

Central Bedfordshire Council

LICENSING COMMITTEE

Wednesday, 9 March 2016

Review of Hackney Carriage Byelaws

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Purpose of this report

1. To consider the Hackney Carriage Byelaws following consultation with the trade, the public and other interested parties.

RECOMMENDATIONS

1. To seek a decision in relation to the Hackney Carriage Byelaws Members wish to adopt and subsequently apply..
2. Recommend that Full Council adopts these conditions.

Overview and Scrutiny Comments/Recommendations

1. Licensing matters do not fall within the O & S remit.

Current Policies and Conditions.

2. The current Hackney Carriage Byelaws were adopted on 01 April 2010 and are based on model byelaws as prescribed by the Department for Transport..
3. No change to the current byelaws are proposed..

Options for consideration

The Consultation Process

4. Before a local authority can make a decision on matters affecting the hackney carriage and private hire trade, they must consider the views of all interested parties.
5. In December 2014, comments on the new proposals were invited from the trade, and other interested parties. However, the outcomes of the consultation were not provided at that time, nor were any changes

made as two matters rendered the consultation out of date before its outcomes could be implemented. Firstly we awaited the Deregulation Bill to ensure that any conditions issued by CBC aligned to the Bill and secondly, we had started discussions with our neighbouring Bedfordshire authorities with a view to taking a PAN Bedfordshire approach to the possible adoption of a single Criminal Convictions Policy. We also wished to explore a PAN Bedfordshire approach to the possible provision of a Child Sexual Exploitation (CSE) training course for licence holders. Discussion on these matters are ongoing and would be the subject of further consultation in the future. In the meantime, various hackney carriage and private hire matters still needed addressing and the consultation has now been carried out again. There are some changes to the last consultation but any comments made previously are still valid and are included in this report.

6. In December 2015, all hackney carriage and private hire proprietors, operators and drivers, together with other interested parties were informed of the consultation process and their comments invited. The consultation documents were also available to members of the public by accessing the council's website. A copy of our letter to the trade dated 23 December 2015 can be found at Appendix A. This letter is specific to all reports.
7. Various comments were received during the consultation process. The comments can be found at Appendix B. No comments are specific to this report.

Hackney Carriage Byelaws.

8. Any changes to Hackney Carriage Byelaws must be approved by the Department for Transport.
9. A copy of the Hackney Carriage Byelaws can be found at Appendix C. No change to the current Byelaws are proposed.
10. No comments on the Byelaws have been received.

Council Priorities

11. The proposed action supports at least one of the Council's priorities, listed below.
 - Enhancing the local community – creating jobs, managing growth, and enabling business to grow.
 - Protecting the vulnerable – ensuring a safe and accessible licensed hackney carriage and private hire trade.

Legal Implications

12. Under the Local Government (Miscellaneous Provisions) Act 1976, the Local Authority is responsible for providing a licensed service to the community that is safe and accessible.

13. The hackney carriage and private hire trade have a right to expect a fair and reasonable licensing regime.

Financial and Risk Implications

14. Fees are payable for hackney carriage and private hire licences. The fees charged represent the cost of the council producing the licences.

Equalities Implications

Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability; gender reassignment; marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- In order to ensure the personal safety of all vulnerable groups wishing to use licensed vehicle, conditions attached to licences ensure that this duty is met.

Conclusion and next Steps

15. Full Council must approve any decision made by the Licensing Committee in these matters.
16. It is anticipated that the Byelaws will take effect from 01 May 2016.

Appendices

The following Appendices is attached

17. Appendix A - Letter to the trade dated 23 December 2015.
18. Appendix B – Views of the trade and other interested parties – none specific to this report.
19. Appendix C – Hackney Carriage Byelaws.

Background Papers

None