

REPORT TO: LICENSING COMMITTEE

Date of Committee: 20 September 2016

Report of: Assistant Director Environment

Title of Report: To seek the introduction of amendments to the policy relating to Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators

Legislation: Local Government (Miscellaneous Provisions) Act 1976

Is this a Key Decision?

No

Is this an Executive or Council Function?

Licensing is a Council function delegated to the Licensing Committee

1. What is the report about?

1.1 The report seeks to introduce amendments to the current policy relating Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators.

2. Recommendations:

2.1 It is recommended that the Committee accepts the updated compilation of Practices and Procedures for the control of Hackney Carriage and Private Hire Vehicles, Drivers and Operators

3. Reasons for the recommendation:

3.1 The Licensing Team have recently received an enquiry from an applicant who is seeking to licence a Pedicab (cycle rickshaw). This would be the first vehicle of this type licenced in Exeter, and as such we have made enquiries with Devon County Highways regarding whether the vehicle would be able to use bus lanes, cycle paths etc. and have added to our policy to reflect the responses received (the policy already included numerous conditions relating to Pedicab drivers licences and vehicle standards which can be found at appendix A).

4. What are the resource implications including non financial resources.

4.1 The above changes to the policy should not impact resources.

5. Section 151 Officer comments:

There are no financial implications contained within this report.

6. What are the legal aspects?

- 6.1 The Licensing Authority has a statutory duty to ensure that public safety is not compromised when considering the issue of licences and to ensure that any vehicle licensed is suitable, safe and fit for the purpose. It is felt that the pedicab conditions, including those additional conditions contained in this report, will ensure public safety without significantly increasing the burdens on prospective licenced drivers/ proprietors.

7. Monitoring Officer's comments:

The inclusion of the additional conditions suggested in this report raises no areas of concern for the Monitoring Officer.

8. Report details

- 8.1 Appendix O of the policy has had the following conditions added to it:

O19 All licensed private hire vehicles will display approved bus lane stickers at all times, which must be placed on the rear of the vehicle and on both sides of the vehicle towards the rear. (*Pedicabs are treated as private hire vehicles for the purposes of the policy*).

O20 As Pedicabs are not classed as a motor vehicle they are entitled to use cycle lanes (where wide enough to safely accommodate the Pedicab).

9. How does the decision contribute to the Council's Corporate Plan?

- 9.1 Approving these amendments will contribute to a healthy and safe city and assist the primary aim of taxi licensing which is to protect public safety.

10. What risks are there and how can they be reduced?

- 10.1 The amendment to policy in this report will assist in creating a vibrant city to Live, work and visit.

11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

- 11.1 The proposed amendments should not impact adversely on any of the above Areas.

12. Are there any other options?

- 12.1 Members could maintain the current policy, but this would risk the policy becoming out of date and thereby less effective.

Assistant Director Environment

Local Government (Access to Information) Act 1972 (as amended)
Background papers used in compiling this report:-

None

Contact for enquires:
Democratic Services (Committees)
Room 2.3
01392 265275

APPENDIX A

Appendix O – Pedicab Conditions

- O1 The proprietor of a vehicle shall :-
- a) provide sufficient means by which any person in the carriage may communicate with the driver
 - b) cause the roof or covering to be kept watertight
 - c) cause the seats to be properly cushioned or covered
 - d) cause any floor covering to be maintained in a suitable condition
 - e) cause the fittings and furniture generally to be kept in a clean condition, well maintained and every way fit for public service
 - f) provide means for securing luggage if the vehicle is so constructed as to carry luggage
 - g) there shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable first aid kit containing appropriate first aid dressings and appliances carried in such a position in the vehicle as to be readily visible, clearly marked and available for immediate use in an emergency.
- O2 Insurance cover equivalent to that required by virtue of Para VI of the Road Traffic Act 1972 must be maintained in respect of the vehicle and evidence thereof produced to an authorised officer of the Council on demand
- O3 The vehicle plate supplied by the Council indicating the licence number and passenger seating capacity of the vehicle to be kept affixed on the outside of the vehicle on the rear of the passenger compartment and to be kept clearly visible at all times except when a notice issued under Section 75 of the Act is in force in respect of a private hire vehicle
- O4 Advertising is allowed on the passenger compartment of the Pedicab. Advertisements for sex establishments, contraceptives or tobacco products are excluded. Without prejudice to the Exeter City Council Act 1987 additional signs displaying the Operator's telephone number may be displayed.
- O5 All form of advertising on or within the vehicle to be approved by the Council.

- O6 Notification of transfer of ownership to be given to the Council within fourteen days of transfer.
- O7 The licence is not transferable and relates exclusively to the vehicle in respect of which it was issued.
- O8 A vehicle owner who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.
- O9 The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein the number of this Licence and the number of passengers prescribed in this Licence.
- O10 All accidents causing damage, affecting safety, performance or appearance of a vehicle and comfort and convenience to passengers shall be notified to the Council within seventy two hours by the proprietor.
- O11 The Licence may be revoked or suspended if the licensee fails to produce a vehicle for inspection or fails to supply within the time specified information of the address at which the vehicle is kept.
- O12 The licensee shall notify the council of any change of address within seven days.
- O13 The License shall be in force for one year from issue unless suspended or revoked.
- O14 The vehicle when hired shall only be driven by an appropriately licensed and insured driver.
- O14 The proprietor shall within seven days disclose to the Council in writing details of any convictions imposed on him (and if the proprietor is a Company or Partnership, on any of the Directors, the Secretary or Partners) during the period of the Licence.
- O16. A taximeter shall not be fitted in a Pedicab, fees will be agreed before a journey commences.
- O17 No radio communication system fitted or carried in the vehicle shall be used by any person whether directly or indirectly for the purpose of making any contract for carriage in that or any other vehicle.
- O18 With effect from 1st April 1988 all Private Hire Vehicles are required to carry and display a disclaimer notice issued by the City Council of a type and size as from time to time agreed.
- O19 All licensed private hire vehicles will display approved bus lane stickers at all times, which must be placed on the rear of the vehicle and on both sides of the vehicle towards the rear.

O20 As Pedicabs are not classed as a motor vehicle they are entitled to use cycle lanes (where wide enough to safely accommodate the Pedicab).

NOTES

The requirement to produce a valid MOT Certificate shall be replaced with a requirement to produce a service/condition report completed by an independent agent on an annual basis not more than three months prior to the date of licensing or subsequent re-licensing. Exeter City Council reserves the right to specify the location and supplier that may undertake these reports if this is necessary for the protection of public safety.

Appendix P – Pedicab Driver Conditions

New Drivers

P1 Applicants who do not comply with all the conditions to satisfy that of a new Private Hire Driver or Dual Driver may be issued with a Private Hire Drivers Licence that is restricted by condition to driving a Pedicab on a pre-specified route provided that the applicant meets the following conditions:

- A enhanced DBS check required at first issue and at three yearly intervals.
- A full UK driving licence for class B vehicles is held or the applicant can demonstrate proficiency with the Pedicab and road safety in the form of manufacturer approved training.

P2 The conditions applying to Private Hire Drivers will apply as shown below once the licence is issued.

P3 The drivers restriction to driving Pedicabs will be shown clearly on their badge by wording and colour.

Private Hire [Pedicab]Driver's Licence

P4 You shall not, whilst driving or in charge of a private hire vehicle:

- a. ply for hire
- b. tout or solicit any person to hire or be carried for hire in the vehicle in your charge or in any other private hire vehicle.

P5 You shall not accept any booking for the private hire vehicle you are driving or in charge of, if that booking has not been made through a private hire vehicle operator.

P6 You or any other person must not use any communication system fitted or carried in the vehicle to make a booking for your vehicle or any other private hire vehicle.

- P7 You shall not use, in the Exeter City Council's controlled district, for private hire purposes, any vehicle that is not licensed by Exeter City Council as a private hire vehicle.
- P8 You must record the following information, in writing, at the relevant time, i.e. as soon as possible after the receiving the booking from your operator and before you arrive at the point of pick up.
- a. name and address of person making booking,
 - b. pick up point
 - c. destination of persons travelling in vehicle and where pick up is made
 - d. time and date of pick up.
- P9 You should keep these records for a period of twelve (12) months and make them available for inspection by an authorised officer of Exeter City Council when requested to do so and you shall permit the officer to take photocopies of any of those records.
- P10 You must wear your private hire vehicle drivers identity badge issued by Exeter City Council at all times that you are driving a licensed private hire vehicle, the side showing a photograph of you with your name, licence number and expiry date must be clearly visible to you passengers.
- P11 You must, when driving a Pedicab, be clean and tidy in appearance and attired to a standard acceptable to the City Council.
- a. Acceptable - will include long or short sleeved shirts with collars, skirts, dresses, long trousers, shoes or sandals with socks.
 - b. Unacceptable - torn jeans, shorts, jogging bottoms, trainers, singlets or bathing costumes.
- P12 When asked to convey fare-paying passengers to a particular destination, you must not, without reasonable cause, prolong the journey by distance or time.
- P13 You shall when on duty behave in a proper manner and take all reasonable precautions to ensure the safety of persons conveyed in, entering or alighting from the vehicle.
- P14 When you are booked to pick up fare paying passengers at a specific time, you must unless delayed or prevented by some sufficient cause, be there on time.
- P15 You shall when requested by passengers:
- a. carry a reasonable amount of luggage in your vehicle
 - b. assist them in carrying their luggage to and from your vehicle
 - c. help them to load and unload their luggage from your vehicle.
- P16 You must only carry the number of passengers as shown on the private hire vehicle licence plate displayed on the vehicle you are in charge of.

- P18 When you are booked for a journey, you must not, without the permission of the hirer of your vehicle, convey any other person at the same time.
- P19 You should within seven (7) days of any criminal or motoring conviction or caution imposed on you during the period of this licence, provide details of the conviction or caution, in writing, to the Assistant Director Environment
- P20 If you move from your place of abode as shown on this licence you must within seven (7) days of moving notify, in writing, details of your new address to the Assistant Director Environment.