

**TITLE OF REPORT: Review of Private Hire Operator Policy & Conditions**

**REPORT OF: Paul Dowling, Strategic Director, Communities & Environment**

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**Purpose of the Report**

1. To seek Cabinet's approval to undertake a public consultation on draft revised private hire operator policy and conditions.

**Background**

2. As part of its licensing function the Council licenses private hire operators under the Local Government (Miscellaneous Provisions) Act 1976. This legislation provides a framework for the licensing of operators but the detail of how this is done, including standards and conditions, is the responsibility of individual councils. The current policy and conditions relating to private hire operators in Gateshead were approved by the Council in 2007.
3. There are a number of other pieces of legislation which have an impact on the licensing of private hire operators which are widely regarded as outdated. In 2014 the Law Commission published the results of a three year study into consolidating and updating all of the legislation governing both hackney carriages and private hire vehicle licensing into a single piece of legislation. The Government has not yet responded to the report but has brought in two significant clauses relating to private hire operators in the Deregulation Act 2015. These are not fully reflected in the current policy and conditions.
4. In addition, the current policy and conditions do not reflect the technological changes that have emerged in recent years including the use of app based services nor the closer working with police and other authorities across the region that has developed.
5. Local and national investigations into the role of hackney carriage and private hire drivers in the exploitation of vulnerable people over recent months have focussed the Council's attention on its role in protecting public safety through the licensing function. The Council is also acutely aware of the vulnerability of licensed drivers to abuse and violence. The proposed changes are designed to enhance the level of protection offered to both the travelling public and licensees and to provide reassurance to the community that private hire operators licensed by Gateshead Council fulfil their responsibilities.
6. The draft Private Hire Operator Policy and Conditions and a summary of the proposed changes is available at <http://www.gateshead.gov.uk/>

and are attached at appendices 2 and 3. These have been prepared with regard to the Department for Transport Best Practice Guidance issued in March 2010 and the draft statutory guidance intended to be brought in later this year.

### **Proposal**

7. It is proposed to conduct a widespread public consultation exercise on the draft Private Hire Operator Policy and Conditions. The results of that consultation will be considered by the Sustainable Communities – Place Advisory Group before returning to Cabinet for consideration and recommendation to full Council.

### **Recommendations**

8. It is recommended that Cabinet approves consultation on the draft private hire policy as set out in appendix 3 and as summarised in appendix 2.

For the following reason:

To ensure adequate consultation with all interested parties

### Policy Context

1. The purpose of the Council's licensing function is to protect public safety. This corresponds with the Council Plan for 2015 - 2020 which sets out how we intend to achieve positive outcomes for Gateshead. It also contributes to the fulfilment of the Council's vision for Gateshead, Vision 2030 which is: *"Local people realising their full potential, enjoying the best quality of life in a healthy, equal, safe, prosperous and sustainable Gateshead."*

### Background

2. The Council licences private hire operators under the Local Government (Miscellaneous Provisions) Act 1976. Private hire vehicles are distinctly different to hackney carriages in that they cannot ply for hire or stand in a rank. They must be pre-booked with a private hire operator who takes the booking and despatches a vehicles driven by a private hire driver to fulfil the request. A private hire vehicle cannot operate independently from a private hire operator. The legislation places considerable duties on private hire operators to ensure that the vehicles and drivers which they operate are properly licensed.
3. The practical effect of the requirement to hold an operators licence is that a private hire operator will have a premises from which he /she controls a fleet of vehicles ranging from small concerns operating one or two vehicles up to large undertakings controlling hundreds of private hire vehicles.
4. Although the operator does not necessarily drive members of the public (unless he/she also holds a private hire drivers licence) he/she will be in possession of information about people's whereabouts and movements and will also be dealing with the public some of whom will be vulnerable people. As a result it is important for him/her to be a fit and proper person.
5. The Local Government (Miscellaneous Provisions) Act 1976 allows the Council to impose any conditions that it considers reasonably necessary on a private hire operators licence. The current policy and conditions relating to private hire operators in Gateshead were approved by the Council in 2007.
6. The proposed policy and conditions are intended to reflect the legislative and technological changes that have emerged since the previous policy and conditions were approved and the heightened concerns in the community about the safety of those using and driving licensed vehicles.

### Consultation

7. It is proposed to conduct a widespread consultation exercise on the draft Private Hire Operator Policy and Conditions. Consultees will include:

- Members
- Current licensees
- Corporate Services and Governance (Litigation, Corporate Commissioning and Procurement)
- Communities and Environment (Central Transport Unit, Licensing, Trading Standards)
- Care, Wellbeing and Learning (Local Safeguarding Children Board, Safeguarding Adults)
- Partners (Northumbria Police, Community Safety Board, Health and Wellbeing Board, Gateshead Access Panel, Chamber of Commerce)
- Interested parties (National Private Hire Association)
- Neighbouring Authorities
- Members of the Public

### **Alternative Options**

8. In the light of legislative changes the current policy and conditions must be reviewed. However an alternative to the proposal set out above would be to conduct a shorter or less widespread consultation. This may not adequately capture the views of stakeholders to ensure the revised policy and conditions meet the Council's objectives.

### **Implications of Recommended Option**

9. **Resources**
  - a. **Financial Implications** – The Strategic Director, Corporate Resources, confirms that there are no additional financial implications arising from this report.
  - b. **Human Resources Implications** - There are no human resource implications arising directly from this report.
  - c. **Property Implications** - There are no property implications arising directly from this report
10. **Risk Management Implications** – There are no risk management implications arising directly from this report
11. **Equality and Diversity Implications** – An Equality Impact and Needs Assessment of these plans has indicated a neutral impact.
12. **Crime and Disorder Implications** – There are no crime and disorder implications arising directly from this report.
13. **Health Implications** - There are no health implications arising directly from this report.
14. **Area and Ward Implications** - This report affects all wards equally.

## 15. **Background Material**

These documents that have been considered in preparation of the report:

- Local Government (Miscellaneous Provisions) Act 1976
- Department for Transport Best Practice Guidance (2010)
- House of Commons Library Briefing Paper - Taxi and private hire licensing (2015)
- Draft Department for Transport Taxi and Private Hire Vehicle Licensing Statutory & Best Practice Guidance (2016)