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**Meeting:** Extraordinary Regulation Committee Meeting  
**Date:** 13<sup>th</sup> January 2010  
**Subject:** Private Hire Operator Conditions  
**Report of:** Gary Alderson - Director of Sustainable Communities  
**Summary:** This report seeks a decision from members in relation to those conditions they wish to adopt and subsequently apply to this type of licence.

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**Contact Officer:** Margaret James, Licensing and Enforcement Officer  
**Public/Exempt:** Public  
**Wards Affected:** All  
**Function of:** Council

## **CORPORATE IMPLICATIONS**

### **Council Priorities:**

Supporting and Caring for an ageing population – provision of safe public transport supports independent living.

Educating protecting and providing opportunities for children and young people - provision of safe public transport allows children and young people to travel to educational and other activities in a safe environment.

Creating safer communities – the provision of regulated public transport helps ensure a vibrant and safe night time economy.

### **Financial:**

Fees are payable for this type of licence, the fees being charged represent the cost to the Council of producing this type of licence.

### **Legal:**

Local Government (Miscellaneous Provisions) Act 1976.

### **Risk Management:**

Ensuring that private hire vehicles operating in central Bedfordshire are safe and properly regulated.

### **Staffing (including Trades Unions):**

There are no staffing implications.

**Equalities/Human Rights:**

The Council has a legal duty to proactively promote race, gender and disability equality and to tackle discrimination experienced by other vulnerable groups. In order to ensure accessibility for disabled people and to ensure the personal safety of all vulnerable groups wishing to use this form of transport, conditions have been proposed to ensure that this duty is met.

**Community Safety:**

Contributes to a safer public transport system and a safer night time economy. The Council has a statutory duty under Section 17 of the Crime and Disorder Act to do all that it reasonably can to reduce crime and disorder in its area. The provision of safe, well regulated transport contributes to this duty.

**Sustainability:**

By regulating this service area we can ensure that those businesses who are compliant can be supported, and resources can be focused at those businesses that will not comply.

**RECOMMENDATION(S):****That the Regulation Committee:**

1. **Decide whether to**
  - a) **Keep condition 1 or;**
  - b) **Amend condition 1 to read: applicants not already licensed who wish their premises to be situated outside the Central Bedfordshire Council area must make representations to the Regulation committee;**
2. **adopt those conditions;**
3. **recommends that Full Council adopts those conditions;**
4. **That the Assistant Director Community Safety and Public Protection, in consultation with the Portfolio Holder for Safer and Stronger Communities, be given delegated authority to undertake any necessary minor amendments to the conditions prior to publication.**

**Background**

1. This Council is the Licensing Authority for hackney carriage and private hire drivers, vehicles and operators and is responsible for providing a licensed service to the community that is safe and accessible.
2. The hackney carriage and private hire trade have a right to expect a fair and reasonable licensing regime.

3. The policies and conditions attached to the former South Bedfordshire District Council (S.B.D.C.) licences, differ to those attached to the former Mid Bedfordshire District Council (M.B.D.C.) It is necessary, therefore, to agree on new policies and conditions for Central Bedfordshire Council.
4. Regulations exist which provide for the continuity of existing legislation until new policies and conditions are adopted.
5. During this transition period, it has been necessary to zone Central Bedfordshire into two areas to reflect the policies and regulations previously adopted by SBDC and MBDC.
6. The new policies and conditions must be in place by 1<sup>st</sup> April 2010.
7. In matters where interested parties have opposed the draft conditions, Members will be given options to either keep the draft conditions or amend them.

### **The Consultation Process**

8. Before a local authority can make a decision on policies and conditions affecting the hackney carriage and private hire trade, they must consider the views of all interested parties.
9. In March 2009, all hackney carriage and private hire proprietors, operators and drivers were informed of the need for consultation. A copy of the letter sent to the trade is attached at Appendix 'A'.
10. In April 2009, all hackney carriage and private hire proprietors, operators and drivers together with other interest parties, were informed of the consultation process and sent draft copies of new application forms, conditions and policies relating to hackney carriage and private hire matters. A copy of the letter sent to the trade is attached at Appendix 'B'.

### **Response to the Consultation**

11. A good response to the consultation was received from the trade. Approximately 85 licence holders attended the 'drop in' meetings and numerous comments were made by letter, fax and in person. The views of the trade and other interested parties are attached at Appendix 'C'.

### **Private Hire Operators**

12. A private hire vehicle can only be dispatched to a customer by a private hire operator. Anyone who makes provision for the invitation or acceptance of a booking for a private hire journey in a vehicle with less than 9 passenger seats is regarded as an operator and must hold an operators licence.

13. The council is under a duty to grant an operator's licence to a person unless it is not satisfied that the applicant is a 'fit and proper' person to hold an operator's licence. This is the only ground on which an application can be refused. It is necessary, therefore, to make all reasonable checks on operator applicants to ensure the safety of the public, who will be using operators' premises and vehicles and drivers arranged through them.
14. The draft private hire operator conditions are attached at Appendix 'D'.

### **Views of interested parties**

15. No comments were made about the draft operator application form or the guidance notes or conditions. However, officers would like to bring the following matters to Members attention.

### **Operator Premises**

16. The location of operator premises for former MBDC operator licence holders was restricted to the former MBDC area. The location of the operator premises for the former SBDC operator licence holders was restricted to the former SBDC area or within a reasonable distance from the SBDC border.
17. Operator licenses already exist, therefore, for operator premises that are based outside the Central Bedfordshire Council area.
18. Condition 1 of the private hire operator draft conditions state that 'Applicants who wish their premises to be situated outside the Central Bedfordshire Council area must make representation to the Regulation Committee'.
19. Members may wish, therefore, to amend condition 1 of the private hire operator conditions to read...Applicants **not** already licensed who wish their premises to be situated outside the Central Bedfordshire Council area must make representation to the Regulation Committee.

### **Conclusion and next steps**

21. Members recommendations will be put before a meeting of the Full Council on 25 February 2010.

### **Appendices:**

Appendix A - letter sent to the trade dated March 2009  
Appendix B - letter sent to the trade dated April 2009  
Appendix C - Views of the trade and other interested parties  
Appendix D - Draft private hire operator conditions

**Background Papers:** N/A

**Location of papers:** The Council Offices, Dunstable