

## **POLICY ON THE LICENSING OF PRIVATE HIRE OPERATORS**

### **Summary of proposed changes**

Gateshead Council is proposing to amend its policy and standard conditions in respect of Private Hire Operator licensing under the Local Government (Miscellaneous Provisions) Act 1976.

The Council's current policy and standard conditions were adopted in 2007. The proposed amendments are intended to take account of the changes to the legislation made by the Deregulation Act 2015 as well as the Department for Transport's Best Practice Guidance issued in March 2010, the draft Statutory Guidance that the Department for Transport intend to bring into force later this year, and to take account of a number of procedural and technological changes that have taken place.

The proposed policy and conditions are significantly more detailed than those that are currently in force, and as such the Council does not intend to provide a tracked changes version of the document as part of the consultation process. Consultees are invited to consider the policy and standard conditions as a whole.

The main changes to the policy and standard conditions are –

- The attributes that the Council considers critical to demonstrating a person's fitness and propriety are clearly set out
- A number of application pre-requisites are set out; and the policy clarifies that incomplete applications will not be deemed to have been made until they are complete
- The factors that the Council will take into account when assessing an applicant's fitness and propriety are more clearly set out; with specific reference to criminal conduct, non-conviction information, compliance with conditions and regulatory requirements, abusive behaviour, financial propriety, data protection, trading names, livery and signage
- An expectation that applicants will provide evidence of their relevant criminal history; and an explanation of the type of offences that will cause particular concern

- An expectation that applicants who have lived outside the United Kingdom are clarified in terms of evidence of their criminal history
- The Council's expectation in terms of applicants and licensees who are in partnership are more clearly set out
- The effect that a licensee's conduct may have on their fitness and propriety after a licence has been granted is more clearly set out
- The expectation of licensees who enter subcontracting arrangements is more clearly set out
- The expectation of licensees who seek to fulfil private hire bookings with vehicles other than Private Hire Vehicles is more clearly set out; and particular emphasis is placed on the necessity to differentiate services that are intended to be fulfilled with Hackney Carriages and/or PCVs from services that fall within the scope of the Private Hire Operator licence (and the inherent safeguards for passengers)
- The Council's expectation in respect of complaints handling is more clearly set out
- Greater detail is provided in respect of the Council's expectation of what information is to be recorded when bookings are made and how that information is to be processed
- Requirements in terms of trading names and livery are set out so as to minimise the potential for passenger confusion
- Requirements are set out in respect of the manner in which services are to be provided to passengers to ensure so far as possible that passenger requirements are understood and met
- Requirements are set out in respect of the information licensees are expected to provide to the Council in terms of changes to their circumstances that may impact on their fitness and propriety

Dated : 5 January 2017