

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 7

Brighton & Hove City Council

Subject: Blue Book Review
Date of Meeting: 23 June 2011
Report of: *Head of Planning and Public Protection*
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Wards Affected: All

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To review byelaws, conditions, advice and information for Hackney Carriage and Private Hire, Drivers, Vehicles and Operators contained in the blue handbook. (The Blue Book).

2. RECOMMENDATIONS:

- 2.1 That Committee approve the handbook 2nd Edition of the handbook (Appendix A).

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Council licenses Hackney Carriage and Private Hire, Drivers, Vehicles, and Private Hire Operators. The authority for doing so is by adoption of the Local Government (Miscellaneous Provisions) Act 1976, Part II. (Section 45), The Town Police Clauses Act 1847, (Section 68) and the Public Health Act 1875, (Section 171).

The Acts require that the Council must be satisfied that the vehicle is: -

- suitable in type, size and design for use as a hackney carriage or private hire vehicle and it is in a suitable mechanical condition, safe and comfortable.

In the case of private hire vehicles it is further required that

- they must not be of such design or appearance as to lead any person to believe that the vehicle is a hackney carriage.

Any vehicle used as a hackney carriage or for private hire must

- have in force a policy of insurance in relation to the use of that vehicle.

In addition to the statutory requirements a Council may attach to the grant of a licence such conditions, as the Council considers reasonably necessary.

However, the 1985 Transport Act specifically states that the Council shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the Council. It should be noted that in the case of hackney carriages, the numbers may be limited only if the Council can show there to be no significant unmet demand for this type of vehicle licence. In respect of the issue of driver's licences, the Local Government (Miscellaneous Provisions) Act of 1976 requires the Council to be satisfied that each applicant is a fit and proper person to hold such a licence prior to its grant. There is no authority to attach any condition to a hackney carriage driver's licence as they are controlled by means of byelaws, but conditions may be applied to private hire driver licences.

- 3.2 The handbook was designed to combine many bye laws, conditions, advice and information for hackney carriage and private hire drivers, vehicles and operators previously in various and separate forms and was first approved by committee in February 2007. The 1st edition has been very successful and was welcomed by the trade as it was the first time information and guidance was available in one format. It has been a useful aid to officers in explaining the council's requirements to existing and potential drivers, proprietors, operators and guidance to garages carrying out fitness and compliance tests on behalf of the council.
- 3.3 The 2nd edition has been amended to reflect current working practices, changes in legislation and changes of policy already agreed by committee. Other minor alterations have been made to wording and sequencing in order to make the book user friendly.
- 3.4 One change that members should be aware of is that the blue book no longer specifies the rear seat width as this has created difficulties where manufacturers have altered seat width since the vehicle was first approved and the changes have meant existing vehicles would no longer meet the criteria.
- 3.5 It is now a requirement that taximeters are MID (Measuring Instruments (Taximeters) Regulations 2006) compliant from October 2016. It has been a legal requirement since October 2006 and that only meters that meet this requirement may be fitted but meters previously approved by Transport for London prior to 2006 may be used until 2016.
- 3.6 Guidance with regard to advertising in wheelchair accessible vehicles has been added to the book as has the guidance regarding CCTV previously approved by committee.
- 3.7 Any amendments, changes or additions approved and issued by the council to this handbook must be attached to the inside of this cover and treated as if they are part of the handbook.

- 3.8 It is best practice to review any policies adopted by the council every three years, the handbook should therefore be reviewed in 2014.
- 3.10 It is intended that the handbook will be produced in a booklet format and made available for all hackney carriage & private hire, drivers, proprietors and operators.

4. CONSULTATION

- 4.1 The matter has been discussed at the council's Hackney Carriage and Private Hire Consultation Forum.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

Any costs associated with making amendments to the 2nd Edition Blue Book will be met from existing revenue budgets.

Finance Officer Consulted: Karen Brookshaw

Date: 11/04/2011

5.2 Legal Implications:

The legislative framework for the licensing of hackney carriage and private hire vehicles, drivers and operators is adequately set out in the report and in the Blue Book. It is not considered that any individual's human rights are adversely affected by the report's recommendations.

Lawyer Consulted: Liz Woodley

Date: 17/05/2011

5.3 Equalities Implications:

Many decisions made by the Licensing Committee have been in support of the council's Single Equality Scheme objective to improve disabled people's access to hackney carriage and private hire services, and these have now been incorporated in The Blue Book. As a result of the Equality Impact Assessment of Taxi/Private Hire Licensing, changes have been made that positively impact on equality and inclusion generally. For instance, compulsory CCTV in vehicles may lead to more women drivers, less racist abuse directed at drivers etc.

Sections 160/172 of the Equality Act 2010 (commonly known as The Taxi Provisions) have not yet been fully implemented and will, no doubt, be the subject of an amendment to the Blue Book at the appropriate time. However, the Committee decided in February 2011 to compile a list of Designated Wheelchair Accessible Vehicles in accordance with Sec 167.

5.4 Sustainability Implications:

The role of the taxi trade is included in the Local Transport Plan, which identifies it as a key element in providing sustainable transport choices. It creates important links in the transport network to other forms of sustainable transport providing a seamless connection. It will contribute to three of the government's four shared transport priorities – reducing congestion, improving air quality and accessibility. Use of taxis for school transport, licensed vehicles using bus lanes, locating ranks at railway stations and the city coach station, approved use of liquid petroleum gas all contribute to reducing congestion and moving passengers quickly.

5.5 Crime & Disorder Implications:

Sufficient late night transport to reduce public place violent crime is recognised in the community safety, crime reduction and drugs strategy. The presence of CCTV can be an important means of deterring and detecting crime and increasing the safety of passengers and drivers.

5.6 Risk and Opportunity Management Implications:

The transport industry should be safe, profitable and be a positive experience for residents and visitors.

5.7 Corporate / Citywide Implications:

Tourism needs to provide a warm welcome to visitors and the tourism strategy depends upon effective partnership with transport operators particularly to achieve safe late night dispersal for the night time economy.

SUPPORTING DOCUMENTATION

Appendices: A

The Blue Book

