

# Report of Strategic Director, Department of Place to the meeting of the Regulatory and Appeals Committee to be held on 13 July 2017

**J**

---

## **Subject:**

**Private Hire and Hackney Carriage Policy and Conditions Changes 2017**

## **Summary statement:**

This report seeks the approval of the Regulatory and Appeals Committee to implement new conditions for private hire driver/operator/proprietor licences and hackney carriage drivers and vehicle licences.

---

Steve Hartley  
Director of Place

Report Contact: Carol Stos  
Phone: (01274) 437506  
E-mail: [carol.stos@bradford.gov.uk](mailto:carol.stos@bradford.gov.uk)

## **Portfolio:**

**Environment, Sport and Culture**

## **Overview & Scrutiny Area:**

**Regulatory & Appeals**

## 1. SUMMARY

This report seeks the approval of the Regulatory and Appeals Committee to implement new conditions for private hire drivers/operator/proprietor licences and hackney carriage drivers and vehicle licences.

The conditions will assist operators, proprietors and drivers to deliver an effective, safe service, improved vehicle maintenance and better business protocols. Use of good practice will increase the safety of the travelling public.

## 2. BACKGROUND

The Licensing Service is working towards developing policies and procedures with colleagues of the Combined West Yorkshire Authorities. The primary goal is the protection of the travelling public and the delivering of a consistent level of compliance/enforcement across the districts. The proposals in this report are aimed at minimising concerns around safeguarding, improving vehicle maintenance and information security whilst working towards the Combined Authority.

## 3. PROPOSED CONDITIONS

### 3.1 Displaying CSE/Safeguarding Information to Customers in Licensed Vehicles

The Licensing Service introduced information pertaining to the reporting of Child Sexual Exploitation (CSE) issues in the form of a safeguarding car window sticker on 21st March 2016. The adoption of the window sticker was left to the discretion of the trade and whilst a number of operators supported the initiative, take up was very low. (See appendix B)

**Proposal** – that a condition be introduced requiring proprietors of licensed vehicles to display approved safeguarding information in the form of a window sticker placed on the inside of a vehicles rear passenger window (nearside). The condition shall also require operators and drivers to ensure the sticker remains in place.

### 3.2 Suitability of Employees of Private Hire Operators

The Licensing Service does not have regulatory powers to ascertain whether an employee of an operator is of good character and suitable for the position held in their business. An employee is a person employed by a licensed operator and is working within the office / despatch environment and who has access to customer information. Customers who use hackney carriage/private hire vehicles do so with the clear expectation that any personal information gathered as a result of this interaction is protected. If information, such as home addresses, whereabouts of a customer, daily routines, holiday timetables were to fall into the wrong hands this would pose a potential risk.

It is a reasonable expectation that an operator conducts appropriate checks on employees. This should include the legal right to work check, a minimum of two

references, the length of previous employments, a home address check. Operators would also be required to provide reasonable training for their employees, of which data protection, customer service, complaint handling and equality would be mandatory. Promotion of such measures would give operators and the public at large the reassurance that operator base employees have undergone an appropriate recruitment process.

**Proposal** - a Condition be introduced requiring operators to conduct adequate background checks and to provide training for employees who work within their business. The condition shall also require a work activity record to be maintained showing the hours/shifts such employees work. Appropriate information shall be made available to the Licensing Service on request.

### 3.3 **Employee Code of Conduct**

The purpose of a code of conduct is to develop and maintain a standard of conduct that is acceptable to the Council, the operator, its customers and other employees. It also serves to remind the employee of what is expected of them in regards to their actions, appearance and conduct, all of which may affect them, and the reputation of the company.

The code of conduct should be as clear as possible and list the standards required. As a minimum it should include prohibitions of illegal activities, smoking, drinking, foul language, discrimination and harassment. It should also include confidentiality expectations, procedures for calling in sick, expected dress and appearance and reporting procedures for emergency situations.

Operator should strive to maintain a work environment for their staff which promotes honesty, integrity and respect not only for fellow employees but for the public at large.

**Proposal** - a condition be introduced which requires operators to produce an employee charter/code of conduct which should be signed by the employee, at which point it becomes a legal agreement between the employer and employee. A copy should be kept in the employee's record. Appropriate information shall be made available to the Licensing Service on request.

### 3.4 **Amendment to Hackney Carriage and Private Hire Licensing Policy Following Deregulation Act 2015**

The Deregulation Act 2015 commenced on October 1<sup>st</sup> 2015 and introduces three pieces of legislation that affect hackney carriage and private hire licensing (Section 10, 11). This report seeks to explain and implement Section 10 of the Act in relation to the duration of drivers and operator licences, and the implications for the Council's hackney carriage and private hire licensing policy.

#### **Section 10 Driver and Operator Licence Duration**

To set a standard duration of three years for a hackney carriage and private hire driver's licence. A lesser period may be specified only if appropriate in a particular case.

Bradford Council introduced the option of a 1 or 3 year licence in June 2012 and this has been taken up by many of the full time established drivers.

The new legislation requires that a 3 year licence is offered to a driver in the first instance; however, not all drivers want 3 year licences this is for various reasons, cost being one. As such a 1 year licence would continue to be available on request.

The same stipulation has been made for Operators Licences which are currently for 1 year. The standard duration of five years for a PHV operator's licence should be offered in the first instance.

This option will be offered from 1 July 2017 with only a small reduction in fee as almost all of the background work is still required.

### Section 11 Cross Border Hiring

The Act allows a private hire vehicle operator to sub-contract a private hire vehicle booking to another operator who is licensed in a different licensing district, for example Leeds or Manchester. The onus is on the original operator, who accepts the booking and subsequently passes it on, to retain liability for the satisfactory completion of that journey. There is a duty on the operator who takes the booking to keep a full record and to report the full record of that journey.

There are no conditional changes proposed for this change in legislation as the existing legislation at S56 (2) of the Local Government ( Miscellaneous Provisions) Act 1976 explains that records are required to be kept by the operator even when a 'hire' is subcontracted to them from another operator

**Proposal 1** – Drivers licences are issued for one or three years.

**Proposal 2** – Operator's licences are issued for one or five years.

## 3.5 Vehicle Safety and Maintenance

For several years the Licencing Service has worked with the trades through education and support to improve vehicle safety inspection results. This has not worked and circa 40% of licensed vehicles are still failing vehicle safety inspections, of which circa 20% are for serious or multiple point failures. Operator/proprietors have expressed their frustration at this situation and are reporting that if they endeavour to enforce the required standards then those drivers who do not wish to comply simply move to operators who do not require appropriate safety standards.

The Licensing Service proposes two new conditions set out below and accompanied with a revised fee structure:

**Proposal 1** – a Condition be introduced requiring the proprietor of a licensed vehicle to provide a certificate of mechanical safety and vehicle maintenance in accordance with the vehicle's user handbook) at the scheduled intervals. Also, that the certificates are retained to provide a history of the vehicles safety record.

**Proposal 2** – that the proposed fees as below be introduced.

<b>Current Fees</b>		<b>Proposed Fees</b>	
Fail (1 to 4 minor faults)	Free	Fail (Max 2 minor faults)	Free
Fail Multiple (5+ minor faults)	£20	Fail Multiple (Max 4 minor faults)	£20
		Fail Multiple (5 minor faults)	£75
Fail Safety Critical (1 x defect)	£20	Fail Safety Critical (1 x defect)	£100
Fail Dangerous (2 x defects)	£100	Fail Dangerous (2 x defects)	£100 + suspension

#### **4. CONSULTATION**

Consultation was carried out initially at Trade Meetings. Additionally the trade were notified of consultation through email correspondence, newsletters and regular updates on the Licensing Service website. The consultation was carried out online using ‘SNAP SURVEY’ programme where the proposed conditions were outlined via a link to an explanatory document and the consultation itself.

The consultation began on the 19<sup>th</sup> November closing on the 16<sup>th</sup> of December 2016. The Licensing Service extended the consultation period from the 19<sup>th</sup> December until January 13<sup>th</sup> 2017. At the end of the consultation period a total of 126 responses were received from drivers/operators and proprietors. Broken down in percentage terms, this represents 1.68% of the licensed trade who responded to the consultation. (See Appendix A)

#### **5. FINANCIAL & RESOURCE APPRAISAL**

There are no financial costs associated with the proposals in this report. If any costs should result it should be noted the cost of the service is wholly recovered from ring fenced Hackney Carriage/ Private Hire Trade fees and would therefore not impact on the Council’s revenue budget.

#### **6. RISK MANAGEMENT AND GOVERNANCE ISSUES**

- ICO, CCTV code of practice
- ICO

#### **7. LEGAL APPRAISAL**

A Privacy Impact Assessment (PIA) into the use of CCTV within licensed vehicles has been conducted to mitigate any identifiable privacy risk and lay down clear guidelines to how personal information will be collected, used, accessed, shared, safeguarded and stored.

## **8. OTHER IMPLICATIONS**

None

### **8.1 EQUALITY & DIVERSITY**

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions “have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. Bradford Council is committed to promoting equal treatment for all and promotes all legislation that governs discrimination for race, age, sex, disability, religious beliefs and sexual orientation.

### **8.2 SUSTAINABILITY IMPLICATIONS**

None

### **8.3 GREENHOUSE GAS EMISSIONS IMPACTS**

None

### **8.4 COMMUNITY SAFETY IMPLICATIONS**

Surveillance camera systems are deployed extensively within England and Wales, and these systems form part of a complex landscape of ownership and operation. Where used appropriately, these systems are valuable tools which contribute to public safety and security and in protecting both people and property. (Home Office Surveillance Camera Code of Practice)

### **8.5 HUMAN RIGHTS ACT**

The Licensing Service acknowledges that CCTV systems can give reassurance to drivers and passengers in a hackney carriage/ private hire vehicle that incidents can be viewed, the evidence gathered and appropriate action taken. We must also take into account the travelling public’s right to privacy is observed. CCTV systems pose a potential conflict of those rights; therefore it is necessary that all steps are taken to secure information, i.e. the limiting of who has access to stored images to authorised personnel, industry standard encryption of images, voice functionality disabled (unless in a panic situation) and clear and prominent signage displayed informing the customer that the vehicle they have entered has CCTV in use. (See appendix A)

### **8.6 TRADE UNION**

None

### **8.7 WARD IMPLICATIONS**

None

**9. NOT FOR PUBLICATION DOCUMENTS**

None

**10. OPTIONS**

1. The Committee approves the proposals outlined in paragraph 3 of this report
2. Alternatively the Committee decides not to approve the proposals outlined in Paragraph 3 of this report

**11. RECOMMENDATIONS**

The Licensing Service recommends that the Committee approves the proposals outlined in Paragraph 3 of this report,

Paragraph 3.1  
Paragraph 3.2  
Paragraph 3.3  
Paragraph 3.4  
Paragraph 3.5

**12. APPENDICES**

**Appendix A**

Snap Online Survey Consultation

**Appendix B**

CSE Safeguarding Sticker

**13. BACKGROUND DOCUMENTS**

Home Office Surveillance Camera Code of Practice, ICO Guide to data protection  
Rotherham MBC Taxi Camera Requirements, Deregulation Act 2015

## APPENDIX A

### **Snap Online Survey/ Consultation - Licensing Conditions**

#### **1. Displaying Safeguarding Information to Customers in Licensed Vehicles**

**Proposal** - that a condition be introduced requiring proprietors of licensed vehicles to display approved safeguarding material on the inside of a vehicles rear passenger window (nearside). The condition shall also require operators and drivers to ensure the sticker remains in place.

<b>Question 1</b>	<b>Driver</b>	<b>Operator</b>	<b>Proprietor</b>	<b>Grand Total</b>
<b>I agree with the proposal</b>	<b>25</b>	<b>4</b>	<b>17</b>	<b>46</b>
<b>I disagree with the proposal</b>	<b>26</b>	<b>4</b>	<b>35</b>	<b>65</b>
<b>Undecided</b>	<b>5</b>	<b>1</b>	<b>8</b>	<b>14</b>
<b>Grand Total</b>	<b>56</b>	<b>9</b>	<b>60</b>	<b>125</b>

**Overall: 46 Agreed, 65 Disagreed, 14 Undecided**

#### **2. Suitability of Employees**

**Proposal** – a condition be introduced requiring operators/proprietors to conduct adequate background checks on non BMDC licensed employees and to also provide training for employees who work within their business. The condition shall also require a work activity record to be maintained showing the hours/shifts such employees work. All such information shall be made available to the Licensing Service on request.

<b>Question 2</b>	<b>Driver</b>	<b>Operator</b>	<b>Proprietor</b>	<b>Grand Total</b>
<b>I agree with the proposal</b>	<b>21</b>	<b>5</b>	<b>21</b>	<b>47</b>
<b>I disagree with the proposal</b>	<b>29</b>	<b>3</b>	<b>36</b>	<b>68</b>
<b>Undecided</b>	<b>7</b>	<b>1</b>	<b>3</b>	<b>11</b>
<b>Grand Total</b>	<b>57</b>	<b>9</b>	<b>60</b>	<b>126</b>

**Overall: 47 Agreed, 68 Disagreed, 11 Undecided**

#### **3. Employee Charter / Code of Conduct**

**Proposal** - a condition be introduced which requires operators/proprietors to produce an employee charter/code of conduct and to enforce same.

<b>Question 3</b>	<b>Driver</b>	<b>Operator</b>	<b>Proprietor</b>	<b>Grand Total</b>
<b>I agree with the proposal</b>	<b>17</b>	<b>5</b>	<b>12</b>	<b>34</b>
<b>I disagree with the proposal</b>	<b>30</b>	<b>1</b>	<b>39</b>	<b>70</b>
<b>Undecided</b>	<b>10</b>	<b>3</b>	<b>9</b>	<b>22</b>
<b>Grand Total</b>	<b>57</b>	<b>9</b>	<b>60</b>	<b>126</b>

**Overall: 34 Agreed, 70 Disagreed, 22 Undecided**



#### **4. Fitment of In-Car Closed Circuit TV Systems (CCTV)**

**Proposal** - a Condition be introduced requiring all licensed vehicles be fitted with in-car CCTV in accordance with ICO requirements and BMDC policy.

<b>Question 4</b>	<b>Driver</b>	<b>Operator</b>	<b>Proprietor</b>	<b>Grand Total</b>
<b>I agree with the proposal</b>	<b>28</b>	<b>4</b>	<b>14</b>	<b>46</b>
<b>I disagree with the proposal</b>	<b>26</b>	<b>5</b>	<b>44</b>	<b>75</b>
<b>Undecided</b>	<b>3</b>	<b>0</b>	<b>2</b>	<b>5</b>
<b>Grand Total</b>	<b>57</b>	<b>9</b>	<b>60</b>	<b>126</b>

**Overall: 46 Agreed, 75 Disagreed, 5 Undecided**

#### **5. Amendment to hackney carriage and private hire licensing policy following Deregulation Act 2015 ( 2 Proposals )**

**Proposal 1** – Issue Drivers licences for a one year or three year period

<b>Question 5 (Proposal 1)</b>	<b>Driver</b>	<b>Operator</b>	<b>Proprietor</b>	<b>Grand Total</b>
<b>I agree with the proposal</b>	<b>45</b>	<b>8</b>	<b>48</b>	<b>101</b>
<b>I disagree with the proposal</b>	<b>7</b>	<b>0</b>	<b>9</b>	<b>16</b>
<b>Undecided</b>	<b>5</b>	<b>1</b>	<b>3</b>	<b>9</b>
<b>Grand Total</b>	<b>57</b>	<b>9</b>	<b>60</b>	<b>126</b>

**Proposal 2** – Issue Operator’s licences for a one year or five year period

<b>Question 5 (Proposal 2)</b>	<b>Driver</b>	<b>Operator</b>	<b>Proprietor</b>	<b>Grand Total</b>
<b>I agree with the proposal</b>	<b>40</b>	<b>8</b>	<b>36</b>	<b>84</b>
<b>I disagree with the proposal</b>	<b>8</b>	<b>0</b>	<b>10</b>	<b>18</b>
<b>Undecided</b>	<b>9</b>	<b>1</b>	<b>14</b>	<b>24</b>
<b>Grand Total</b>	<b>57</b>	<b>9</b>	<b>60</b>	<b>126</b>

**Overall: Proposal 1 = 101 Agreed, 16 Disagreed, 9 Undecided**

**Overall: Proposal 2 = 84 Agreed, 18 Disagreed, 24 Undecided**

#### **6. Vehicle Safety and Maintenance**

**Proposal 1** – a Condition be introduced requiring the proprietor of a licensed vehicle to provide a certificate of mechanical safety and vehicle maintenance (in accordance with the vehicle’s user handbook) at the scheduled intervals. Also, that the certificates are retained to provide a history of the vehicles safety record.

<b>Question 6 (Proposal 1)</b>	<b>Driver</b>	<b>Operator</b>	<b>Proprietor</b>	<b>Grand Total</b>
<b>I agree with the proposal</b>	<b>15</b>	<b>5</b>	<b>5</b>	<b>25</b>
<b>I disagree with the proposal</b>	<b>37</b>	<b>4</b>	<b>51</b>	<b>92</b>
<b>Undecided</b>	<b>5</b>	<b>0</b>	<b>4</b>	<b>9</b>
<b>Grand Total</b>	<b>57</b>	<b>9</b>	<b>60</b>	<b>126</b>

**Proposal 2** – that the proposed fees below be introduced.

<b>Current Fees</b>		<b>Proposed Fees</b>	
Fail (1 to 4 minor faults)	Free	Fail (Max 2 minor faults)	Free
Fail Multiple (5+ minor faults)	£20	Fail Multiple (Max 4 minor faults)	£50
		Fail Multiple (5 minor faults)	£75
Fail Safety Critical (1 x defect)	£20	Fail Safety Critical (1 x defect)	£100
Fail Dangerous (2 x defects)	£100	Fail Dangerous (2 x defects)	£100 + suspension

<b>Question 6 (Proposal 2)</b>	<b>Driver</b>	<b>Operator</b>	<b>Proprietor</b>	<b>Grand Total</b>
<b>I agree with the proposal</b>	<b>9</b>	<b>4</b>	<b>4</b>	<b>17</b>
<b>I disagree with the proposal</b>	<b>41</b>	<b>3</b>	<b>53</b>	<b>97</b>
<b>Undecided</b>	<b>7</b>	<b>2</b>	<b>3</b>	<b>12</b>
<b>Grand Total</b>	<b>57</b>	<b>9</b>	<b>60</b>	<b>126</b>

**Overall: Proposal (1) 25 Agreed, 92 Disagreed, 9 Undecided**

**Overall: Proposal (2) 17 Agreed, 97 Disagreed, 12 Undecided**

# **SAY** something if you **SEE** something



Join the fight against child sexual exploitation.  
Child sexual exploitation is abuse and a crime

If you see something suspicious, report it to  
the Police: **RING 101 or 999 in an emergency**

**Let's stop child sexual exploitation now!**

