensing Committee</p>	<p>This will increase public safety by providing information to the Council on a more regular basis as to the licence holders' criminal records allowing the Council to consider the 'fit and proper' status of its licence holders.</p>
<p>Insert new condition at 9 and renumber subsequent conditions</p>	<p>Medicals</p> <p>The licence holder shall notify the Council as soon as is reasonably practicable of any change to their medical circumstances which could affect them meeting the DVLA Group 2 Medical Standard.</p> <p>The DVLA Group 2 Medical standard can be found at www.gedling.gov.uk</p>	<p>In the interests of public safety, and in line with the Coroner's report, this condition will ensure that licensed drivers notify us of any change in their medical condition, that could affect the Group 2 standard required, and enable the Council to take appropriate action with regard to the driver's 'fit and proper' status.</p>

Proposed amendments to Private Hire Driver Conditions

Condition No	Amendment	Reason
<p>8 – Amend Condition which currently states: 12 month declaration</p> <p>For licences issued for more than one year but less than three years the licence holder will sign and submit a declaration to the Council in relation to their circumstances at the end of each 12 month period. If this condition is not complied with the licence holder will be brought before the Environment and Licensing Committee</p>	<p>Licence renewals and declarations</p> <p>For licences issued for more than one year but less than three years the licence holder will sign and submit a declaration to the Council in relation to their circumstances, at the end of each 12 month period. The licence holder will also undertake a DVLA check.</p> <p>The licence holder will also undertake a Disclosure and Barring Services (DBS) check and submit the new DBS certificate, or provide the results from the online checking system, at the time of renewal in the case of a licence issued for 1 year, or at the time of the 12 or 24 month declarations in the case of a licence that has been granted for a period greater than 12 months.</p> <p>If this condition is not complied with, the licence holder will be brought before the Environment & Licensing Committee</p>	<p>This will increase public safety by providing information to the Council on a more regular basis as the licence holders' criminal records allowing the Council to consider the 'fit and proper' status of the licence holders.</p>
<p>Insert new condition at 9 and renumber subsequent conditions</p>	<p>Medicals</p> <p>The licence holder shall notify the Council as soon as is reasonably practicable of any change to their medical circumstances which could affect them meeting the DVLA Group 2 Medical Standard.</p> <p>The DVLA Group 2 Medical standard can be found at www.gedling.gov.uk</p>	<p>In the interests of public safety, and in line with the Coroner's report, this condition will ensure that licensed drivers notify us of any change in their medical condition, that could affect the Group 2 standard required, and enable the Council to take appropriate action with regard to the driver's 'fit and proper' status.</p>

Appendix 2

Proposed Changes to the Private Hire Operators Licence Conditions

Condition No	Amendment	Reason
1 A - Amended	<p>The Operator shall keep details of all bookings accepted either from the hirer or another Operator and shall immediately record them on a booking system approved by the Council* at the time the booking is received the details listed below:</p> <ol style="list-style-type: none"> 1. name of hirer 2. phone number of hirer, unless they refuse to provide it 3. date & time the booking was made 4. date & time pick up required 5. location of pick up 6. destination 7. how the booking was received 8. the booking price if quoted 9. identity of person accepting hiring 10. identity of vehicle used for booking 11. time job completed <p>*The approved booking system must be able to record and store, as a minimum, all the details listed above.</p>	<p>To fulfill public safety requirements when investigating complaints and allowing sufficient auditing of the operators business.</p> <p>To give the licence holder the option to use a booking system of their choice.</p>
1B - Remove	Remove condition	Alternative methods of recording bookings now dealt with in 1A.
1B – New	The Operator shall keep the records for a period of not less than two years or longer if required to do so by an authorised officer of the Council.	To fulfill public safety requirements when investigating complaints.
1C - Remove	Dealt with in 1B	
1C – New	Any computerised system used must be able to produce a printed record of the details specified above and made available to any authorised officer of the Council or Police Officer on request.	To fulfill public safety requirements when investigating complaints and allowing sufficient auditing of the operators business.
1D – Remove	Dealt with in 1C	

1D – New	Where the Private Hire Operator accepts a booking and dispatches a Hackney Carriage all these conditions apply.	There is no requirement in the legislation for operators to maintain records where hackney carriages are dispatched to undertake private hire work. The inclusion of this condition addresses that and is considered reasonable, in the interests of public safety, and allows effective investigation of complaints and auditing.
2A – No change	No change	
2B – No change	No change	
2C – Removed	Remove condition	The business model of operators often means there is a high turnover of vehicles and drivers. This condition places an unnecessary burden on the licence holder and the removal of it has no impact on public safety.
3 – now condition 6	Now condition 6	Re-numbering
3A – New	<p>The Operator shall maintain at the premises a record of all complaints received by them, and shall record them on a complaints system approved by the Council* at the time the complaint is received. A full record of the complaint including as a minimum the following information:</p> <ol style="list-style-type: none"> 1. date and time the complaint is made. 2. name and contact details of the complainant. 3. nature of the complaint – (to include date, time and location). 4. driver / vehicle / staff details to whom the complaint relates. 5. name of business manager to whom the complaint was passed. 6. the date and time the complaint was passed to the business manager. 	<p>In line with the Coroner’s report to ensure that the complaints can be recorded and fully investigated.</p> <p>To ensure that any public safety issues can be identified during audits and investigations and to drive up standards and improve public safety.</p>

	<p>7. the action taken to resolve the complaint and the time taken for it to be actioned.</p> <p>8. whether the complaint was referred to the Council.</p> <p>*The approved recording system must be able to record and store, as a minimum, all the details listed above.</p>	
3B – New	The Operator shall keep the records for a period of not less than two years, or longer if required to do so by an authorised officer of the Council	To fulfill public safety requirements when investigating complaints and allowing sufficient auditing of the operators business..
3C – New	The above records are to be produced on request to any Police Officer or authorised officer of the Council	To fulfill public safety requirements when investigating complaints and allowing sufficient auditing of the operators business..
3D – New	<p>The Operator must telephone the Police and contact the Council in writing or by email as soon as reasonably practicable, and in any case within 1 working day of any complaints received about:</p> <ol style="list-style-type: none"> 1. sexual impropriety relating to any part of their business 2. behaviour which may compromise the safety and welfare of children and vulnerable people relating to any part of their business 3. behaviour which poses an imminent danger to the public or of any safeguarding issue relating to any part of their business 	To ensure that immediate steps can be taken by both the Police and Council to protect the public from serious offences.
3E – New	In the event that the Operator formally disciplines or dismisses a driver, or a member of staff connected to the operational aspect of the business, for whatever reason, then the details must be reported to the Council, in writing, within seven days.	To fulfill public safety requirements.
4 – now condition 7	Now condition 7	Re-numbering
4A – New	The Operator shall ensure all staff who undertake bookings and/or dispatcher duties have received suitable and sufficient training and instruction concerning the use of:	To ensure that all staff fully understand and are proficient in the use of the approved system for

	<p>I. the system used to receive and record bookings and the dispatching of vehicles</p> <p>II. the recording and process of dealing with and handling complaints received by the operator</p>	the relevant business.
4B – New	A training log is to be held by the Operator for each person who undertakes the role of bookings and/or dispatcher duties. The training logs are to be produced on request by an authorised officer.	<p>To demonstrate a level of competency of staff during audits.</p> <p>To ensure public safety.</p>
5 – No change	No change	
6 – Was condition 3	Was Condition 3 on the previous conditions	Re-numbering
7 – Was condition 4	Was Condition 4 on the previous conditions	Re-numbering
8 - remove	Condition no longer relevant due to High Court decisions	Legal reason
New 8 – Was condition 7	Was Condition 7 on the previous conditions	
9 – now condition 10 (amended)	Now condition 10 (amended)	
New 9 – was condition 6 (amended)	If the provision is made by the Operator on his premises for the reception of members of the public proposing to hire a vehicle, he will ensure that his premises are at all times in a clean and tidy condition.	The removal of seating requirements provided by the operator
10 - Remove	Remove condition	<p>This does not relate to a licensable activity.</p> <p>It places an unnecessary burden on the operator.</p> <p>It prevents people from access to legitimate employment.</p> <p>The fit and proper test does not apply to staff in the office.</p>
New 10 – was condition 9 (amended)	The maximum number of Private Hire vehicles which the Operator may operate is that shown on the licence. The Operator may not operate vehicles in excess of this number unless he has first paid the required fee to the Council.	To ensure the correct fees are paid to the Council.
11 - Removed	Condition no longer relevant due to High Court decisions.	Legal reasons
11 – New	For licences issued for more than one year but less than five years, the licence holder will sign and submit a declaration to the Council in relation to their circumstances at the end of each 12 month period.	This will increase public safety by providing information to the Council on a more regular basis as to the licence holders' criminal records

	<p>The licence holder will also undertake a Disclosure and Barring Service (DBS) check and submit the new DBS certificate, or provide the results from the online checking system, at the time of renewal in the case of a 12 month licence, or at the time of declaration in the case of a licence that has been granted for a period greater than 12 months.</p> <p>If this condition is not complied with the licence holder will be brought before the Environment and Licensing Committee.</p>	<p>allowing the Council to consider the 'fit and proper' status of its licence holders.</p>
12 – No change	Was Condition 12 on the previous conditions	
13 - Removed	This condition is now included at 3F	
14 - Removed	Now dealt with at 11	
NB2 - New	For the purposes of these conditions any person assisting the delivery of all functions of the operators Private Hire business are bound by and included in these conditions	For clarity

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CONDITIONS OF OPERATORS LICENCES

1. A The Operator shall keep details of all bookings accepted either from the hirer or another Operator and shall immediately record them on a booking system approved by the Council* at the time the booking is received the details listed below:
 1. name of hirer
 2. phone number of hirer, unless they refuse to provide it
 3. date & time the booking was made
 4. date & time pick up required
 5. location of pick up
 6. destination
 7. how the booking was received
 8. the booking price if quoted
 9. identity of person accepting hiring
 10. identity of vehicle used for booking
 11. time job completed

*The approved booking system must be able to record and store, as a minimum, all the details listed above.

- B The Operator shall keep the records for a period of not less than two years or longer if required to do so by an authorised officer of the Council.
 - C Any computerised system used must be able to produce a printed record of the details specified above and made available to any authorised officer of the Council or Police Officer on request.
 - D Where the Private Hire Operator accepts a booking and dispatches a Hackney Carriage all these conditions apply.
2. A The Operator shall maintain at his premises, particulars of all vehicles operated by him which shall include the following:-

1. The licence plate number;
2. The registration number;
3. The name and address of the proprietor;
4. The name(s) and address(es) of the driver(s) of above vehicles;
5. The badge number(s) of the driver(s).
6. Licences for all vehicles and drivers.

B The above records are to be produced on request to any Police Officer or authorised officer.

3. A The Operator shall maintain at the premises a record of all complaints received by them, and shall record them on a complaints system approved by the Council* at the time the complaint is received. A full record of the complaint including as a minimum the following information:

1. date and time the complaint is made.
2. name and contact details of the complainant.
3. nature of the complaint – (to include date, time and location).
4. driver / vehicle / staff details to whom the complaint relates.
5. name of business manager to whom the complaint was passed.
6. the date and time the complaint was passed to the business manager.
7. the action taken to resolve the complaint and the time taken for it to be actioned.
8. whether the complaint was referred to the Council.

*The approved recording system must be able to record and store, as a minimum, all the details listed above.

B The Operator shall keep the records for a period of not less than two years, or longer if required to do so by an authorised officer of the Council.

C The above records are to be produced on request to any Police Officer or authorised officer of the Council

D The Operator must telephone the Police and contact the Council in writing or by email as soon as reasonably practicable, and in any case within 1 working day of any complaints received about:

1. sexual impropriety relating to any part of their business
2. behaviour which may compromise the safety and welfare of children and vulnerable people relating to any part of their business

3. behaviour which poses an imminent danger to the public or of any safeguarding issue relating to any part of their business
- E In the event that the Operator formally disciplines or dismisses a driver, or a member of staff connected to the operational aspect of the business, for whatever reason, then the details must be reported to the Council, in writing, within seven days.
4. A The Operator shall ensure all staff who undertake bookings and/or dispatcher duties have received suitable and sufficient training and instruction concerning the use of:
 - I. the system used to receive and record bookings and the dispatching of vehicles
 - II. the recording and process of dealing with and handling complaints received by the operator
- B A training log is to be held by the Operator for each person who undertakes the role of bookings and/or dispatcher duties. The training logs are to be produced on request by an authorised officer
5. Every Operator of Private Hire vehicles who accepts a booking for a Private Hire vehicle for an appointed time and place, shall give the booking to a vehicle, allowing sufficient time for the vehicle to punctually attend.
6. The holder of an Operator's Licence shall not permit any person who is drunk, or is behaving in a disorderly manner, to remain upon the premises in respect of which the licence is in force.
7. No Operator of a private hire vehicle which is licensed by the Authority under this Act shall invite or accept a booking for such vehicle, or control or arrange a journey to be undertaken by such vehicle, without first making available in writing, or giving orally, to the person making the booking, information as to the basis of charge for the hire of the vehicle.
8. The Operator in his capacity as Operator and without prejudice to any other liabilities imposed under the Local Government (Miscellaneous Provisions) Act 1976 shall use his best endeavours to ensure that drivers of vehicles owned, controlled or operated in association with the Operator shall observe and perform the conditions of their Private Hire Driver's Licence and that vehicles shall conform to their Private Hire Vehicle Licence.
9. If the provision is made by the Operator on his premises for the reception of members of the public proposing to hire a vehicle, he will ensure that his premises are at all times in a clean and tidy condition.
10. The maximum number of Private Hire vehicles which the Operator may operate is that shown on the licence. The Operator may not operate vehicles in excess of this number unless he has first paid the required fee to the Council.
11. For licences issued for more than one year but less than five years, the licence holder will sign and submit a declaration to the Council in relation to their circumstances at the end of each 12 month period.

The licence holder will also undertake a Disclosure and Barring Service (DBS) check and submit the new DBS certificate, or provide the results from the online checking system, at the time of renewal in the case of a 12 month licence, or at the time of declaration in the case of a licence that has been granted for a period greater than 12 months.

If this condition is not complied with the licence holder will be brought before the Environment and Licensing Committee

12. Any advertisement indicating that a vehicle can be hired on application to a specified address or telephone number, being the address or telephone number of premises in the District, or on or near any such premises, indicating that the vehicle can be hired at those premises shall NOT include the word "taxi" or "cab" whether in singular or plural or any word of similar meaning or appearance to either of those words and whether alone or as part of another word.

PENALTIES

The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part 11 of the Act, shall be guilty of an offence and liable to summary conviction to a fine currently not exceeding £1,000 (One thousand pounds). In addition, such action may lead to the suspension or revocation of an existing Licence or the failure to renew such a Licence.

NB1: Your attention is drawn to the various provisions contained in the 1976 Act, which you are advised to obtain and read carefully.

NB2: For the purposes of these conditions any person assisting the delivery of all functions of the operators Private Hire business are bound by and included in these conditions

CONDITIONS OF OPERATORS LICENCES

1. A The Operator shall enter in a suitable book, the pages of which are numbered consecutively, particulars of every private hire booking, and the particulars shall be entered in the book at the time the booking is received and shall include the following:-
 - (i) The time and date of each booking;
 - (ii) By what method the booking was received, ie telephone or personal call;
 - (iii) Journey from.....to.....
 - (iv) The name of the hirer;
 - (v) The Private Hire Licence Plate number of the vehicle given the booking.
- B An alternative method of record keeping may be used with the approval of the Council.
- C The records shall be kept for a period of not less than two years, or longer if required to do so, by an Authorised Officer of the Council.
- D These records shall be produced on request to any Constable or Authorised Officer of the Council.
2. A The Operator shall maintain at his premises, particulars of all vehicles operated by him which shall include the following:-
 - (i) The licence plate number;
 - (ii) The registration number;
 - (iii) The name and address of the proprietor;
 - (iv) The name(s) and address(es) of the driver(s) of above vehicles;
 - (v) The badge number(s) of the driver(s).
 - (vi) Licences for all vehicles and drivers.
- B The above records are to be produced on request to any Constable or authorised officer.

- C The Council must be informed in writing, within 7 days of any changes in particulars mentioned in item 2A above.
3. The holder of an Operator's Licence shall not permit any person who is drunk, or is behaving in a disorderly manner, to remain upon the premises in respect of which the licence is in force.
 4. No Operator of a private hire vehicle which is licensed by the Authority under this Act shall invite or accept a booking for such vehicle, or control or arrange a journey to be undertaken by such vehicle, without first making available in writing, or giving orally, to the person making the booking, information as to the basis of charge for the hire of the vehicle.
 5. Every Operator of Private Hire vehicles who accepts a booking for a Private Hire vehicle for an appointed time and place, shall give the booking to a vehicle, allowing sufficient time for the vehicle to punctually attend.
 6. If provision is made by the Operator on his premises for the reception of members of the public proposing to hire a vehicle, he will ensure that his premises are at all times in a clean and tidy condition and that adequate arrangements are made for the seating of customers within the premises.
 7. The Operator in his capacity as Operator and without prejudice to any other liabilities imposed under the Local Government (Miscellaneous Provisions) Act 1976 shall use his best endeavours to ensure that drivers of vehicles owned, controlled or operated in association with the Operator shall observe and perform the conditions of their Private Hire Driver's Licence and that vehicles shall conform to their Private Hire Vehicle Licence.
 8. Only Hackney Carriages, Hackney Carriages operating as Private Hire vehicles and Private Hire Vehicles licensed by the Council, may operate from the licensed premises.
 9. The maximum number of vehicles which the Operator may operate is that shown on the Licence. The Operator may not operate vehicles in excess of this number unless he has first paid the required fee to the Council. The maximum number of vehicles referred to includes vehicles licensed as hackney carriages where these vehicles are being operated for private hire.
 10. The Operator shall not, knowingly without the prior written consent of the Council, employ or be employed by, engage in partnership with, or allow or suffer any involvement in the management of the operator hereby licensed:-
 - (i) any person who has been convicted of an offence under the Local Government (Miscellaneous Provisions) Act 1976 or any other legislation relating to private hire and hackney carriage licensing.
 - (ii) any person who, for the purposes of Part 11 of the said Act, has been found by any Licensing Authority not to be a fit and proper person to hold a driver's or operator's licence.

11. The Operator, when accepting bookings under the terms and conditions of this licence shall only operate drivers and vehicles licensed by the Council.
12. Any advertisement indicating that a vehicle can be hired on application to a specified address or telephone number, being the address or telephone number of premises in the District, or on or near any such premises, indicating that the vehicle can be hired at those premises shall NOT include the word "taxi" or "cab" whether in singular or plural or any word of similar meaning or appearance to either of those words and whether alone or as part of another word.
13. If in the event that the operator dismisses a driver, for whatever reason, that the details be reported to the Council in writing, within seven days of the dismissal.
14. For licences issued for more than one year but less than five years the licence holder will sign and submit a declaration to the Council in relation to their circumstances at the end of each 12 month period. If this condition is not complied with the licence holder will be brought before the Environment and Licensing Committee.

PENALTIES

The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part 11 of the Act, shall be guilty of an offence and liable to summary conviction to a fine currently not exceeding £1,000 (One thousand pounds). In addition, such action may lead to the suspension or revocation of an existing Licence or the failure to renew such a Licence.

NB: Your attention is drawn to the various provisions contained in the 1976 Act, which you are advised to obtain and read carefully.

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Report to Environment and Licensing Committee

Subject: Request to be exempt from displaying fixed plates – Stephen Miles

Date: 7 March 2017

Author: Report of Director of Health and Wellbeing

1. Purpose of the Report

Mr Miles has requested the Committee to consider granting exemption to him from displaying fixed plates on vehicles licensed by him as he only undertakes executive private hire.

2. Background

Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 gives the Council the authority to waive the requirement to display vehicle licence plates. It follows that the driver can then be exempt from wearing the badge. This is often used in relation to vehicles that provide chauffeur services. Instead the Council can issue a notice which will be permanently displayed at all times inside any licensed vehicles owned or operated by Mr Miles.

3. Proposal

To grant an exemption to Mr Miles to allow his vehicles to be licensed without the requirement for the displaying of a licence plate.

4. Resource Implications

None

5. Recommendation

- a) With respect to Mr Miles – the requirement to display vehicle licence plates is waived; and
- b) The Council issue a notice which will be permanently displayed at all times, in a position to be agreed, inside any licensed vehicles used for executive private hire purposes, owned or operated by Mr Miles.

6. Appendices

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