

PUBLIC PROTECTION COMMITTEE: 3 NOVEMBER 2020

Report of the Head of Shared Regulatory Services

Review of Private Hire Operator Conditions

1. Background

- 1.1 Under the Local Government (Miscellaneous Provisions) Act 1976 the Council may attach any conditions to the grant of a private hire operator licence that they consider reasonably necessary.
- 1.2 Cardiff Council's current private hire operator conditions have been in place for many years and in response to new best practice standards published by the Department for Transport (DfT), it is thought to be an appropriate time to review the current conditions in an attempt to bring them in line with the new standards. The current private hire operator conditions are detailed at ***Appendix A***.
- 1.3 A draft set of conditions has been produced which detail the proposed requirements for private hire operators. A copy of the draft conditions are detailed at ***Appendix B***.

2. Issues

- 2.1 As the Licensing Authority for Cardiff, it is important that we are confident that the operators that we licence are 'fit and proper' and do not pose a threat to public safety. One way this can be achieved is by imposing conditions onto the licence.
- 2.2 The Department for Transport (DfT) have recently published Statutory Taxi and Private Hire Vehicle Standards with the intention that these are adopted by all local authorities as a minimum "*unless there is a compelling local reason not to*".
- 2.3 A review of Cardiff Council's current private hire operator conditions has subsequently been conducted and a new set of proposed conditions

produced with public safety at the forefront of the agenda. The proposed conditions cover the following elements:

- General Operating
- Complaints System
- Driver Vehicle Records
- DBS Check
- Notification of Convictions
- Business Premises
- Booking Records
- Personal Data
- Working Hours
- Insurance
- Ride Sharing/Car-Pooling
- Standards of Service
- Public Service Vehicles

The proposed conditions are detailed at ***Appendix B***.

3. Consultation

- 3.1 The Licensing Authority has consulted with private hire operators currently licensed by Cardiff Council along with the Cardiff Hackney Carriage Alliance, who are the formal trade representative of Cardiff.
- 3.2 A number of responses were received in relation to the consultation; seven from current private hire operators and one response from the Cardiff Hackney Carriage Alliance.
- 3.3 Following the consultation the proposed conditions were amended to reflect some of the views of the consultees; these conditions are detailed at ***Appendix B*** of the report.

Details of the comments received along with the amendments made as a result of the consultation are detailed at ***Appendix C***.

4. Achievability

- 4.1 This report contains no equality personnel or property implications.

5. Legal Implications

- 5.1 Section 55 (1) (a) of the Local Government (Miscellaneous Provisions) Act 1976 stipulates that the Council shall not grant a Private Hire Operator Licence unless they are satisfied that the applicant is a fit and proper person to hold such a licence. Furthermore, in accordance with Section 55 (2) of the Act the Council may attach conditions to the Private Hire Operator Licence that they consider to be reasonable and necessary.
- 5.2 Applicant of Private Hire Operator Licence have the right of appeal to the Courts against the refusal of a licence or in respect of conditions attached to a licence. Council's policies may be challenged by way of judicial review.

6. Financial Implications

- 6.1 There are no financial implications arising directly from this report.

7. Recommendation

- 7.1 It is recommended that the Committee consider the contents of the report and resolve to:
- a) Replace the current private hire operator conditions with the proposed conditions detailed at **Appendix B** with immediate effect.
 - b) Allow a grace period of 6 weeks for existing private hire operators in relation to compliance with the conditions detailed in **Appendix B**.

8. Reasons for Recommendation

- 8.1
- a) To ensure that any conditions imposed on private hire operator licences represent best practice standards recommended by DfT in the interest of public safety.
 - b) To afford existing private hire operators time to update their current procedures to ensure compliance with the conditions.

Dave Holland
HEAD OF SHARED REGULATORY SERVICES

1 October 2020

This report has been prepared in accordance with procedures approved by Corporate Managers.

Background papers:

Department for Transport, Taxi and Private Hire Licensing Guide: Best Practice Guide
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904369/statutory-taxi-and-private-hire-vehicle-standards-english-28-07-2020.pdf