

Council

6th October 2016

Agenda Item 9 a)

To approve the recommendations from the Licensing Committee meeting held on 5th October 2016 relating to Hackney Carriage and Private Hire Licensing Policy.

Update following Licensing Committee 5th October 2016

Policy Reference and Page	Proposed Change to Policy
2.7 Dispensation from Displaying Plates (Page 9)	Approve recommended change to policy, subject to changing the name from 'Bus Replacement Vehicles' to 'Demand Responsive Travel'
8.1 Operators Base (Page 15)	Approve recommended change to policy to delete the following wording: The specified Operators base premises must have a unique and dedicated local prefix number (01298) (01457) (01663) (01433). Free phone numbers, lo-cost, premium and mobile numbers will have to be registered to the operating bases (and evidence submitted to the authority) these telephone numbers must be used for bookings.
8.3 Livery (Page 23)	Amend wording to policy to delete: <u>From 1st November 2017</u> all applications for a new Hackney carriage proprietors licence, or a replacement vehicle on an existing Hackney carriage proprietors licence (where the vehicle is either being replaced as a result of the proprietor's wishes or because it has reached the specified mileage limit), must relate to a vehicle which must be silver in overall colour with a green stripe on the front driver and passenger door. This colour scheme can be achieved by paint or film. (The exemption will be

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	<p>where an operator proposes to use an industry-standard taxi clearly identifiable as such, when black as the main body colour will be acceptable).</p> <p>Amend wording to policy to read:</p> <p><u>From 1st November 2017</u> All new Hackney Carriage Vehicles, or replacement vehicles on an existing Hackney carriage proprietors licence (where the vehicle is either being replaced as a result of the proprietor’s wishes or because it has reached the specified mileage limit), must be silver in overall colour.</p> <p><u>From 1st November 2016</u></p> <p>All Hackney Carriage Vehicles will be required on renewal of their vehicle licence to display a large decal on the bonnet of the vehicle and the front driver and passenger door. Stating “HIGH PEAK BOROUGH COUNCIL LICENSED HACKNEY CARRIAGE”. The first set of Decals will be provided by the Local Authority, further sets will be provide on a cost recovery basis. The exemption will be where an operator proposes to use an industry-standard (i.e. a black cab) taxi clearly identifiable as such, when black as the main body colour will be acceptable). And to make such consequential amendments to the policy as are required.</p>
	<p>Amend Wording to policy to be deleted:-</p> <p>The Authority is bound by rule of confidentiality and will not divulge information obtained to any third parties, When the applicant for a DBS Disclosures receives a disclosure report to their</p>

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	<p>home address they will be required to provide the Authority with a copy within seven days.</p> <p>The comment is considered to be reasonable and appropriate.</p> <p>Wording of paragraph to be replaced with the following:-</p> <p>The Authority is bound by rule of confidentiality and will not divulge information obtained to any third parties, When the applicant for a DBS Disclosures receives a disclosure report to their home address they will be required to provide the Authority with the original certificate within seven days.</p>
<p>Page 32 Condition N</p> <p>Any repairs to the vehicle must be carried out with new parts which meet the manufacturer's original specification. Reconditioned or salvaged parts must not be used.</p>	<p>Amend the policy wording to allow reconditioned parts.</p>
<p>Page 44</p>	<p>Paragraphs to be renumbered consecutively</p>
<p>2.2 Tinted Windows (page 28)</p>	<p>Amend wording of the proposed change to policy to read: "Factory Fitted Manufacturers Tinting will be acceptable on production of the manufacturer's specification"</p>
<p>7.3 Vehicle Mileage (page 23)</p>	<p>Amend the policy to increase mileage to 75,000</p>
<p>15a MOT</p>	<p>Amend 'prevent' to 'present' and Operations manager to check wording on the policy</p>
<p>Appendix E</p> <p>(4) Driver requirements BTEC</p>	<p>Add "or equivalent qualification"</p>

Policy Reference and Page	Proposed Change to Policy
Page 43 Para 15 (C) Animals	<p>Remove whole paragraph</p> <p>c) Paragraph (b) does not in any way remove or reduce the duty placed on the driver of the vehicle to carry assistance dogs in the passenger compartment with the dogs’ owner under s168 Equality Act 2010 unless the driver has a valid exemption certificate issue by this authority under s169.</p> <p>And replace with paragraph below</p> <p>c) Paragraph (b) does not in any way remove or reduce the duty placed on the driver of the vehicle to carry assistance dogs in the passenger compartment with the dogs’ owner under s168 Equality Act 2010. The Act (s. 169 & 171) allows licensing authorities to grant exemption to drivers from the duties to transport assistance dogs if they are satisfied that it is appropriate to do so, on medical grounds a certificate may be issued where drivers satisfy this exemption.</p>
Page 37 Para 20 Conviction	Policy wording to be changed from Propriety to Proprietor
Draft Policy Document – Page 8, para 2.4 Exempt Vehicles	<p>To amend the policy wording:</p> <p>Ambulances and voluntary vehicles as determined on application by the Authority which are used for community or charitable work</p>

Amended Recommendations:

1. The consultation responses were considered very carefully by the committee members and the comments and amendments as detailed in Appendix B were approved, subject to the further amendments set out above;
2. That Full Council be recommended to delegate authority to the Head of Regulatory Service to make minor modifications to the policy to reflect any change in legislation or case law or to promote efficient administration of the licensing function without consultation if appropriate;
3. That Full Council be recommended to adopt the Hackney Carriage and Private Hire Licensing Policy, subject to the amendments as set out above;
4. That a report reviewing the implementation of the Policy be presented to Licensing Committee in six months.