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TRAFFORD COUNCIL

AGENDA PAPERS FOR PUBLIC PROTECTION SUB-COMMITTEE MEETING

Date: Thursday, 20 August 2015

Time: 6.30 p.m.

Place: Council Chamber, Trafford Town Hall, Talbot Road,
Stretford, Manchester, M32 0TH

A G E N D A	PART I	Pages
1.	ATTENDANCES	
	To note attendances, including Officers and any apologies for absence.	
2.	MINUTES	
	To receive and if so determined, to approve as a correct record the Minutes of the meeting held on 30 th April, 18 th June, 25 th June and 23 rd July, 2015.	1 - 12
3.	REVIEW OF PRIVATE HIRE OPERATOR CONDITIONS	
	To consider a report of the Head of Regulatory Services.	13 - 36
4.	PROPOSED CHANGES TO THE HACKNEY CARRIAGE/PRIVATE HIRE DRIVER APPLICATION REQUIREMENTS	
	To consider a report of the Head of Regulatory Services.	37 - 42
5.	AMENDMENTS TO HACKNEY CARRIAGE AND PRIVATE HIRE POLICY AND FEES FOLLOWING THE DEREGULATION ACT 2015	
	To consider a report of the Head of Regulatory Services.	43 - 46
6.	URGENT BUSINESS (IF ANY)	
	Any other item or items (not likely to disclose "exempt information") which, by reason of special circumstances (to be specified), the Chairman of the meeting is of the opinion should be considered at this meeting as a matter of	

Public Protection Sub-Committee - Thursday, 20 August 2015

urgency.

TRAILER

THERESA GRANT

Chief Executive

Membership of the Committee

Councillors M. Whetton (Chairman), B. Sharp (Vice-Chairman), S.K. Anstee, J. Coupe, A. Duffield, M. Freeman, D. Jarman, M. Sephton and J. Smith

Further Information

For help, advice and information about this meeting please contact:

Natalie Owen, Democratic & Scrutiny Officer

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This agenda was issued on **Wednesday, 12 August 2015** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford M32 0TH.

PUBLIC PROTECTION SUB-COMMITTEE

30 APRIL 2015

PRESENT

Councillor C. Candish (in the Chair).

Councillors B. Sharp (Vice-Chairman), D. Bunting, M. Freeman, D. Jarman, P. Lally, M. Sephton and J. Smith

In attendance

D. Adcock	- Solicitor
J. Boyle	- Licensing Team Leader
G. Levy	- Public Protection Manager (Trading Standards)
J. Stoddart	- Enforcement Support Officer
R. Worsley	- Democratic and Scrutiny Officer

APOLOGIES

An apology for absence was received from Councillor A. Duffield

38. SMARTPHONE TECHNOLOGY AND THE TAXI/PH LICENSING REGIME

The Head of Regulatory Services submitted a report informing Members on how smartphone technology fits within the current taxi and private hire licensing regime.

The Licensing Officer introduced Mr Lines, Manchester Operations Director, Uber to Committee Members. Mr Lines as the representative of Uber then provided a brief summary of how a smartphone application would work in practice.

The Members of the Committee were given an opportunity to ask questions.

The Chairman thanked Mr Lines for his attendance and detailed answers to the questions put to him by Members of the Committee.

RESOLVED: That the report be noted.

39. EXCLUSION RESOLUTION (REMAINING ITEMS)

RESOLVED: That the public be excluded from this meeting during consideration of the following items on the agenda because of the likelihood of disclosure of "exempt information" which falls within one or more descriptive category or categories of the Local Government Act 1972, Schedule 12A, as specified.

**Public Protection Sub-Committee
30 April 2015**

**40. PRIVATE HIRE/HACKNEY CARRIAGE KNOWLEDGE TEST - APPLICANT
FOUND USING REFERENCE MATERIAL DURING EXAM**

RESOLVED: That this item be deferred to the next available meeting of the Public Protection Sub-Committee.

**41. PRIVATE HIRE/HACKNEY CARRIAGE KNOWLEDGE TEST - APPLICANT
FOUND USING REFERENCE MATERIAL DURING EXAM**

RESOLVED: That this item be deferred to the next available meeting of the Public Protection Sub-Committee.

The meeting commenced at 6.30 pm and finished at 8.10 pm

PUBLIC PROTECTION SUB-COMMITTEE

18 JUNE 2015

PRESENT

Councillor M. Whetton (in the Chair).

Councillors B. Sharp (Vice-Chairman), A. Duffield, M. Freeman, D. Jarman, M. Sephton and J. Smith

In attendance

D. Goldstein	- Solicitor
J. Boyle	- Licensing Team Leader
R. Worsley	- Democratic and Scrutiny Officer

Also Present

Councillor D. Bunting (Substitute for Councillor S. K. Anstee)

Councillor B. Rigby (Substitute for Councillor J. Coupe)

APOLOGIES

Apologies for absence were received from Councillors S.K. Anstee and J. Coupe.

1. MEMBERSHIP OF PUBLIC PROTECTION SUB-COMMITTEE AND TERMS OF REFERENCE

RESOLVED: That the Membership and Terms of Reference for the Public Protection Sub-Committee be noted.

2. MINUTES

RESOLVED: That the minutes of the Public Protection Sub-Committee meetings held on 26 March and 16 April 2015 be agreed as a correct record and signed by the Chairman.

3. APPLICATION FOR THE GRANT OF A SEX ESTABLISHMENT LICENCE - EVENT CITY, PHOENIX WAY, BARTON DOCK ROAD, TRAFFORD PARK

The Head of Regulatory Services submitted a report requesting Members to consider an application for the grant of a sex establishment licence for Event City, Phoenix Way, Barton Dock Road, Trafford Park which had attracted objections from local residents.

The Licensing Officer provided a brief summary of the application received and following this all parties present at the hearing were invited to address the Sub-Committee.

Representations were made in support of the application by Mr B Holland, Consultant for Aaron & Partners on behalf of Peel Holdings and Mr A Orr,

Public Protection Sub-Committee
18 June 2015

Managing Director, Events City. Ms J Battersby, Sales Manager, Events City; and Ms C Smith, Exhibitionism Managing Director were also in attendance to answer any questions the Committee Members may have.

The Members of the Committee received a detailed presentation and were given an opportunity to ask questions.

RESOLVED: That a Sex Establishment Licence be granted with amended conditions; including the waiver of the 60 days' notice requirement for the proposed event on the 22nd and 23rd August 2015.

The meeting commenced at 6.30 pm and finished at 7.50 pm

PUBLIC PROTECTION SUB-COMMITTEE

25 JUNE 2015

PRESENT

Councillor M. Whetton (in the Chair).

Councillors B. Sharp (Vice-Chairman), S.K. Anstee, M. Freeman, D. Jarman, M. Sephton and J. Smith

In attendance for Minute Nos 4, 5 and 6

Councillor J. Coupe

In attendance

D. Goldstein	- Solicitor
J. Boyle	- Licensing Team Leader
N. Owen	- Democratic and Scrutiny Officer

APOLOGIES

An apology for absence was received from Councillor A. Duffield

4. EXCLUSION RESOLUTION (REMAINING ITEMS)

RESOLVED: That the public be excluded from this meeting during consideration of the following items on the agenda because of the likelihood of disclosure of "exempt information" which falls within one or more descriptive category or categories of the Local Government Act 1972, Schedule 12A, as specified.

5. REQUEST FOR APPROVAL OF HACKNEY CARRIAGE ROOF TOP SIGN

The Head of Regulatory Services submitted a report requesting Members to consider a request from Open Taxi Top Limited for the mounting and utilisation of an electronic roof top display sign for LTC TX1, 2 and 4 hackney carriage vehicles in Trafford.

The owner of Open Taxi Top Limited attended the meeting to make representations to the Sub-Committee and answer any questions.

Members of the Sub-Committee inspected a hackney carriage vehicle fitted with the sign.

RESOLVED: That the use of the Open Messenger Roof Top Sign be approved from 1st January 2016 subject to no problems arising from the trial in Liverpool and full approval being granted by Liverpool City Council and the following:-

Public Protection Sub-Committee
25 June 2015

The Council reserves the right to require the immediate removal of the sign at the proprietor's own expense should any issue arise that cannot be rectified to its satisfaction, and subject to the following conditions:

There shall be no moving images, animation, video or full motion images displayed on the digital sign unless consent has been granted for such displays;

The display should not change more frequently than every 5 seconds unless consent has been granted for such displays;

The luminance level of the digital sign shall comply with the Institute of Lighting Engineers Technical Report no 5 (2003); and

The digital sign will conform to the five "Standard Conditions" specified in Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6. REQUEST FOR APPROVAL OF ALTERNATIVE HACKNEY CARRIAGE RAMP

The Head of Regulatory Services submitted a report requesting Members to consider approving a request from Tigweld4u Taxi Parts Limited to allow the use of an alternative wheelchair ramp and ramp under tray for the LTC TX1, 2 and 4.

The owner of Tigweld4u Taxi Parts Limited attended the meeting to make representations to the Sub-Committee and answer any questions.

Members of the Sub-Committee inspected the alternative wheelchair ramp.

RESOLVED: That approval of the use of the wheelchair ramp and ramp under tray be granted subject to the proviso that the Council reserves the right to require the immediate removal of the ramp at the proprietor's own expense should any issue arise that cannot be rectified to its satisfaction.

7. PRIVATE HIRE/HACKNEY CARRIAGE KNOWLEDGE TEST - APPLICANT FOUND USING REFERENCE MATERIAL DURING EXAM

The Head of Public Protection submitted a report requesting Members to consider an incident where an applicant was found using reference material during the Private Hire/Hackney Carriage Knowledge Test exam.

The applicant provided the Sub-Committee with a brief outline of what he said were the circumstances of the incident.

The invigilator who was present for the exam was present to answer any questions the Sub-Committee Members had.

The applicant also answered questions directed to him from Sub-Committee Members.

Public Protection Sub-Committee
25 June 2015

The Sub-Committee requested that procedures undertaken for the knowledge test were reviewed.

RESOLVED: That Mr. T. Y be allowed to re-sit the knowledge test but only after a period of 6 months has elapsed from 4th February 2015.

The meeting commenced at 6.30 pm and finished at 8.47 pm

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PUBLIC PROTECTION SUB-COMMITTEE

23 JULY 2015

PRESENT

Councillor M. Whetton (in the Chair).

Councillors B. Sharp (Vice-Chairman), S.K. Anstee, A. Duffield, D. Jarman, M. Sephton and J. Smith

In attendance

D. Adcock	- Solicitor
J. Boyle	- Licensing Team Leader
N. Owen	- Democratic and Scrutiny Officer

Also Present

Councillor P. Gratrix (Substitute for Councillor M. Freeman)

APOLOGIES

Apologies for absence were received from Councillors J. Coupe and M. Freeman

8. EXCLUSION RESOLUTION (REMAINING ITEMS)

RESOLVED: That the public be excluded from this meeting during consideration of the following items on the agenda because of the likelihood of disclosure of "exempt information" which falls within one or more descriptive category or categories of the Local Government Act 1972, Schedule 12A, as specified.

9. PRIVATE HIRE DRIVER - FAILURE TO PRODUCE DBS DISCLOSURE

The Head of Regulatory Services submitted a report requesting Members to consider the failure of a private hire driver to produce a current DBS disclosure and to respond to any requests from the Licensing Office.

The Licensing Team Leader informed the Sub-Committee that a DBS check is done on each licensed driver every three years. The disclosure is sent directly to the driver and the Council requires the driver to produce the disclosure as soon as it is issued.

Mr S. S. A attended the Licensing Office in February to renew his Private Hire driver's licence. He completed a DBS application form at that time which was forwarded to the DBS for processing.

On 30th March 2015 a letter was sent to Mr S. S. A advising him that a check had been done of the DBS tracking system and that the Licensing Office were aware

Public Protection Sub-Committee
23 July 2015

that a disclosure had been issued to him on 26th March 2015. He was advised to produce the disclosure or his licence would be suspended.

Two further attempts were made to contact Mr S. S. A by telephone on the 17th and 28th April 2015 but with no success. Mr S. S. A's Private Hire driver's licence was suspended by letter on the 19th May 2015. All the private hire operators were advised not to give Mr S. S. A work until the suspension had been lifted.

An email was sent to Mr S. S. A on 15th June 2015 advising him that the matter would be reported to the Sub-Committee unless he responded within 48 hours.

On 6th July 2015 a copy of the original suspension letter was hand delivered to Mr S. S. A's last known address. The letter was accepted by a woman who claimed that he was currently on holiday.

Mr S S A did not attend the meeting.

The Sub-Committee determined that he was no longer a fit and proper person to hold a licence.

RESOLVED: That Mr S. S. A's Private Hire driver's licence be revoked.

10. HACKNEY CARRIAGE DRIVER - CONVICTION WHICH EXCEEDS THE SCHEME DELEGATION

The Head of Regulatory Services submitted a report requesting Members to consider a Hackney Carriage driver's conviction. The driver attended the meeting to enable Members to give the matter their full consideration.

The driver provided the Sub-Committee with a brief outline of what he said were the circumstances of the offence.

Mr. P. J spoke in support of the driver and the Sub-Committee had been given a copy of an email sent to the Chairman of the Sub-Committee and copied to the Licensing Team Leader in support of the driver by Mr. P. K.

RESOLVED: That Mr. A. S' Hackney Carriage driver's licence be renewed.

11. PRIVATE HIRE DRIVER - DRIVING OFFENCE WHICH EXCEEDS THE SCHEME OF DELEGATION

The Head of Regulatory Services submitted a report requesting Members to consider a Private Hire driver's driving offence. The driver attended the meeting to enable Members to give the matter their full consideration.

The driver provided the Sub-Committee with a brief outline of what he said were the circumstances of the offence.

RESOLVED: That no further action be taken against Mr. A. J. B.

Public Protection Sub-Committee
23 July 2015

The meeting commenced at 6.30 pm and finished at 7.40 pm

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TRAFFORD COUNCIL

Report to: Public Protection Sub-Committee
Date: 20th August 2015
Report for: Decision
Report of: Head of Regulatory Services

Report Title

REVIEW OF PRIVATE HIRE OPERATOR CONDITIONS

Summary

It has been established that once a vehicle has been licensed as a hackney carriage, it is a hackney carriage for the duration of that licence, wherever it is located and can, therefore, be used for pre-booked work in any district in England and Wales.

There has been an increase in the number of hackney carriages licensed by other local authorities working in the area through Trafford private hire operators.

Officers are proposing that additional conditions be introduced to the private hire operator conditions to address a number of issues, including new requirements for the operator to keep more detailed records of vehicles and drivers licensed by other authorities.

Recommendation(s)

That the Sub-Committee considers the report and the responses arising from the consultation with Trafford Private Hire Operators and decide whether to either:

- adopt the proposed new operator conditions and penalty points without any amendments; or
- adopt the proposed new operator conditions and penalty points with amendments after due consideration of the consultation responses.

The Sub-Committee is also asked to confirm that the new conditions will have effect immediately in respect of all new applications; and will have effect on all existing private hire operators from the renewal of the operator's licence on the 1st November 2015.

Contact person for access to background papers and further information:

Name: Joanne Boyle
Extension: 4129

1. Background

- 1.1 In 2010 the High Court handed down a judgement in the case of Stockton-on-Tees Borough Council v Fidler, Hussain & Zamanian. The judgement was that once a vehicle is licensed as a hackney carriage, it is a hackney carriage for the duration of that licence, wherever it is located, and can be used for pre-booked work in any district in England and Wales.
- 1.2 The judgement made it clear that it is not an offence for a licensed private hire operator to take bookings, and then dispatch a hackney carriage licensed by another district to undertake pre-booked work.
- 1.3 The situation has created a number of issues in Trafford, these include:
 - possible prejudice to public safety
 - inconsistent standards
 - increase in illegal plying for hire
 - the inability to enforce or undertake spot checks on these vehicles
 - confusion for the customer and possible reduced DDA compliance
 - conflict between the local trade and out of area trade
 - loss of income to the local authority
- 1.4 In order to address some of these issues it is proposed that additional conditions be inserted into the existing private hire operator conditions (see Appendix A) and a revised list of penalty points be introduced for non-compliance (see Appendix B).

2. Consultation

- 2.1 All Trafford Private Hire Operators were invited to comment on the proposed new conditions between the 24th April 2015 and the 30th June 2015. The Council received three responses to the consultation which are detailed at Appendix C.

3. Recommendations

- 3.1 That the Sub-Committee considers the report and the responses arising from the consultation with Trafford Private Hire Operators and decide whether to either:
 - 3.1.1 adopt the proposed new operator conditions without any amendments; or
 - 3.1.2 adopt the proposed new operator conditions with amendments after due consideration of the consultation responses.
- 3.2 The Sub-Committee is also asked to confirm that the new conditions will have effect immediately in respect of all new applications; and will have effect on all existing private hire operators from the renewal of the operator's licence on the 1st November 2015.

APPENDX A



TRAFFORD COUNCIL

PRIVATE HIRE OPERATOR'S LICENCE CONDITIONS

REVISED:

Private hire operators' licences are issued subject to the following conditions. You are advised to study these carefully, as you are warned that for non-compliance with any one condition, the licence may be suspended or revoked.

1.	Definitions	
	"The Council"	means the TRAFFORD ;
	"The District"	means the area of the Council;
	"The Act"	means the Local Government (Miscellaneous Provision) Act 1976
	"Private Hire Vehicle"	has the same meaning as in the Act
	"Vehicle"	means a private hire vehicle;
	"Operator"	means a person holding a licence to operate private hire vehicles issued by the Council under Section 55 of the Act;
	"Premises"	means the operator's place or places of business for the purpose of operating vehicles;
	"Authorised Officer"	means any officer of the Council authorised in writing by the Council for the purpose of regulating private hire vehicles;
	"Plate"	means the plate issued by the Council for the purpose of identifying the vehicle as a licensed private hire vehicle;
	"Badge"	means the badge issued by the Council for the purpose of identifying a driver as a licensed private hire driver;
	"Meter"	means any device for calculating the fare to be charged in respect of any journey in a vehicle by reference to the distance travelled or the time elapsed since the start of the journey or a combination of both.

APPENDX A

2.	Licence	Date of Implementaion
	The licence shall remain the property of the Council at all times and shall be renewed in accordance with relevant legislation.	

3.	Details of Vehicle(s)	
	The operator shall keep at their premises the following details of all vehicles that they operate:	AMENDED
(a)	the name and address of the proprietor;	
(b)	the vehicle licence holder;	
(c)	the vehicle licence expiry date;	
(d)	the registration number	
(e)	make, type and colour	
(f)	plate number;	
(g)	copy of the current Insurance Certificate;	
	and these details shall be produced on request to an authorised officer or police constable at any time.	

4.	Details of Vehicle(s)not licensed by the Council	
	The operator shall keep at the premises the details identified in Condition 3 above for all other vehicles used by him for hire, but which are not private hire vehicles licensed by the Council. Such records must be individually and separately identifiable. These details shall be produced on request to an authorised officer or police constable, provided such request is made for proper purposes including the investigation of any complaint, the detection and prosecution of crime and the efficient operation of the Council's scheme of licensing.	NEW

5.	Details of Driver(s)	
	The operator shall keep at their premises the following details of all drivers employed or used by them:-	AMENDED
(a)	name and address;	
(b)	badge number;	
(c)	expiry date of the private hire vehicle driver's licence;	
	and these details shall be produced on request to an authorised officer or police constable at any time.	

6.	Details of Driver(s) not licensed by the Council	
	For the avoidance of doubt, Condition 5 of these conditions also applies	NEW

APPENDX A

	where the operator allocates pre-booked work to a vehicle that is not a private hire vehicle licensed by the Council. Where such vehicle is a hackney carriage, condition 5(c) shall be construed accordingly. Such records must be individually and separately identifiable. These details shall be produced on request to an authorised officer or police constable, provided such request is made for proper purposes including the investigation of any complaint, the detection and prosecution of crime and the efficient operation of the Council's scheme of licensing.	
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7.	Control of Drivers	
	The operator shall take all reasonable steps to ensure that drivers of vehicles employed, used or controlled by them observe and perform the conditions attached to their private hire vehicle driver's licence and all other relevant statutory requirements, including Road Traffic Legislation.	NEW

8.	Record of Bookings	
(a)	The operator shall, before the commencement of each journey, record in a manner prescribed by the Council, the following details of each booking:-	AMENDED
	(i) the time and date of booking;	
	(ii) the method by which is was received (e.g. telephone, personal call etc);	
	(iii) by computer, or in a suitable book, with numbered pages set out:	
	(iv) the picking up and setting down points, by reference to street names;	
	(v) the date and time when the journey is to commence;	
	(vi) the name (and address) of the hirer;	
	(vii) the plate number of the vehicle allocated to the booking;	
	(viii) the name and badge number of the driver allocated to the booking;	
	(ix) the call sign of the vehicle allocated to the booking;	
	(x) the registration number of the vehicle allocated to the booking;	
(b)	These records shall be kept at the premises for at least 12 months from the date of the last entry or such longer period as may, by written notice, be required by an authorised officer.	AMENDED
(c)	These records shall be produced on request to an authorised officer or police constable at any time.	

9.	Record of bookings allocated to vehicles not licensed by the Council	
(a)	For the avoidance of doubt, Condition 8 of these conditions also applies where the operator allocates a booking to a Hackney Carriage not licensed by the Council.	NEW
(b)	The receipt of advance bookings by the operator for Hackney Carriage	NEW

APPENDX A

	vehicles licensed by another Authority or which are subsequently allocated to a HCV licensed by another Authority must be maintained in a completely separate register of bookings and in the same format as condition 8. If a computerised booking system is in place those booking records must be kept in a completely separate and distinct area of the systems hard drive to enable easy inspection by the Council.	
10.	Notice to Customer	
	Where a Hackney Carriage licensed otherwise than by Trafford Council may be allocated by the operator, the operator shall inform the customer of that fact, whether by a pre-recorded announcement during a telephone call, by written terms visible when booking on an Internet site or signing up to an App, or by any other method likely to bring the information to the attention of the customer at the time of booking or prior to making a booking.	NEW
11.	Prompt Attendance	
	The operator shall ensure that when a vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at the appointed time and place.	
12.	Picking Up and Setting Down of Passengers	
	The operator shall, so far as is possible, ensure that drivers in their employment or control do not pick up or set down passengers:-	NEW
(a)	at a hackney carriage stand;	
(b)	at any place that may cause a risk of accident or obstruction to other road users and pedestrians.	
13.	Fares	
	Where a request for a hiring is received and the vehicle to be used for that hiring is not fitted with a meter, the operator must so inform the person making the booking and shall not accept the booking without first telling that person the basis of the hire charge (and if requested, put that information in writing).	NEW
14.	Lost Property	
(a)	The operator shall deliver any property left in the vehicle and handed to them by the driver, to the licensing office as soon as possible, and in any event within 24 hours.	NEW
(b)	the operator shall keep a record of all lost property retained by them.	NEW
15.	Premises	
	The operator's premises must be within the Council's district.	NEW

APPENDX A

16.	Waiting and Reception Room	
	The operator shall ensure that any rooms provided on the premises for the purpose of booking or waiting shall be kept clean, adequately lit, heated and ventilated at all times and be provided with adequate seating for customers.	
17.	Drunk and Disorderly Persons	
	The operator shall not allow any person who is drunk, or is behaving in a disorderly manner, to remain on the premises.	NEW
18.	Planning Permission	
	The operator shall not commence using any premises for their business without having first obtained written permission to do so from the relevant planning authority and shall comply with any conditions attached to such permission.	
19.	Nuisance to Nearby Residents	
	The operator shall at all times carry out their business so as not to cause nuisance or annoyance to nearby residents.	NEW
20.	Change of Address	
	The operator shall notify the Council in writing within 7 days of any change in:-	
(a)	their home address;	
(b)	their premises address;	
(c)	the name of their firm;	NEW
(d)	the licensed vehicles used or controlled by them;	
(e)	the names and addresses of the drivers in their employment or under their control.	
21.	Complaints	
	The operator shall keep a record of any complaints concerning a contract for hire or purported contract for hire relating to or arising from their business and of any action, if any, which the operator has taken or proposes to take in respect of such complaint.	NEW
22.	Convictions	
	The operator shall within 14 days disclose to the Council in writing details of convictions imposed on them during the period of their licence.	AMENDED

APPENDX A

23.	Loss of Licence	
	The operator shall report the loss of their licence to the Police as soon as the loss is known. A duplicate may be issued by the Council on payment of a fee.	NEW
24.	Return of Licence	
	The operator shall immediately return the operator's licence to the Council in the event of the surrender, suspension or revocation of the licence.	NEW
25.	Licence Renewal	
	A licence cannot be renewed if it has expired; a new application will be required.	NEW
26.	Payment by Credit/Debit Card	
	A licence in respect of which the fee has been paid either in part or in full by cheque or credit/debit card shall be of no effect in the event of that payment being subsequently dishonoured.	NEW
27.	Vehicles Kept at Domestic Premises	
	Unless in receipt of written consent from the planning authority, where an operator has their operation base located at domestic premises, they shall ensure that the number of licensed private hire vehicles parked at or kept in the vicinity of those premises (including parking on the highway) at any one time, does not exceed one vehicle in total.	NEW
28.	Satellite Offices	
(a)	The operator may only operate from those premises or such part of which have been approved as operating bases by the Council.	NEW
(b)	All premises from which the operator intends to carry out their business must be declared upon application for a licence. This includes any satellite offices situated at premises which may or may not be controlled by the applicant.	NEW
29.	Company Signs	
	The operator shall ensure that only vehicles which are currently licensed as private hire vehicles with the Council shall display signage approved by the Council as specified in the private hire vehicle licence conditions.	NEW

APPENDX A

30.	Taxi meters in vehicles	
	Where any vehicle operated by him is fitted with an approved taximeter, the operator shall ensure that the taximeter is set and properly sealed in accordance with Council regulations.	
31.	Facilities for the disabled, deaf or hard of hearing	
	The operator shall comply with his duties under the Equality Act 2010 and shall make reasonable adjustments to allow access to its services for all disabled people, including the deaf or hard of hearing. In particular, the operator shall provide a system for deaf or hard of hearing customers to book a private hire vehicle e.g. mini-com, website bookings; bookings by text.	NEW
	The system shall be advertised widely on all published material and on the operator's website.	NEW
32.	Guide Dogs The operator shall ensure that guide dogs are carried within the passenger compartment of the vehicle on request.	NEW

9.

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APPENDIX B



TRAFFORD COUNCIL

PRIVATE HIRE OPERATOR - PENALTY POINTS SYSTEM

The conditions in the table relate to the Trafford Private Hire Operator Conditions.

The Penalty Points table approved by the Council is:

		<u>Number of Points</u>
1.	Records of Vehicles	50
	Records of Drivers	50
2.	Records of Hiring	75
3.	Notice to Customers	50
4.	Records of Complaints	30
5.	Notification of Convictions	75 per conviction
6.	Change of Address	30
7.	Company Signs	30
8.	Equalities Act 2010	75

The following matters are to be considered by the Licensing Committee and are not to be delegated to Officers.

9.	Gross discourtesy by Operators	Max. 150
10.	Any such other matters of a substantial nature that the Licensing Committee believes are detrimental to the reputation of the Trafford private hire trade which have brought or are likely to bring the service into disrepute.	Max. 150

All penalty points awarded by Officers are subject to a right of appeal before the Licensing Committee.

Appellants must make their written appeal within 21 days of the service of the notification of the award of the points. Appeals will then be placed on the agenda for the next available Licensing Committee.

On accumulation of 150 penalty points the Operator shall be requested to attend before the Licensing Committee for consideration. The Licensing Committee shall take such further action as they consider appropriate.

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APPENDIX C

PRIVATE HIRE OPERATOR CONDITIONS – CONSULTATION RESPONSES

PROPOSED CONDITION	OPERATOR RESPONSE	OFFICER COMMENTS
<p>7. Control of Drivers</p> <p>The operator shall take all reasonable steps to ensure that drivers of vehicles employed, used or controlled by them observe and perform the conditions attached to their private hire driver's licence and all other relevant statutory requirements, including road traffic legislation.</p>	<p>Abacus Travel Services 24th June 2015 [C1]</p> <p>Please could you clarify how we are expected to control road traffic legislation? Vehicles that are owned by us we would receive any documentation regarding any offences committed by the vehicle, however, most private hire drivers own their own vehicle so all documentation would be sent to them not us.</p>	<p>It is accepted that it may be difficult for the operator to control the driver's behaviour whilst on the road. However, the operator should bear some responsibility for ensuring that the vehicles he dispatches may be legally used as private hire vehicles. Officers would recommend that the condition is amended to read:</p> <p><i>'The operator shall take all reasonable steps to ensure that drivers of vehicles employed, used or controlled by them observe and perform the conditions attached to their private hire driver's licence and all other statutory requirements.'</i></p>
<p>8. Record of Bookings</p> <p>(a) The operator shall, before the commencement of each journey, record in a manner prescribed by Council, the following details of each booking:</p>	<p>Abacus Travel Services</p> <p>Is the hirer's address needed? Examples, if a company secretary books a cab for a foreign visitor are we expected to ask for the visitors address? A customer calls from a public house going to another public house we then need to</p>	<p>It is accepted that this part of the condition may be difficult to comply with and officers would recommend that the condition is amended to read:</p>

APPENDIX C

<p>(vi) the name (and address) of the hirer;</p>	<p>ask his/her home address? In our experience this is going to be an extremely difficult task to perform, customers will not be willing to give this information when it is not necessary. I am also sure most operators will have to modify their software at great expense.</p>	<p>'(vi) the name of the hire'</p>
<p>9. Record of bookings allocated to vehicles not licensed by the Council</p> <p>(a) For the avoidance of doubt, Condition 8 of these conditions also applies where the operator allocates a booking to a hackney carriage not licensed by the Council.</p> <p>(b) the receipt of advance bookings by the operator for hackney carriage vehicles licensed by another Authority or which are subsequently allocated to a HCV licensed by another Authority must be maintained in a completely separate register of bookings and in the same format as condition 8. If a computerised booking system is in place those booking records must be kept in a completely separate and distinct area of the systems hard drive to enable easy inspection by the Council.</p>	<p>Abacus Travel Services</p> <p>Are the Council aware of how readily available this information is to download off the operators current systems? It is completely unnecessary to run two dispatch systems one for 'Trafford licensed vehicles and one 'out of area vehicles'. All the data required is available from one system.</p>	<p>It is accepted that condition 9(b) may be overly prescriptive and that all required information may be available from one system. Officers would be agreeable to this condition being removed, provided that it may be reviewed in due course if it is evidenced that information about out of area vehicles and drivers is not easily accessible.</p>
<p>14. Lost Property</p> <p>(a) the operator shall deliver any property left in</p>	<p>Abacus Travel Services</p> <p>To have all lost property delivered to the Council</p>	<p>It is accepted that condition 14(a) will be difficult</p>

APPENDIX C

<p>the vehicle and handed to them by the driver, to the licensing office as soon as possible, and in any event within 24 hours.</p> <p>(b) the operator shall keep a record of all lost property retained by them.</p>	<p>offices is not in the interest of the customer, the operator nor the Council. The Council will have to bag, tag and store (do you have a dedicated person and the facility) the 24 hour timescale, available Saturday, Sunday and Bank Holidays to cover this? Are you aware of the amount of lost property that is collected? The customer will certainly not want to travel across the borough to retrieve their property. The operator would incur costs to deliver this lost property. I suggest an in-house lost property procedure would be of greater benefit to all concerned. We have a lost property procedure where everything is recorded, tagged and stored. Clients need to show proof of ID when collecting any items and have to sign for the receipt of any item.</p>	<p>for the Licensing Office to administer and that it would be more appropriate for the operator to store and log any lost property. It is proposed that the condition be amended to read:</p> <p><i>'(a) the operator shall have a lost property procedure in place to record, tag and store any property left in the vehicle and handed to them by the driver.'</i></p>
<p>28. Satellite Offices</p> <p>(a) The operator may only operate from those premises or such part of which have been approved as operating bases by the Council.</p> <p>(b) All premises from which the operator intends to carry out their business must be declared upon the application for a licence. This includes any satellite offices situated at premises which may or may not be controlled by the applicant.</p>	<p>Abacus Travel Services</p> <p>Please could you clarify this condition (b)? i.e. does this mean that we would need to declare any temporary booking stands that we may set up in the borough such as to clear from an event.</p>	<p>An operator's licence will be required for every location where bookings are recorded. One licence may cover several locations. A marshal stood outside an event taking bookings would not require a licence; provided that the booking information is passed to the licensed operator's base prior to the commencement of each journey.</p>

APPENDIX C

	<p>Guy Morgan [PMJ Travel] 25th April 2015 [C2]</p> <p>Whilst I realise Trafford Council is attempting to deal with the influx of out of the area vehicles, penalizing operators will have no effect on drivers at all. In fact it may be counter productive, owner drivers care little for the problems of an operator, they don't need to do anything themselves under these new conditions and most if not all operators have computers which can easily cope with any of these proposed changes, it will have no effect whatsoever on owner drivers who licence their vehicles out of the area.</p> <p>In essence your proposal is aimed at making operators reconsider allowing out of the area vehicles to operate on their systems which simply wont work, all because Trafford Council are impotent.</p> <p>Trafford will continue to lose income to other authorities due to their intransigent thinking concerning the raising of fees and spurious new charges and conditions which owner drivers simply refuse to be bullied into complying with, it simply hastens owner drivers to search for alternatives.</p> <p>I am curious to know, why Trafford Operators bother to have any Trafford Licenced vehicles at</p>	
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APPENDIX C

	<p>all on their systems, if we had say 100 Rossendale licenced vehicles on the system and no Trafford licenced vehicles, the fee for an Operators licence would be considerably reduced.</p> <p>In my opinion the continued attacks on the licenced trade by Trafford Council make it more and more attractive commercially to move to out of the area fleets.</p> <p>Doubtless this will make no impact on Trafford Council at all who seem to have lost the ability for progressive thought.</p>	
	<p>Stallion Travel - 26th April 2015 [C3]</p> <p>Things are getting stricter and more complicated.</p> <p>I don't think we are heading in the right direction.</p> <p>I predict an exodus.</p>	

[INTENTIONALLY LEFT BLANK]

Boyle, Joanne

From: Richard Bibby <RBibby@abacus-travel.co.uk>
Sent: 24 June 2015 15:39
To: Boyle, Joanne; 'B & S Travel'; 'CALYDEL'; 'CRT Transport'; 'DMC Travel Dave Cheetwood'; 'Guy Morgan J & M Travel'; 'ICABS'; 'MJB Travel'; 'New Moon/Robin Hood1'; 'New Moon/Robin Hood2'; 'New Moon/Robin Hood3'; 'Parkshield/Abacus'; 'Sale Airport Services'; 'Scotts & Cheshire Cars/Anytime PH'; 'Scotts Steve Tilston'; 'Stallion Travel'; 'Station Cars'; 'Steve Tandy Passenger Cars Group'; 'Wythenshawe Private Hire/Club Cars'; max.lines@uber.com
Cc: 'Yvonne Obasuke'; 'E.Obasuke'; Candish, Chris; Sharp, Bernard; Freeman, Mike; Marriott, Joe; Levy, Graeme; Douglas, Moira; Bate, Stephen
Subject: RE: PROPOSED NEW OPERATOR CONDITIONS
Importance: High

Joanne,

After reading through the proposed new operator conditions, we have the following views.

Point 7
Control of drivers

Please could you clarify how we are expected to control Road Traffic Legislation? Vehicles that are owned by us we would receive any documentation regarding any offences committed by the vehicle, however most Private Hire drivers own their own vehicle so all documentation would be sent to them and not us.

Point 8(vi)
Record of Bookings

Name and address of hirer, is the hirers address needed?
 Examples, If a company secretary books a cab for a foreign visitor are we expected to ask for the visitors address?
 A customers calls from a public house going to another public house we then need to ask his/her home address?
 In our experience this is going to be an extremely difficult task to perform, customers will not be willing to give this information when it is not necessary. I am also sure most Operators will have to modify their software at great expense.
 We are more than willing to show our current booking format which displays all of the other information as asked.

Point 9(b)
Record of booking allocated to vehicles not licensed by the council

Are the council aware of how readily available this information is to download of the operators current systems? It is completely unnecessary to run two dispatch systems one for Trafford licensed vehicles and one 'out of area vehicles' All the data required is available from one system.
 Again we are more than willing to show/provide data that we hold and how it works and can be accessed.

Point 14
Lost Property

To have all lost property delivered to the Council offices is not in the interest of the customer, the operator nor the council.

The council will have to bag, tag and store (do you have a dedicated person and the facility) The 24 hour time scale, available Saturday Sundays and bank holidays to cover this? Are you aware of the amount of lost property that is collected ?
 The customer will certainly not want to travel across the borough to retrieve their property.
 The operator would incur costs to deliver this lost property.

I suggest an in-house lost property procedure would be of greater benefit to all concerned. We have a Lost Property procedure where everything is recorded, tagged and stored. Clients need to show proof of ID when collecting any items and have to sign for the receipt of any item. Again, we are more than happy to share our procedure with you..

Point 28
Satellite Offices

(b) Please could you clarify this condition? i.e. does this mean that we would need to declare any temporary booking stands that we may set up in the borough such as to clear from an event?

I must add Joanne in my opinion I feel that there has been an unfortunate breakdown in relationships between the council and the operators. Consultation is key, there are many changes happening in this industry and many more to come. If we are informed and asked of our opinions on issues arising I am sure that relationships would be significantly healthier.

Best Regards

Richard Bibby
Director



Direct Dial: 0161 749 2901

Fax: 0161 747 1415

Web: www.abacus-travel.co.uk

FOR BOOKINGS CALL: 0161 747 9090

Abacus Travel Services are a part of Parkshield Ltd.
Company Reg. No. 5242896
Reg. Office: 11-13 Flixton Road, Urmston, Manchester M41 9HT

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From: yobasuke [mailto:yobasuke@gmail.com]
Sent: 24 April 2015 11:30
To: Manny Obasuke; Richard Bibby
Subject: Fwd: PROPOSED NEW OPERATOR CONDITIONS

Yvonne Obasuke
ABACUS TRAVEL SERVICES
Please address all replies to:
Yobasuke@abacus-travel.co.uk

----- Original message -----

Boyle, Joanne

From: Guy Morgan <pmjtravel@btconnect.com>
Sent: 25 April 2015 22:35
To: Boyle, Joanne; 'Atlas Travel'; 'B & S Travel'; 'CALYDEL'; 'CRT Transport'; 'DMC Travel Dave Cheetwood'; 'ICABS'; 'MJB Travel'; 'New Moon/Robin Hood1'; 'New Moon/Robin Hood2'; 'New Moon/Robin Hood3'; 'Parkshield/Abacus'; 'Sale Airport Services'; 'Scotts & Cheshire Cars/Anytime PH'; 'Scotts Steve Tilston'; 'Stallion Travel'; 'Station Cars'; 'Steve Tandy Passenger Cars Group'; 'Wythenshawe Private HIre/Club Cars'; 'Max Lines'; 'Paul Brent'
Cc: Candish, Chris; Sharp, Bernard; Freeman, Mike; Marriott, Joe; Levy, Graeme; Douglas, Moira; Bate, Stephen
Subject: RE: PROPOSED NEW OPERATOR CONDITIONS

Hi Jo,

Whilst I realise Trafford Council is attempting to deal with the influx of out of the area vehicles, penalizing operators will have no effect on drivers at all. In fact it may be counter productive, owner drivers care little for the problems of an operator, they don't need to do anything themselves under these new conditions and most if not all operators have computers which can easily cope with any of these proposed changes, it will have no effect whatsoever on owner drivers who licence their vehicles out of the area.

In essence your proposal is aimed at making operators reconsider allowing out of the area vehicles to operate on their systems which simply wont work, all because Trafford Council are impotent.

Trafford will continue to lose income to other authorities due to their intransigent thinking concerning the raising of fees and spurious new charges and conditions which owner drivers simply refuse to be bullied into complying with, it simply hastens owner drivers to search for alternatives.

I am curious to know, why Trafford Operators bother to have any Trafford Licenced vehicles at all on their systems, if we had say 100 Rossendale licenced vehicles on the system and no Trafford licenced vehicles, the fee for an Operators licence would be considerably reduced.

In my opinion the continued attacks on the licenced trade by Trafford Council make it more and more attractive commercially to move to out of the area fleets.

Doubtless this will make no impact on Trafford Council at all who seem to have lost the ability for progressive thought.

Regards

Guy Morgan

From: Boyle, Joanne [mailto:Joanne.Boyle@trafford.gov.uk]

Sent: 24 April 2015 10:24

To: 'Atlas Travel'; 'B & S Travel'; 'CALYDEL'; 'CRT Transport'; 'DMC Travel Dave Cheetwood'; 'Guy Morgan J & M Travel'; 'ICABS'; 'MJB Travel'; 'New Moon/Robin Hood1'; 'New Moon/Robin Hood2'; 'New Moon/Robin Hood3'; 'Parkshield/Abacus'; 'Sale Airport Services'; 'Scotts & Cheshire Cars/Anytime PH'; 'Scotts Steve Tilston'; 'Stallion Travel'; 'Station Cars'; 'Steve Tandy Passenger Cars Group'; 'Wythenshawe Private HIre/Club Cars'; Max Lines (max.lines@uber.com)

Cc: Candish, Chris; Sharp, Bernard; Freeman, Mike; Marriott, Joe; Levy, Graeme; Douglas, Moira; Bate, Stephen

Subject: PROPOSED NEW OPERATOR CONDITIONS

Dear Operator

At a meeting of the Public Protection Sub-Committee meeting on the 16th April 2015 it was agreed that officers consult with Trafford Private Hire Operators on proposed new operator conditions which, if approved, would come into effect at the renewal of the licences in October 2015.

There are significant changes proposed to the current conditions including new requirements to keep detailed records of all drivers and vehicles licensed by other authorities; to keep separate records of hirings involving out of area taxis; to notify all customers that they may be dispatched an out of area taxi; and restrictions on the use of company signage on out of area vehicles. It is also proposed that new penalty points be introduced for failure to comply with the new conditions.

As an operator in Trafford you will be affected by these proposal, therefore, we would like to hear your views on the proposed new conditions. Any comments should be sent or emailed to the Licensing Office by the **30th June 2015**.

All comments will be included in a report to the Public Protection Sub-Committee for consideration together with any amended proposals.

If you have any questions about the proposed new operator conditions please contact the Licensing Office.

Regards

Joanne Boyle

Team Leader (Licensing)
Licensing Section
Regulatory Services
Trafford Council
Trafford Town Hall
Talbot Road
Stretford
M32 0TH
Tel: 0161 912 4129

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You can find out more about us by visiting www.trafford.gov.uk



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Boyle, Joanne

From: Stallion Travel - Manchester <stalliontravel@gmail.com>
Sent: 26 April 2015 20:01
To: Guy Morgan; Boyle, Joanne; 'Atlas Travel'; 'B & S Travel'; 'CALYDEL'; 'CRT Transport'; 'DMC Travel Dave Cheetwood'; 'ICABS'; 'MJB Travel'; 'New Moon/Robin Hood1'; 'New Moon/Robin Hood2'; 'New Moon/Robin Hood3'; 'Parkshield/Abacus'; 'Sale Airport Services'; 'Scotts & Cheshire Cars/Anytime PH'; 'Scotts Steve Tilston'; 'Station Cars'; 'Steve Tandy Passenger Cars Group'; 'Wythenshawe Private Hire/Club Cars'; 'Max Lines'; 'Paul Brent'
Cc: Candish, Chris; Sharp, Bernard; Freeman, Mike; Marriott, Joe; Levy, Graeme; Douglas, Moira; Bate, Stephen
Subject: RE: PROPOSED NEW OPERATOR CONDITIONS

Hi All

Things are getting stricter and more complicated.

I don't think we are heading in the right direction.

I predict an exodus.

Kind Regards,

Hamid

----- Original message -----

From: Guy Morgan
Date: 25/04/2015 22:35 (GMT+00:00)
To: "'Boyle, Joanne'", 'Atlas Travel', 'B & S Travel', 'CALYDEL', 'CRT Transport', 'DMC Travel Dave Cheetwood', 'ICABS', 'MJB Travel', 'New Moon/Robin Hood1', 'New Moon/Robin Hood2', 'New Moon/Robin Hood3', 'Parkshield/Abacus', 'Sale Airport Services', 'Scotts & Cheshire Cars/Anytime PH', 'Scotts Steve Tilston', 'Stallion Travel', 'Station Cars', 'Steve Tandy Passenger Cars Group', 'Wythenshawe Private Hire/Club Cars', 'Max Lines', 'Paul Brent'
Cc: "'Candish, Chris'", "'Sharp, Bernard'", "'Freeman, Mike'", "'Marriott, Joe'", "'Levy, Graeme'", "'Douglas, Moira'", "'Bate, Stephen'"
Subject: RE: PROPOSED NEW OPERATOR CONDITIONS

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I am curious to know, why Trafford Operators bother to have any Trafford Licenced vehicles at all on their systems, if we had say 100 Rossendale licenced vehicles on the system and no Trafford licenced vehicles, the fee for an Operators licence would be considerably reduced.

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Guy Morgan

From: Boyle, Joanne [mailto:Joanne.Boyle@trafford.gov.uk]

Sent: 24 April 2015 10:24

To: 'Atlas Travel'; 'B & S Travel'; 'CALYDEL'; 'CRT Transport'; 'DMC Travel Dave Cheetwood'; 'Guy Morgan J & M Travel'; 'ICABS'; 'MJB Travel'; 'New Moon/Robin Hood1'; 'New Moon/Robin Hood2'; 'New Moon/Robin Hood3'; 'Parkshield/Abacus'; 'Sale Airport Services'; 'Scotts & Cheshire Cars/Anytime PH'; 'Scotts Steve Tilston'; 'Stallion Travel'; 'Station Cars'; 'Steve Tandy Passenger Cars Group'; 'Wythenshawe Private Hire/Club Cars'; Max Lines (max.lines@uber.com)

Cc: Candish, Chris; Sharp, Bernard; Freeman, Mike; Marriott, Joe; Levy, Graeme; Douglas, Moira; Bate, Stephen

Subject: PROPOSED NEW OPERATOR CONDITIONS

Dear Operator

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There are significant changes proposed to the current conditions including new requirements to keep detailed records of all drivers and vehicles licensed by other authorities; to keep separate records of hirings involving out of area taxis; to notify all customers that they may be dispatched an out of area taxi; and restrictions on the use of company signage on out of area vehicles. It is also proposed that new penalty points be introduced for failure to comply with the new conditions.

As an operator in Trafford you will be affected by these proposal, therefore, we would like to hear your views on the proposed new conditions. Any comments should be sent or emailed to the Licensing Office by the **30th June 2015**.

All comments will be included in a report to the Public Protection Sub-Committee for consideration together with any amended proposals.

If you have any questions about the proposed new operator conditions please contact the Licensing Office.

Regards

Joanne Boyle

TRAFFORD COUNCIL

Report to: Public Protection Sub-Committee
Date: 20th August 2015
Report of: Head of Regulatory Services

Report Title

PROPOSED CHANGES TO THE HACKNEY CARRIAGE/PRIVATE HIRE DRIVER APPLICATION REQUIREMENTS

Summary

The report outlines the outcome of an initial review of the current taxi driver application procedure following a significant increase in the number of potential applicants for a licence.

It is proposed to change the current requirements in respect of English language skills; and local area knowledge and training, in order to reduce delays in the application process whilst maintaining driver standards.

Recommendation(s)

It is recommended that the Sub-Committee agrees, in principle, to:

- extend the range of acceptable qualifications to prove English language skills;
- remove the requirement to pass a local area knowledge test but introduce a condition that all drivers must carry a working satellite navigation system; and
- extend the length and scope of the driver induction course.

It is recommended that the Sub-Committee agrees to a four week consultation exercise with the hackney carriage and private hire trades and the public.

It is also recommended that the Sub-Committee agrees to receive a further final report at its next available meeting after the consultation.

Contact person for access to background papers and further information:

Name: Joanne Boyle
Extension: 4129

Iain Veitch
Head of Regulatory Services

1. BACKGROUND

- 1.1 The Council's current hackney carriage/private hire driver licence application procedure consists of five stages:

Stage One – English, numeracy and verbal communication test

- 1.2 In October 2013 the Council introduced a requirement that any person wishing to apply for a hackney carriage/private hire driver's licence must pass an ESOL Entry 2 in English and Numeracy. The requirement applied to all persons irrespective of their educational background or if English was their first language.
- 1.3 The assessments are carried out once a month at the Town Hall by Bolton College. The cost is £40 which is paid in full to the College.
- 1.4 Bolton College are only able to supply an ESOL (English Speakers of Other Languages) assessor once a month. Each session takes fourteen candidates only.
- 1.5 There has been a recent increase in the numbers of people wishing to take the assessment in order to apply for a licence. This is primarily because of the decision by Rossendale Council to review its policy on intended use. The result is that the current waiting time for a place on the assessment is six months.

Stage Two – Application & DBS forms submitted

- 1.6 All applicants are required to submit an application form with supporting documents; a DBS disclosure form and the application fee.

Stage Three – Induction course

- 1.7 All applicants must complete an 'in house' induction course which consists of:

Licensing conditions and legislation framework
Customer Care
Disability Awareness

Stage Four – Knowledge Test

- 1.8 All applicants must pass a knowledge test which is delivered 'in house' and consists of a written test on places of interest, pubs, clubs and restaurants; routes; and private hire driver conditions and hackney carriage byelaws. The current pass rate is 25%.

Stage Five – Medical

- 1.9 All applicants must undergo a Group 1 medical with their own doctor.
- 1.10 Should a candidate pass the knowledge test on the first occasion it would on average take eight months to be granted a driver's licence due to the current waiting times and volume of potential applicants.

2. PROPOSED CHANGES TO THE DRIVER APPLICATION PROCESS

- 2.1 Officers have been asked to propose changes to the current requirements in respect of English language skills; local area knowledge and training, in order to reduce delays in the application process whilst maintaining driver standards.

English Language Skills Assessment

- 2.2 The current system requires that all applicants, irrespective of education or background, must pass an assessment undertaken by the Council's specific provider Bolton College. This requirement is extremely restrictive meaning, for example, a person with a degree in English must currently wait six months to take the assessment before they can apply for a licence. Also, the Council is currently reliant on Bolton College to provide an assessor who is only available once a month which limits the number of candidates who can be assessed at any one time.

Proposal 1

It is proposed to extend the range of acceptable qualifications to prove English language skills as follows:

Any UK qualification - degree, A/O level, GCSE; or
A non-UK degree in English; or
ESOL qualification at Entry 2 from any accredited UK College

Qualification certificate to be produced on application for a hackney carriage/private hire driver's licence

Local Area Knowledge Test

- 2.3 Anecdotal evidence suggests that one of the reasons for the increase in out of area drivers working in Trafford is the lack of available licensed Trafford drivers. The main reason for the lack of Trafford drivers is that few applicants pass the Council's current knowledge test the first time; and many take several attempts to pass resulting in long delays.
- 2.4 Officers have received complaints from both the hackney carriage and private hire trades that the knowledge test is simply a memory test and is out of date.
- 2.5 The Law Commission in its recent review made a series of far reaching recommendations in respect of taxi and private hire services. It recommended that private hire services should not be subject to locally imposed topographical knowledge tests.

'Satellite navigation technology is widely if not universally used. The Law Commission suggests that local topographical knowledge tests for private hire drivers is an unnecessary regulatory requirement and they see no need for licensing authorities to require them.'

- 2.6 It could be argued that the Council's current requirement to pass a local area knowledge test in its current format has had a detrimental effect on the quantity of hackney carriage and private hire drivers in Trafford.
- 2.7 In the light of technological advances, it is suggested that a knowledge test is no longer necessary to determine the 'fit and proper person test' for both hackney carriage and private hire drivers.

Proposal 2

It is proposed to remove the requirement for applicants to pass a local area knowledge test but introduce a condition that all drivers must carry a working satellite navigation system.

Hackney Carriage/Private Hire Induction Course

- 2.8 The Council currently requires that all applicants attend an induction course which focuses on the roles and responsibilities of being a taxi or private hire driver. It is proposed that a greater emphasis be placed on training applicants on customer care and disability awareness; how to work within local authority guidelines and national legislation; and a greater awareness of child sexual exploitation and how to report any concerns.
- 2.9 It is suggested that delivering 'in house' would give the Council greater control over course content, delivery and effectiveness, and post-course reinforcement; and would also allow the Council to tailor the course content to address localised practice, policy, procedures and conditions.

Proposal 3

It is proposed to require all applicants to complete a driver induction course consisting of:

Licensing conditions and legislation framework
Customer care
Wheelchair access and disability awareness
Child sexual exploitation awareness

3. RECOMMENDATIONS

- 3.1 It is recommended that the Sub-Committee agrees, in principle, to:
- extend the range of acceptable qualifications to prove English language skills;
 - remove the requirement to pass a local area knowledge test but introduce a condition that all drivers must carry a working satellite navigation system; and
 - extend the length and scope of the driver induction course.
- 3.2 It is recommended that the Sub-Committee agrees to a four week consultation exercise with the hackney carriage and private hire trades and the public.

- 3.3 It is also recommended that the Sub-Committee agrees to receive a further final report at its next available meeting after the consultation.

TRAFFORD COUNCIL

Report to: Public Protection Sub-Committee
Date: 20th August 2015
Report for: Decision
Report of: Head of Public Protection

Report Title

AMENDMENTS TO HACKNEY CARRIAGE AND PRIVATE HIRE POLICY AND FEES FOLLOWING THE DEREGULATION ACT 2015

Summary

To inform Members of changes to legislation effecting hackney carriage and private hire licences; and to propose amendments to the fees for driver and operator licences to reflect the change in national legislation.

Recommendations

1. That from the 1st October 2015 all private hire operator licences are issued for five years.
2. That from the 1st October 2015 all new and renewed hackney carriage and private hire driver's licences are issued for three years; except in certain circumstances, namely:
 - Where the renewal of the licence does not coincide with the DBS check as outlined in the report;
 - Where the applicant is due to retire or cease being a licensed driver;
 - Where an applicant's 'right to work' visa is due to expire;
 - Where matters arise that the Sub-Committee or Licensing Manager believe make it appropriate, in the circumstances, to issue a licence for less than three years.
3. That the proposed fees for a five year private hire operator's licence and a three year hackney carriage and private hire driver's licence be advertised in a local newspaper and be introduced from 1st October 2015, subject to no objections being received.

Contact person for access to background papers and further information:

Name: Joanne Boyle
Extension: 4129

Iain Veitch
Head of Regulatory Services

1. BACKGROUND

- 1.1 The Deregulation Act 2015 received Royal Assent on 26th March 2015 with changes to hackney carriage and private hire legislation coming into effect from the 1st October 2015. The whole Act consists of a range of changes to many regulatory functions including two provisions that will affect taxi and private hire licensing.
- 1.2 The first provision is that hackney carriage and private hire driver's licences should be issued for three years and private hire operator licences for five years, unless there are reasons for not doing so.
- 1.3 The second provision is to permit private hire operators to sub-contract journeys to other private hire operators outside of the district. At present, private hire operators are only permitted to sub-contract journeys to other private hire operators who are licensed in the same district.
- 1.4 Currently, hackney carriage and private hire driver's licences and private hire operator licences in Trafford are issued for one year; therefore, it is necessary for the licensing regime, including fees and charges, to be reviewed to enable compliance with the Deregulation Act.

2. PROPOSED AMENDMENTS

Private Hire Operator Licences

- 2.1 The Council currently issues private hire operator licences for one year. The Deregulation Act provides that these licences 'shall remain in force for five years or for such lesser period, specified in the licence, as the district council thinks appropriate in the circumstances of the case'. Therefore, it is proposed that from the 1st October 2015 all private hire operator licences are issued for five years.
- 2.2 There are currently 21 licensed private hire operators in Trafford and the Council has a sliding scale of charges for these licences depending on the number of vehicles a company wishes to operate.
- 2.3 A detailed assessment was undertaken to assess the effect of the changes on the costs of administration. Following the assessment it is proposed to charge the following fees for a five year private hire operator's licence:

	1 Vehicle	Plus 1 up to 5 Vehicles	6 – 10 Vehicles	11 – 29 Vehicles	30 + Vehicles
	£	£	£	£	£
Current Annual Fee	190.00	31.00	368.50	498.00	654.00
Proposed 5 Year Fee	800.57	31.00	1,552.68	2,098.33	2,755.64
Annualised New Fee	160.11	6.20	310.54	419.67	551.13

The full five year fee will be payable on the grant or renewal of the licence. The fees will be reviewed regularly as part of the annual Council fee setting process.

Hackney Carriage and Private Hire Driver's Licences

- 2.4 The Council currently issues hackney carriage and private hire driver's licences for one year. The Deregulation Act provides that these licences 'shall remain in force for three years or for such lesser period, specified in the licence, as the district council think appropriate in the circumstances of the case'.
- 2.5 In order to align the DBS checks and driver licences, it is proposed to issue a driver with a one, two or three year licence from the next renewal date (after the 1st October 2015) depending on when the individual driver's next DBS check is due. For example, if a driver requires a DBS check on the 1st December 2016 he/she will be issued with a one year licence on the 1st December 2015 so that the next renewal date coincides with the due date for the DBS check; the next licence will then be issued for three years, meaning that from that point on the renewal date and DBS check will be in tandem.
- 2.6 The Deregulation Act provides that the Council may issue a driver's licence for less than three years where it considers it reasonable to do so, and officers would suggest that such circumstances may include:
- Where the renewal of the licence does not coincide with the DBS check as outlined in the report;
 - Where the applicant is due to retire or cease being a licensed driver;
 - Where an applicant's 'right to work' visa is due to expire;
 - Where matters arise that the Sub-Committee or Licensing Manager believe make it appropriate, in the circumstances, to issue a licence for less than three years.
- 2.7 A detailed assessment was undertaken to assess the effect of the changes on the costs of administration. Following the assessment it is proposed to charge the following fees for hackney carriage/private hire driver's licences:

	1 Year	2 Years	3 Years
	£	£	£
Current New Application Fee	134.50		
Current Licence Renewal Fee	85.00		
Proposed New Application Fee	134.50	199.40	264.30
Proposed Licence Renewal Fee	85.00	149.90	214.80
Annualised New Application Fee	134.50	99.70	88.10
Annualised Licence Renewal Fee	85.00	74.95	71.60

The full three year fee will be payable on the grant or renewal of the licence, except in the circumstances detailed at paragraph 2.6. The fees will be reviewed regularly as part of the annual Council fee setting process.

Consultation

- 2.8 Under section 52(3) and section 70 of the Local Government (Miscellaneous Provisions) Act 1976 the Council may charge a fee for the following:
- Hackney carriage proprietor and driver licences;
 - Private hire vehicle and driver licences;
 - Private hire operator licences.

2.9 If the fees are to be greater than the fees laid down in section 70(2) for vehicle and operator licences (not driver licences) then notice must be published in a local newspaper, giving details of the proposed fees and giving 28 days for objections to be made.

3. RECOMMENDATIONS

That the Sub-Committee agree:

3.1 That from the 1st October 2015 all private hire operator licences are issued for five years.

3.2 That from the 1st October 2015 all new and renewed hackney carriage and private hire driver's licences are issued for three years; except in certain circumstances, namely:

- Where the renewal of the licence does not coincide with the DBS check as outlined in the report;
- Where the applicant is due to retire or cease being a licensed driver;
- Where an applicant's right to work visa is due to expire;
- Where matters arise that the Sub-Committee or Licensing Manager believe make it appropriate, in the circumstances, to issue a licence for less than three years.

3.3 That the proposed fees for a five year private hire operator's licence and a three year hackney carriage and private hire driver's licence be advertised in a local newspaper and be introduced from 1st October 2015, subject to no objections being received.