

Subject:	Updated conditions for Private Hire Drivers, Vehicles and Operators	Status:	For Publication
Report to:	Licensing Committee	Date:	11 th July 2017
Report of:	Licensing Manager	Portfolio Holder:	Cllr Lamb
Key Decision:	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required:	No	Attached: No
Biodiversity Impact Assessment	Required:	No	Attached: No
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1.	RECOMMENDATION(S)
1.1	That the Licensing Committee consider the revised conditions in relation to private hire drivers, vehicles and operators proposed at appendices 4,5 and 6 including provisions in relation to first aid kits, fire extinguishers, trailers and commercial advertising and determine adoption of the revised conditions.

2. PURPOSE OF REPORT

- 2.1 To provide the Committee with a revised set of draft conditions in relation to private hire drivers, vehicles and operators.
To request the Committee consider the proposed additions and amendments
To consider and determine the recommendations.

3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:
- **Regenerating Rossendale:** This priority focuses on regeneration in its broadest sense, so it means supporting communities that get on well together, attracting sustainable investment, promoting Rossendale, as well as working as an enabler to promote the physical regeneration of Rossendale.
 - **Responsive Value for Money Services:** This priority is about the Council working collaboratively, being a provider, procurer and a commissioner of services that are efficient and that meet the needs of local people.
 - **Clean Green Rossendale:** This priority focuses on clean streets and town centres and well managed open spaces, whilst recognising that the Council has to work with communities and as a partner to deliver this ambition.

4. RISK ASSESSMENT IMPLICATIONS

- 4.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:
The Council's Taxi Licensing policy ensures that the relevant safeguards are in place to enable Rossendale Council to fulfil its licensing function having regard to public safety in its widest sense.
The report includes proposals for revised licence conditions in respect of the Council's growing private hire trade. The proposed licence conditions represent a considerable change in standards from previous conditions.

5. BACKGROUND AND OPTIONS

5.1 On 16th March 2017 Licensing Committee requested officers carry out a consultation exercise in relation to revised conditions covering the private hire trade.

This consultation was carried out over a 6 week period, ending on 26th May 2017.

Letters containing details of the proposed conditions and specific questions in relation to first aid kits, fire extinguishers, the use of trailers and allowing commercial advertising on licensed vehicles were sent out to approximately 400 licence holders including drivers, vehicle proprietors and operators. **Appendix 1**

A total of 16 responses were received, including those from Rossendale Hackney Association and Uber. These responses are appended at **Appendix 2**

5.2 In answer to the question “Do you think that licensed private hire vehicles should have to carry a first aid kit 12 said Yes and 4 said No.

In answer to the question “Do you think that a licensed private hire vehicle should have to carry a fire extinguisher to deal with minor fires?”, 13 said Yes and 3 said No

In answer to the question, Do you think the use of a trailer by a licensed private hire vehicle should be allowed?” 5 said Yes and 10 said No. One offered no opinion.

In answer to the question “Do you think commercial advertising should be allowed on licensed private hire vehicles?” 11 said Yes and 5 said No.

Further comments in relation to other parts of the proposed conditions were offered by Uber and Rossendale Hackney Association, and these comments have been noted and amendments made where appropriate.

The sections in relation to first aid kits, fire extinguishers, trailers and commercial advertising are highlighted in the draft Private Hire Vehicle Conditions appended at **Appendix 5**

5.3 Opinion was sought from Lancashire Fire and Rescue service in relation to the provision for fire extinguishers to be compulsory, and their email response is appended at **Appendix 3**

In relation to the provision of first aid kits , guidance from the HSE states;

Application of the Health and Safety (First-Aid) Regulations 1981 to self-employed workers

If you are self-employed you are required to ensure you have such equipment, as may be adequate and appropriate in the circumstances, to provide first aid to yourself while at work. You should make an assessment of the hazards and risks in your workplace and establish an appropriate level of first-aid provision. If you carry out activities involving low hazards (eg clerical work) in your own home, you would not be expected to provide first-aid equipment beyond your normal domestic needs. **If your work involves driving long distances or you are continuously on the road, the assessment may identify the need to keep a personal first-aid kit in your vehicle.**

In relation to providing first aid provision for members of the public, HSE guidance states;

The Regulations do not place a legal duty on employers to make first-aid provision for non-employees such as the [public](#) or children in [schools](#). However, HSE strongly recommends that non-employees are included in an assessment of first-aid needs and that provision is

made for them

- 5.4 Commercial advertising on licensed vehicles, both hackney and private hire is allowed in a number of local authorities with strict limitations on content, location and size. This is seen as an additional source of income for vehicle owners, and as long as public safety is not compromised, can be accommodated on vehicles without any major issues.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

- 6.1 There are no material financial implications for Council.

7. MONITORING OFFICER

- 7.1 The Council must make a decision based on all relevant information following consideration of all relevant policies, consultation, legislation, codes and case law. The Council must ensure it has an up to date policy that reflects the service it delivers and regulates to protect the traveling public, the trade and all stakeholders.

8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

- 8.1 Consultation was carried out over a 6 week period with correspondence sent to approximately 400 licence holders
There are no specific human resources implications
An EIA initial assessment has been undertaken and it has been identified there is no disproportional impact and a full EIA is not required.

9. CONCLUSION

- 9.1 The report provides revised draft licence conditions in respect of the private hire trade and seeks the Committee's approval to adopt those conditions, with or without amendment.

Background Papers

Document	Place of Inspection
Consultation letter	Appendix 1
Responses to consultation	Appendix 2
E mail from LFRS	Appendix 3
Draft Private Hire Drivers Conditions	Appendix 4
Draft Private Hire Vehicle Conditions	Appendix 5
Draft Private Hire Operators Conditions	Appendix 6