

Agenda Item	7
Report No	HLC/008/17

Amendment to the taxi drivers, private hire car drivers and private hire car operators licence conditions

Report by the Principal Solicitor – Regulatory Services

Summary

This report invites the Committee to consider the feedback from the taxi and private hire car (PHC) trade to the proposed amendments to the conditions for taxi driver's licence, private hire car driver's licence and private hire car operator's licence.

1.0 Background – amendment to taxi and PHC driver's licence conditions

- 1.1** Condition 14 of the taxi driver's licence conditions and condition 14 of the private hire car driver's licence states that:

The driver of a taxi/private hire car, while carrying a passenger, shall be clean and tidy in his person, shall dress in clothing of a type or standard as laid down in the Council's Dress Code for taxi and private hire car drivers, shall conduct himself in a proper and civil manner and shall not smoke. All drivers must be of an overall appearance which is unlikely to cause offence to any section of the community.

- 1.2** At present the Council can only enforce a breach of condition if the licence holder is carrying a passenger at the time. The above condition restricts the Council from considering instances where complaints have been received in relation to the conduct of a taxi or PHC driver whilst he was not carrying passengers but may have been plying for hire.

- 1.3** In view of this it was suggested that the wording of condition 14 of the taxi driver's licence conditions be amended to read:

- 1.4** *The driver of a taxi, **whilst so acting, must at all times**, be clean and tidy in his person, shall dress in clothing of a type or standard as laid down in the Council's Dress Code for taxi and private hire car drivers, shall conduct himself in a proper and civil manner and shall not smoke. All drivers must be of an overall appearance which is unlikely to cause offence to any section of the community.*

- 1.5** And that the wording of condition 14 of the private hire car drivers licence conditions be amended to read:

- 1.6** *The driver of a private hire car, **whilst so acting, must at all times**, be clean and tidy in his person, shall dress in clothing of a type or standard as laid down in the Council's Dress Code for taxi and private hire car drivers, shall conduct himself in a proper and civil manner and shall not smoke. All drivers must be of an overall appearance which is unlikely to cause offence to any section of the community.*

- 1.7** At the meetings of the Taxi/PHC Sub Group in September/October 2016 the trade representatives present were invited to provide their views and comments on the proposed changes. A summary of the responses from each of the meetings is below:

Wick: The operators present advised that they had no issues with this condition being amended.

Ft William (including and Skye and Lochalsh): The operators present advised that they had a neutral view on the proposed changes to the taxi and PHC drivers condition 14, albeit they had doubts about its enforceability.

Inverness: The operators present advised that they had no issues with this condition being amended. The issue of the lack of enforcement officers was highlighted by those present.

Dingwall: The representative from CandE taxis advised that he had no specific views and that he was neutral in relation to the proposed changes. There were no comments from the other trade representatives present.

2.0 Background - amendment to PHC operator's licence conditions

- 2.1** Condition 12 of the PHC operator's licence states that:

The holder of a private hire car operator's licence shall not display on his private hire car any signs for the purpose of advertising its services as a private hire car, other than those approved by the Council. The holder of a private hire car operator's licence shall be permitted to display commercial advertising on or in the vehicle only with the written permission and approval of the Council.

- 2.2** To assist the public, and those hiring a private hire car, to identify the vehicle as a licensed PHC it was suggested that all licensed PHCs be required to display, on one of the doors on both sides of the vehicle, a sign advertising that the vehicle is available for pre-booking only.

- 2.3** It was suggested that the abovementioned condition 12 would be amended to read:

The holder of a private hire car operator's licence shall not display on his private hire car any signs for the purpose of advertising its services as a private hire car, other than those approved by the Council. The holder of a private hire car operator's licence shall be permitted to display commercial advertising on or in the vehicle only with the written permission and approval of the Council. The holder of a private hire car operator's licence shall display, on one door on each side of the vehicle, a sign issued by the Council indicating that the vehicle is available for pre-bookings only.

- 2.4** Again at the meetings of the Taxi/PHC Sub Group in September/October 2016 the trade representatives present were invited to provide their views and comments on the proposed changes. A summary of the responses from each of the meeting is below:

Wick: The operators present advised that they had no objections to the condition being amended. This was on the basis that PHC operators would not be charged for the signs. They also advised that stickers rather than magnetic signs would be better as in their experience the latter would easily fall off the vehicle.

Ft William (including and Skye and Lochalsh): The operators present advised that they had no objections to the proposed amendment of this condition. One operator advised that stickers may require to be UV transparent to avoid the paintwork of the vehicle being damaged.

Inverness: The operators present advised that they had no objections to the condition being amended to require PHC's to display a sign advising that the vehicle was available for pre-booking only.

It was noted that the sign should not be 'too small' and it was suggested that a 450mm x 250mm sized sign would be suitable and would be clearly visible.

One operator made the point that he carries out tours only and does not carry out any local private hire work and asked whether he would require to comply. The Principal Solicitor advised that there was no mechanism by which the Council could restrict the licence to cover tours only and that they would therefore require to comply with all conditions of the PHC licence.

Dingwall: The trade representatives present agreed with the proposal to require PHC operators to display signs on their vehicle(s) advising that it was available for pre-booking only.

3.0 Application of revised conditions

3.1 If Members are minded to agree to amend the conditions the new conditions would be applied to all new and renewed licences.

3.2 The amendment to condition 14 of the taxi driver's licence conditions, condition 14 of the private hire car driver's licence conditions and condition 12 of the private hire car operator's licence may be introduced with immediate effect if Members are minded to approve the amended wording.

3.3 In respect of both amended condition 12 and amended conditions 14, from an enforcement perspective it would not be considered fair, acceptable or practical to enforce different conditions on different drivers and operators purely because of the date on which a licence is renewed or granted. In view of this it is suggested that a period of grace be introduced to allow the trade to adapt and for a level playing field to be established. This period would be 3 years from the first date on which the amended conditions are applied, in which time all licence holders will have been issued licences subject to the new conditions. Until such time as all licences include the new conditions no enforcement action would be taken against those who have the new conditions on their licence.

3.4 The alternative would be to vary each existing licence, which in terms of the legislation, would involve each individual licence holder, of which there are over 1200, being provided an opportunity to be heard by the Committee. This, as Members will appreciate, would be a very time consuming and costly procedure to undertake.

4.0 Recommendation

The Committee are invited to consider the proposed amendments to condition 14 of the taxi drivers and private hire car driver's licence conditions and condition 12 of the private hire car operator's licence conditions.

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