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Licensing Committee

15 MAY 2017

PRESENT: Councillor J Brandis (Chairman); Councillors M Hawkett (Vice-Chairman), A Huxley, T Mills, G Powell, S Renshell, B Russel and Sir Beville Stanier Bt (ex-Officio)

APOLOGIES: Councillor P Cooper

1. TEMPORARY CHANGES TO MEMBERSHIP

There were none.

2. MINUTES

RESOLVED –

That the minutes of the meeting held on 6 March 2017 be approved as a correct record.

3. EXISTING TAXI LICENSING LOOPHOLE RELATING TO POTENTIAL UNFIT DRIVERS CONTINUING TO OPERATE

The Licensing Manger reported on a loophole in taxi licensing that potentially allowed unfit drivers to continue to operate as Public Service Vehicle (PSV) drivers.

Any private hire vehicle that is capable of carrying 9 or more passengers required the driver to have a PSV Licence obtained through the Driver and Vehicle Standards Agency (DVLA).

Each licensing regime was different and reflected the relative potential risk that each posed to the travelling public. Public Service Vehicles would be expected to carry a number of passengers, whereas private hire vehicles and hackney carriages routinely carried lone passengers.

Many private hire operators also operated public service vehicles legitimately and in accordance with the conditions of their licences.

However, it was noted that there was anecdotal evidence that some drivers who had been refused a licence to operate a taxi or private hire vehicle or whose licence had been revoked could obtain a Public Service Vehicle Licence and then continue to operate in the same area.

Andrew Jones, MP had written a letter to the Chair of the Local Government Association's Safer Stronger Communities Board, Councillor Simon Blackburn, on 28 February 2017. An extract of his letter was attached as an appendix to the report. The extract from the letter had been circulated to all licensed operators in March 2017 and comments invited. There had been only 1 response but it did not address the introduction of the condition.

His letter had been in response to concerns raised around the existing taxi licensing loophole and had proposed that Licensing Authorities impose an additional condition to private hire operators licences as set out below:-

"Except in circumstances described below, bookings received by the licence holder must be fulfilled by using a private hire vehicle licensed driver and a licensed private hire vehicle.

Where private hire vehicle operators also hold a public service vehicle operator's licence, public service vehicles should not be used to fulfil bookings except with the informed consent of the hirer. For example, if a member of the public contacts a private hire vehicle operator and seeks a booking for a party of fewer than nine passengers it cannot be reasonable to assume that the public service vehicle is required unless there are other factors e.g. a large amount of baggage, or a need for a wheelchair accessible vehicle which would not otherwise be available. If there is good reason to use a public service vehicle for a booking for fewer than nine passengers, the difference in licensing requirements should be explained and explicit consent obtained."

Members enquired that if a breach was found would the enforcement be against the operator or the driver and it was confirmed that it would be against the operator. Members also asked about whether the council kept a register of PSV vehicles, whether they came under the same amount of scrutiny as other taxi/private hire vehicles and whether there was a difference with PSVs used for school runs etc.

It was confirmed that there was the same amount of legislation being applied to PSVs, however as a number of children would be carried on school runs they would be seen to be less vulnerable than sole passengers.

RESOLVED –

That the condition as outlined above and in paragraph 3.5 of the officer's report be introduced as a standard condition to be attached to Private Hire Operator Licences.