

READING BOROUGH COUNCIL

REPORT BY EXECUTIVE DIRECTOR FOR ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES

TO:	LICENSING APPLICATIONS SUB COMMITTEE 3		
DATE:	21 FEBRUARY 2023	AGENDA ITEM:	
TITLE:	REVISION OF HACKNEY CARRIAGE DRIVER AND VEHICLE CONDITIONS		
LEAD COUNCILLOR:	COUNCILLOR PAGE	PORTFOLIO:	CLIMATE STRATEGY AND TRANSPORT
SERVICE:	PLANNING, TRANSPORT & PUBLIC PROTECTION	WARDS:	BOROUGHWIDE
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**1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1 The specifications and conditions relating to Hackney Carriage Drivers (HCD) and Vehicles (HCV) have been reviewed by officers in consultation with the Hackney trade and the Reading Taxi Association (RTA). This has resulted in proposals to either remove or reword some of the conditions to bring them up to date. These conditions were last reviewed in 2018.

**2. RECOMMENDED ACTION**

- 2.1 That Members approve the Option proposed at 4.2 below.

**3. POLICY CONTEXT**

- 3.1 The Local Government (Miscellaneous Provisions) Act 1976 allows Local Authorities to attach conditions to HCD and HCV licences. The periodic revision of vehicle and driver conditions is required to keep up to date with the current thinking in respect of licensing and enforcement, whilst taking to account new technology and improvements to vehicles introduced by the motor industry.

## **4. THE PROPOSAL**

### **4.1 Current Position:**

- 4.1.1 The current conditions relating to HCD and HCV were last amended in 2018 to bring in compulsory electronic payment devices in all HCV's, to help the Hackney trade compete against the more modern methods of payment such as online applications which have become commonplace within the Private Hire trade. The current conditions are attached in background papers.
- 4.1.2 Officers have been working in consultation with the Hackney trade to review and update the conditions and specifications. No objections were received in respect of the changes proposed in 4.2 below however, the RTA have proposed some changes detailed at 4.2.8. Officers have provided responses to these proposals below each proposed condition change.
- 4.1.3 Officers have taken legal advice on bylaws attached to HCD and HCV licences. Whilst it is possible to add, amend or remove bylaws this process can be lengthy to complete. The Hackney trade and the RTA have been informed of the process to affect bylaws and do not wish the update of the HCD and HCV conditions to be delayed. They accept that any bylaw changes will need to be carried out as a separate piece of policy work as any changes have to be approved by the Department for Transport (DfT)
- 4.1.4 Proposed conditions are attached in Appendices 1 and 2 as they would read if changed and below in 4.2 explains the proposed changes and amendments and the reason for them.

### **4.2 Options Proposed - HCD's**

- 4.2.1 The conditions covering HCD's currently refers to a penalty points system which was proposed but never implemented. It is proposed that all references to this unused system be removed to simplify the conditions.
- 4.2.2 Section C)3 - This condition has four sections (3.1 to 3.4) this has been reduced to two sections without changing the wording to simplify the conditions.
- 4.2.3 Section C)12 - This is the only addition to the HCD conditions. It is already covered in the conditions however this addition makes it clear that no extra or minimum charge can be imposed for payment by card. This is covered by Byelaw 15 which does not allow extra charging and Section 53 of Town Police Clause Act 1847 which makes it an offence to refuse to take a person without reasonable excuse. Refusing to take a passenger due to them wanting to pay the correct fare by card is not a reasonable excuse. For example, the hirer wants to take a journey which would usually cost £7. The driver cannot demand a minimum charge of £10 for payment by card.

### **Proposed wording**

- 4.2.4 C)12 - On payment of a fare by card, no extra or minimum charge shall be imposed on the hirer (Byelaw 15 and Town Police Clause Act 1847 Section 53).

### **Options Proposed - HCV's**

- 4.2.5 Section D)5 - Removal of references to size of adverts as these are not required. Advertising is permitted to cover the whole of the vehicle (full wrap) but not to obscure the plate or registration number.
- 4.2.6 Section D)8 - Removal of references to permitted colours on particular model vehicles as neither model mentioned are available for use anymore and there is a much wider range of colours available to proprietors since the condition was added.
- 4.2.7 Section D)9 - This is the only addition to the vehicle conditions which makes it the responsibility of the vehicle proprietor to provide a copy of the licence conditions and insurance to any licensed driver of the vehicle. This is to help drivers which rent vehicles have a clear understanding of the vehicle licence conditions and to have access to the insurance document to check they are legally insured. This can be provided to the driver as a paper or electronic copy.

### **Proposed wording**

- 4.2.8 D)9 - The proprietor shall provide a copy of these conditions and a valid vehicle insurance certificate to any licensed driver wishing to drive/rent/lease the vehicle prior to them driving it. These can be provided to the driver as a paper or electronic copy, a copy may also be kept within the vehicle for the driver to access.

### **4.2.9 Trade consultation**

Officers consulted the Hackney trade and the (RTA) on the above proposed changes of which they agreed to each of the proposals. The RTA have also highlighted some more current conditions which they feel need updating.

### **4.2.10 RTA suggestions and officers' response**

1. HCD section C)7 - Hackney Carriage vehicles carry either five or six passengers as opposed to three, four or five passengers. This needs to be reflected in this section and amended accordingly.

### **Officers' response**

The current condition follows the Government guidelines and is not suggesting HCV only have 3,4 or 5 passengers only. HCV can carry as many passengers as they are licensed for up to a maximum of 8 passengers. I refer back to legal advice at 4.1.3.

### **RTA questions regarding lost property**

2. Section C)15 - Does the Council still accept lost property? Our understanding is that it is no longer possible to leave lost property at the Civic Offices. If this is the case, then this needs to be reflected in this section. Also, should lost property not be handed into the Police Station?
3. In respect of the charges to re-deliver lost property, should this not be the fare from the Station to wherever the owner lives? The charges currently in this section seem outdated.
4. If the vehicle is hired within the Borough of Reading, should the meter not be used at all times?

#### **Officers' response**

This is correct, the council offices no longer have the capacity to accept lost property, therefore it is suggested that drivers are directed to the Thames Valley Police lost property web page which advises the finder of an item on what to do with it based on its value/importance. Website address: <https://www.thamesvalley.police.uk/ro/report/lp/lost-or-found-property/>.

Officers agree that the £5 maximum charge is now outdated and that delivery of property to the passenger should be on the meter within the Borough. However, this should be to a maximum of £10. Drivers are reminded of Condition 14 of their licence which states they are obliged to check the rear compartment after each hire to search for lost items. I refer you to legal advice at section 4.1.3

#### **RTA question - Collisions (Accidents)**

5. HCV section B) 3 In the event of a collision, if the damage affects the use of the vehicle as a hackney carriage, should the owner not report the collision within 24 hours?

#### **Officers' response**

The law states that the damage must be reported to the Council as soon as practicably possible or in any case within 72 hours. As this is the law, it cannot be changed.

## **5. CONTRIBUTION TO STRATEGIC AIMS**

- 5.1 The Hackney Carriage trade provides a valuable service to the public by being available to transport customers throughout the borough on a 24-hour basis. The proposed changes simplify the current conditions, help make the condition and law regarding electronic payment clearer and provide drivers which rent vehicles a copy of the conditions and insurance documents of the vehicle they drive.

## **6. COMMUNITY ENGAGEMENT AND INFORMATION**

- 6.1 Officers meet with the taxi trade representatives (RTA) and consult on any changes to conditions and specifications.

## **7. Climate Impact Assessment**

- 7.1 A Climate Impact Assessment has been carried out and no publicity is required, there is no impact or risks on Capital Assets, on the service or corporate performance. There is no environment or climate impact as this report is only updating the HCD and HCV conditions

## **7. FINANCIAL IMPLICATIONS**

- 7.1 None.

## **8. BACKGROUND PAPERS**

- i) Current HCD conditions
- ii) Proposed HCD conditions
- iii) Current HCV conditions
- iv) Proposed HCV conditions
- v) Climate Impact Assessment

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