

## REGULATORY & APPEALS COMMITTEE – 16 DECEMBER 2019

<b>Title of paper:</b>	Private Hire Driving Licences - Additional Conditions	
<b>Director(s)/ Corporate Director(s):</b>	Andrew Errington Director – Community Protection	<b>Wards affected: ALL</b>
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<b>Date of consultation with Portfolio Holder(s) (if relevant)</b>	N/A	
<b>Relevant Council Plan Key Theme:</b>		
Nottingham People		<input type="checkbox"/>
Living in Nottingham		<input type="checkbox"/>
Growing Nottingham		<input type="checkbox"/>
Respect for Nottingham		<input type="checkbox"/>
Serving Nottingham Better		<input checked="" type="checkbox"/>
<b>Summary of issues (including benefits to citizens/service users):</b>		
<p>This report asks members to note the report and approve the additional conditions at Appendix 1 to be imposed upon the grant of any new Private Hire Drivers Licence or renewal of an existing Private Hire Drivers Licence.</p>		
<b>Recommendation(s):</b>		
<b>1</b>	That the contents of the report be noted.	
<b>2</b>	<p>(i) the additional conditions in Appendix 1 be approved on the grant of any new Private Hire Drivers Licence or renewal of an existing Private Hire Drivers Licence;</p> <p>(ii) the proposed undertaking wording in Appendix 2, to be voluntarily offered and complied with by existing Private Hire Licence driver's be noted</p>	

### **1 REASONS FOR RECOMMENDATIONS**

- 1.1 Private Hire Drivers have recently raised the subject of being able to work for more than one operator. The practice itself is not illegal but historically has not been encouraged by the Taxi Licensing Authority. In the event that Private Hire Drivers were to take up this practice it is felt, where possible on the grant of any new Private Hire Drivers Licence or renewal of an existing Private Hire Drivers Licence, that additional conditions are required to assist in supporting existing safeguarding measures. The proposed additions are listed in Appendix 1.
- 1.2 Private Hire Drivers Licence conditions cannot be added retrospectively to existing licences and can only be applied upon the grant of a new licence or renewal of an existing licence. Therefore, it is proposed to request existing private hire licenced drivers who wish to work for more than one operator, to sign a voluntary undertaking, to abide by the additional conditions in support of upholding

safeguarding measures. The sample undertaking is appended in Appendix 2 for noting.

## **2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)**

- 2.1 The Local Government (Miscellaneous Provisions) Act 1976 (“the Act”) permits Councils to grant a person upon application a licence to driver Private Hire vehicles provided that person is deemed fit and proper.
- 2.2 Under section 51(2) of that Act, the Council may also attach to the grant of such licence conditions as it may reasonably necessary, but in relation to which there is a right of appeal to the Magistrates’ Court under section 52 of the Act by any person aggrieved by any conditions attached.
- 2.3 Historically, the practice in Nottingham has been that drivers only worked for one Private Hire Operator which holds the original copy of the drivers paper licence. However, the Council has recently been approached for clarification on the position regarding drivers working for more than one operator, a practice that has been commonplace in many other Taxi Licensing Authorities.
- 2.4 The primary benefit to a licensed driver would be the choice to move between operators as the commercial market fluctuates, a practice which is common in other Licensing Authorities. An example of when a driver may wish to work for more than one operator could be when ‘surge pricing’ occurs. Surge pricing is a commercial way of managing an optimum travel period where increased fees are charged by the operator which in turns can result in more revenue for the driver.
- 2.5 It is considered reasonably necessary, in the interest of public safety for safeguarding purposes to ensure that the Licensing Authority has an accurate record of the company a driver is working for at any point in time, so it is intended to add the conditions attached at Appendix 1 to all grants of a new private hire driver licences or renewal of an existing private hire driver’s licence. Whilst it is not legally possible to impose such conditions on existing licences, prior to renewal, to endeavour to maintain the same standards the holders of existing private hire driver Licences will be requested to provide an undertaking to abide by the additional conditions as defined in Appendix 1, until such time as they can be legally imposed at renewal. It is accepted however that the latter would be on a voluntary basis.
- 2.6 Conditions 1 and 2 aim to ensure that licensing records are updated on a regular basis so that should concerns be raised, there is a record of which operator the driver is attached to.
- 2.7 At present a driver is required to deposit with the operator they are working for the original copy of their Nottingham City Council drivers licence. If a driver is intending to work for more than one operator then it is proposed that a mandatory requirement is imposed requiring a certified copy licence licence be held by each additional operator, prior to commencement of any work for that operator. The driver should obtain the document from the Licensing Office at their own cost.
- 2.8 Condition 3 again relates to safeguarding and ensures that the Nottingham City Council hold the latest information as to the drivers work pattern. Should concerns become apparent, the enforcement officers have a starting point for their enquiries.

- 2.9 Customer safety is of paramount importance and to ensure that the passenger can identify the company they have called, condition 4 requires that the driver displays the panel of the company they are driving for at the time of hiring.
- 2.10 Cumulatively, these proposals not only give the driver more commercial opportunities but also provide appropriate safeguarding protection for the travelling public.

### **3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

- 3.1 None

### **4 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)**

- 4.1 None

### **5 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)**

- 5.1 A district council may attach to the grant of a licence under section 51 of the Act such conditions as they may consider reasonably necessary.
- 5.2 The Committee should note that under s 52 (2) of the Act any person aggrieved by any conditions attached to the grant of a driver's licence may appeal to a magistrates' court.
- 5.3 There is no provision within the Act to impose conditions other than on the grant of a licence to a driver under section 51 (i.e. initially or on renewal). It would be unlawful to impose additional conditions during the term of an existing Private Hire Vehicle Driver's Licence. An existing Private Hire Vehicle Licensed Driver could only be requested to abide by the proposed additional conditions, as per the suggested undertaking.
- 5.4 There is no restriction under the Act prohibiting a driver working for more than one operator.
- 5.5 If a Private Hire Vehicle Licenced driver were to choose to work for more than one operator, any conditions that could be attached to the grant (initially or on renewal) of a licence must be reasonably necessary in order to comply with section 51(2) of the Act. The paramount consideration in the licensing of a Private Hire Vehicle driver is always the welfare and safety of the public. The conditions are recommended as reasonably necessary in the interest of public safety for safeguarding purposes and to ensure the tractability of pre-bookings.

Richard Bines, Solicitor 4 December 2019

### **6 STRATEGIC ASSETS & PROPERTY COLLEAGUE COMMENTS (FOR DECISION RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE) (AREA COMMITTEE REPORTS ONLY)**

- 6.1 None

**7 EQUALITY IMPACT ASSESSMENT**

7.1 Has the equality impact of the proposals in this report been assessed?

No. This report does not include substantive changes to policy, services or functions that negatively impact differentially on any group with protected characteristics

**8 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION**

8.1 None

**9 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

9.1 Local Government (Miscellaneous Provisions) Act 1976

**PROPOSED ADDITIONAL CONDITIONS  
PRIVATE HIRE DRIVERS LICENCE**

- 1) To provide the Taxi Licensing Authority (Nottingham City Council) with a signed offer of work letter from each operator I work for as a Private Hire Vehicle Licensed driver, prior to the commencement of such work with the company I require the duplicate licence for.
- 2) To give 7 days prior notification to the Taxi Licensing Authority (Nottingham City Council) when ceasing to work as a Private Hire Vehicle Licensed Driver for an operator/or commencing work as a Private Hire Vehicle Licensed Driver for an operator, or as soon as practicable if such work is commenced or ceased on fewer than 7 days' notice.
- 3) To provide to each operator I work for with certified copies of the Private Hire Driver Licence together with the Private Hire Vehicle Licence (as numbered above), as certified by the Taxi Licensing Authority on payment of the reasonable costs for doing so. The cost of certified copies is the responsibility of the driver.
- 4) A private hire driver shall display ONLY the side panel for the operator they are contracted to at the time if the hiring.

**UNDERTAKING**

**EXISTING PRIVATE HIRE VEHICLE DRIVER LICENCE**  
working for more than one operator

I,

Of:

Licensed under

Private Hire Vehicle Driver Licence Number:

Private Hire Vehicle Licence Number:

intend to carry out work for the following Nottingham Licensed Operators:

[List operators details ]

on:

As such, I undertake to abide by the following additional conditions:

- 1) To provide the Taxi Licensing Authority (Nottingham City Council) with a signed offer of work letter from each operator I work for as a Private Hire Vehicle Licensed driver, prior to the commencement of such work with the company I require the duplicate licence for.
- 2) To give 7 days prior notification to the Taxi Licensing Authority (Nottingham City Council) when ceasing to work as a Private Hire Vehicle Licensed Driver for an operator/or commencing work as a Private Hire Vehicle Licensed Driver for an operator, or as soon as practicable if such work is commenced or ceased on fewer than 7 days' notice.
- 3) To provide to each operator I work for with certified copies of the Private Hire Driver Licence together with the Private Hire Vehicle Licence (as numbered above), as certified by the Taxi Licensing Authority on payment of the reasonable costs for doing so. The cost of certified copies is the responsibility of the driver.
- 4) A private hire driver shall display ONLY the side panel for the operator they are contracted to at the time if the hiring.

I understand that should I fail to comply with any of the conditions it could lead to a prosecution and/or my licence being suspended, revoked or not renewed.

Signed:

Print Name:

Date: