

Name of Cabinet Member:

Cabinet Member for City Services – Councillor P Hetherton

Director Approving Submission of the report:

Director of Streetscene and Regulatory Services

Ward(s) affected:

All Wards

Title:

Taxi Licensing Matters

Is this a key decision?

No - although the proposals affect more than two electoral wards, the impact is not expected to be significant.

Executive Summary:

This report provides information to the Cabinet Member for City Services to assess whether there should be changes to Drivers and Vehicles Conditions of Licence.

Recommendations:

The Cabinet Member for City Services is recommended to:

1. Authorise amendment to Conditions of Licence for Private Hire Drivers, Private Hire Vehicle Proprietors, Private Hire Pedicab Proprietors and Hackney Carriage Vehicle Proprietors to ensure that any card payment machines used must be registered as a “transport” provider or other suitable wording dependant on the provider of the card payment machine (proposed changes highlighted in Appendix A).
2. Authorise Condition of Licence for Private Hire Drivers, Private Hire Vehicle Proprietors, Private Hire Pedicab Proprietors and Hackney Carriage Vehicle Proprietors to prohibit drivers vaping in licensed Private Hire and Hackney Carriage Vehicles (proposed new condition highlighted in Appendix A).

3.

List of Appendices included:

Appendix A – Proposed new Conditions of Licence for Private Hire Drivers, Private Hire Vehicle Proprietors, Private Hire Pedicab Proprietors and Hackney Carriage Vehicle Proprietors (proposed changes and new condition highlighted in yellow).

Background papers:

None

Has it been or will it be considered by Scrutiny?

No:

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No.

Will this report go to Council?

No

Report Title – Taxi Licensing Matters

1. Context (or background)

1.1 **Part 1 – Proposal – To authorise an amendment to Conditions of Licence for Private Hire Drivers, Private Hire Vehicle Proprietors, Private Hire Pedicab Proprietors and Hackney Carriage Vehicle Proprietors to ensure that any card payment machines used must be registered as a “transport” provider or other suitable wording dependant on the provider of the card payment machine (proposed changes highlighted in Appendix A).**

1.1.1 Taxi Licensing Office recently received an email from a passenger who had undertaken Coventry City Council’s car scrappage scheme thus receiving a Yordex Card for making transport purchases (e.g. taxi journeys). The lady was unable to pay with this card as the card machine was registered as a florist and not as a “transport” provider or other similar wording, dependant on the card payment machine provider. Apparently, this is not only a Coventry City Council taxi problem as one of her friends was recently refused by the National Railway booking system.

1.1.2 It is therefore proposed to add a requirement to the current conditions of licence that card payment machines must be registered as a “transport” provider or other similar wording dependant on the card payment machine provider.

1.1.3 The proposed revised Conditions of Licence are at Appendix A with changes highlighted.

1.2 **Part 2 - Proposal – To authorise a Condition of Licence for Private Hire Drivers, Private Hire Vehicle Proprietors, Private Hire Pedicab Proprietors and Hackney Carriage Vehicle Proprietors to prohibit drivers vaping in licensed Private Hire and Hackney Carriage Vehicles (proposed new condition highlighted in Appendix A).**

1.2.1 It is currently illegal for anybody to smoke using tobacco products in working premises. Private Hire and Hackney Carriage Vehicles are classified as working premises and it is illegal for anybody to smoke using tobacco products in licensed Private Hire and Hackney Carriage Vehicles.

1.2.2 Although there is no definitive evidence that Electronic Nicotine Delivery Systems ENDS products are harmful to the user or cause passive smoking however, private hire drivers and hackney carriage drivers are professional drivers and if using an ENDS product whilst driving it is likely to distract from their safe use of the vehicle.

1.2.3 Passengers perception of a professional driver using ENDS products in a vehicle when waiting for passengers is not likely to create a professional image to their prospective customers.

1.2.4 The proposed revised Conditions of Licence are at Appendix A with changes highlighted.

2 Options and recommended proposals

- 2.1 To Authorise amendment to Conditions of Licence for Private Hire Drivers, Private Hire Vehicle Proprietors, Private Hire Operators and Hackney Carriage Vehicle Proprietors to ensure that any card payment machines used must be registered as a “transport” provider or other suitable wording dependant on the provider of the card payment machine (proposed changes highlighted in Appendix A).
- 2.2 To Authorise Condition of Licence for Private Hire Drivers, Private Hire Vehicle Proprietors, Private Hire Operators and Hackney Carriage Vehicle Proprietors to prohibit drivers vaping in licensed Private Hire and Hackney Carriage Vehicles (proposed new condition highlighted in Appendix A).

3 Results of Consultation Undertaken

Discussed at the Taxi Forum, chaired by the Cabinet Member of City Services, with Unite Union, the representatives of the hackney carriage and private hire trade in Coventry.

4 Timetable for implementing these decisions

- 4.1 Subject to approval of the recommendations this will commence forthwith unless subject to consultation.

5 Comments from Director of Finance and Comments from the Director of Law and Governance

5.1 Financial implications

Taxi Licensing is a ring-fenced budget within the Streetscene & Regulatory Services Directorate. Any additional costs will be paid by the applicant driver. Any on-going impact will be addressed in future fee reviews.

5.2 Legal implications

The Council has powers to attach conditions to drivers', vehicles' and operators' licences under the Local Government (Miscellaneous Provisions) Act 1976 where it is considered reasonably necessary to do so. A driver aggrieved by the suspension or revocation of their existing licence, or by the conditions attached to the grant of a licence has a statutory right of appeal to the local Magistrates' Court.

6 Other implications

6.1 How will this contribute to achievement of the Council's Plan?

It will help to facilitate improvements in the taxi services available to the people of Coventry.

6.2 How is risk being managed?

Through established reporting and governance arrangements.

6.3 What is the impact on the organisation?

None.

6.4 Equalities / EIA

None

6.5 Implications for (or impact on) Climate Change and the Environment

None

6.6 Implications for partner organisations?

Improvements in taxi services will benefit partner and other organisations, in terms of improving the safety, availability and value for money of taxis in Coventry.

Report author(s):**Name and job title:**

Mick Coggins, Senior Licensing & Enforcement Officer, Taxi Licensing

Directorate:

Streetscene & Regulatory Services

Tel and email contact:

024 7683 3024

sarah.elliott@coventry.gov.uk

Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Andrew Walster	Director of Streetscene & Regulatory Services	Streetscene & Regulatory Services	11/07/2022	11/07/2022
Lara Knight	Governance Services Co-ordinator	Law & Governance	11/07/2022	26/07/2022
Sarah Elliott	Head of Fleet and Waste Management	Streetscene and Regulatory Services	11/07/2022	15/07/2022
Names of approvers for submission: (officers and members)				
Finance: Lee Castledine	Finance Manager	Streetscene & Regulatory Services	11/07/2022	11/07/2022
Legal: Syeda Ahmed	Regulatory Barrister	Law & Governance	11/07/2022	13/07/2022
Members: Cllr Hetherton	Cabinet Member for City Services		11/07/2022	15/07/2022

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Private Hire Drivers' Conditions of Licence

1. Conduct of Driver

The driver shall;-

- (a) afford all reasonable assistance with passengers' luggage,
- (b) at all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner,
- (c) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him/her,
- (d) not without the express consent of the hirer, drink or eat in the vehicle,
- (e) not without the express consent of the hirer, play any radio or sound reproducing instrument or equipment or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle,
- (f) at no time, cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he/she is driving to be source of nuisance or annoyance to any person, whether inside or outside the vehicle,

2. Passengers

- (1) The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- (2) The driver shall not allow there to be conveyed in the front of a private hire vehicle:-
 - (a) any child below the age of ten years; or
 - (b) more than one person above that age.
- (3) The driver shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.

3. Lost Property

- (1) The driver shall immediately after the termination of any hiring of a private hire vehicle or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there.
- (2) If any property accidentally left in a private hire vehicle by any person who may have been conveyed therein is found by or handed to the driver the latter shall seek to identify the owner thereof failing which the property shall be delivered to the nearest police station with an explanation of the circumstances.

4. Written Receipts

The driver shall if requested by the hirer of a private hire vehicle provide him/her with a written receipt of the fare paid.

5. Animals

The driver shall not convey in a private hire vehicle any animal belonging to or in the custody of him/herself or the proprietor or operator of the vehicle.

6. Prompt Attendance

The driver of a private hire vehicle shall, if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.

7. Deposit of Licence

If the driver is permitted or employed to drive a private hire vehicle of which the proprietor is someone other than him/herself, he/she shall before commencing to drive that vehicle deposit this licence with that proprietor for retention by him/herself until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his/her.

8. Taximeter

If a private hire vehicle being driven by the driver is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare.

9. Fare to be Demanded

The driver shall not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter the fare shown on the face of the taximeter.

10. Change of Address

The driver shall notify the council of any change of his/her address during the period of the licence within 7 days of such change taking place.

11. Convictions/Cautions

The driver shall within 7 days disclose to the council in writing details of any conviction or caution imposed on him/her during the period of the licence.

12. Return of Badge

The driver shall upon the expiry (without immediate renewal), revocation or suspension of this licence forthwith return to the council the driver's badge issued to him/her by the council when granting this licence.

13. Records

(1) The driver shall maintain and carry within the vehicle driven by him/her a record in the form of a loose leaf or bound book and shall enter therein before the commencement of each journey the following details:-

- (a) The name of the driver.
- (b) The registration number of the vehicle being driven.
- (c) The name and address of the hirer or passenger to be carried.
- (d) The time and date for commencement of journey.
- (e) The destination of journey.
- (f) The point of pick-up.
- (g) Signature of driver

(2) The records shall be retained by the driver and delivered to the operator not later than 7 days from the date of the last entry.

14. Cashless Facilities

Functioning cashless facilities must be carried and cashless payments cannot be refused and must not incur the passenger additional costs. **These cashless facilities must be registered as a "transport" provider or similar with the payment card reader provider.**

15. Test/Assessments for new first time applicant Pedicab Private Hire Drivers

A new applicant pedicab private hire driver is not required to undertake the private hire driver road knowledge test or the driving assessment. However, it should be noted that the pedicab cannot be used outside the inner ring road and if the pedicab private hire driver should subsequently want to be licensed as a private hire driver to use motorised vehicles then they are required to undertake the private hire road knowledge test and driving assessment.

16. Vaping

Drivers are prohibited from vaping in Private Hire Vehicles.

Private Hire Vehicle Proprietors Conditions of Licence

1. Maintenance of Vehicle

The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements including in particular those contained in the Motor Vehicles (Construction and Use) Regulations shall be fully complied with.
2. Details of Vehicle

All vehicles shall be painted in a single colour save that two colours may be permitted provided only one appears above or below the contour line of the vehicle.

No material alterations or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the council at any time while the licence is in force.
3. Identification Plate (+ Disk)

The plate identifying the vehicle as a private hire vehicle and required to be exhibited on the vehicle, pursuant to Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 shall be securely fixed to the rear of the vehicle in a conspicuous position and in such a manner as to be removable by an authorised officer of the council or a police officer.
4. Interior Markings

The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein the number of this licence and the number of passengers prescribed in this licence.
5. Safety Equipment

There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances, such equipment to be carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency.
6. Signs, Notices, Etc.
 - a No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision or required or permitted by these conditions; provided however that this condition shall not apply to any indication on a taxi meter fitted to the vehicle.
 - b The proprietor shall cause to be affixed and maintained in the vehicle in a conspicuous position in accordance with the directions of the council any sign or notice relating to private hire vehicles which the council may from time to time require.
 - c There may be displayed within the vehicle for the information of passengers a table of fares in a form and printing previously submitted to and approved by the council.
7. Change of Address

The proprietor shall notify the council in writing of any change of his/her address during the period of the licence within seven days of such change taking place.
8. Convictions

The proprietor shall within seven days disclose to the council, in writing, details of any convictions imposed on him (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence.
9. Deposit of Driver's Licences

If the proprietor permits or employs any other person to drive the vehicle as a private hire vehicle, he shall before that person commences driving the vehicle cause the driver to deliver to him his private hire driver's licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his/hers.
10. Notification of Drivers

A proprietor shall inform the Taxi Licensing Office of Coventry City Council of the names and addresses of all licensed drivers permitted or employed to drive licensed vehicles within seven days of the date of

appointment or termination as the case may be.

11. Functioning Cashless Payment Facility in Vehicles

Proprietor(s) must ensure their vehicles are equipped with a functioning cashless payment facility.

These cashless facilities must be registered as a "transport" provider or similar with the payment card reader provider.

12. Vaping

Drivers are prohibited from vaping in Private Hire Vehicles.

Private Hire Pedicabs and Tuk Tuks Vehicle Proprietors Conditions of Licence

1. Introduction

Pedicabs and Tuk Tuks permitted to be licensed in Coventry are motor assisted vehicles with three wheels, used for the purpose of carrying fare paying passengers.

As with all licensed taxis these vehicles have to comply with Conditions of Fitness and are required to meet a minimum standard that must be maintained throughout the licensing period.

2. General Requirements

- a. Licensed vehicles must be of a design which has the driver/rider to the front and the passengers seated to the rear.
- b. Vehicles will have a minimum of three wheels and must be fitted with an electric (maximum 250 watts) or zero emission capability engine / motor (maximum 50 cc).
- c. If pedalled the vehicle must be fitted with an electric motor to either power the vehicle unassisted or to assist with pedalling (maximum 250 watts).
- d. Vehicles licensed by this authority will operate within the inner ring road and the Railway Station only.
- e. Pedicabs and Tuk Tuks are only permitted to accept pre booked fares received through a Coventry licensed Private Hire Operator and are not permitted to utilise hackney carriage ranks.
- f. The maximum number of passengers that can be carried in each vehicle will be assessed and determined by the Taxi Licensing Office and this number must be displayed on the licence plate issued by the Council to be fixed securely to the rear of the vehicle. This plate must also display the expiry date of the licence.
- g. Vehicles must be maintained in a sound, mechanical and structural condition and comply with all relevant legislation that affects the construction and use of such vehicles to include but not restricted to:-
 - a. Motor Vehicles (Construction and Use) Regulations
 - b. Road Vehicle Lighting Regulations
 - c. The Pedal Cycle (Construction and Use) Regulations 1983 and the Pedal Cycle (Construction and Use) (Amendment) Regulations 2015.
 - d. The Pedal Cycle (Safety) Regulations 2003.
 - e. The Pedal Bicycle (Safety) Regulations 2010.
 - f. The Electrically Assisted Pedal Cycle Regulation 19863 and the Electrically Assisted Pedal Cycle (Amendment) Regulations 2015.

3. Vehicle Testing

- a. All vehicles are subject to a mechanical examination prior to licensing and every 12 months thereafter. Any vehicle over 3 years old is required to undertake 6 monthly inspections.
- b. All inspections must be undertaken at Whitley depot or an alternative facility as appointed and authorised by the Council. Failure to secure a pass certificate will prevent a licence being issued or result in suspension of a licence (if at 6 monthly inspection).

- c. Where applicable a current MOT certificate will be required to be submitted with an application for a licence and annually thereafter on renewal of a licence.

4. Maintenance of Vehicle

The proprietor shall ensure that;

- a. The bodywork of the vehicle is in good condition and the paint work is clean and well maintained.
- b. Any roof covering is watertight.
- c. The condition, fixing and routing or positioning of electric cables and fitting, if any, are such that there is no risk of electrical fire or other incident.
- d. The vehicle is provided with an audible warning device such as a bell or a horn.
- e. Any door hinges, locks and handrails and any grab handles fitted to the vehicle are secure and sound, and not liable to injure any passengers, damage or soil their clothing or luggage.
- f. A suitable spare wheel and tyre is provided and readily available for use or an alternative temporary repair system is provided, together with the tools and equipment required to carry out any emergency replacement or repairs required to the vehicle.
- g. The vehicle is fitted with seatbelts to each seat. The seat belts shall be readily accessible for use by all passengers and must be maintained in a safe condition at all times.
- h. The fittings and furniture of the vehicle are clean and well maintained and in every way fit and safe for public use.
- i. Any internal linings of the vehicle are sound, clean and not liable to damage or soil passengers' clothing or luggage, and the floor is provided with a carpet, mat or other suitable, non-slip floor covering which is sound and clean.
- j. The seats are properly cushioned and covered by a water resistant material and that seat covers are in a sound and clean condition, which may be easily cleaned and dried.
- k. There shall be provided and maintained in the vehicle at all times a dry powder fire extinguisher of at least 1kg in weight and stamped EN3 or BSEN3 (which should be red in colour). The fire extinguisher must have a dial reader and be serviceable. A basic first aid kit must be carried which is CE, HSE, BSI, BS or DIN compliant.

5. Insurance

The proprietor or owner of the vehicle shall present, on application for a licence a valid vehicle insurance policy covering private hire for private hire use. This policy shall include details of;

- a. The proprietor or owner as the policy holder.
- b. Cover for any other persons who drive the vehicle who shall be named on the policy and be licensed Coventry private hire drivers.

6. Drivers

An applicant for a driver's licence for a Pedicab or Tuk Tuk shall;

- a. Undertake all the (relevant) requirements for a Coventry licensed private hire driver as stipulated in the Driver Information Document 044 plus any additional / amended requirements specific to the licensing of Pedicabs and Tuk Tuks.
- b. Meet the DVLA Group 2 medical standards (a medical examination form from the Council must be completed by the applicants own GP).
- c. Notify the Council of any medical condition which arises after the issue of the licence which may affect their ability to perform their duties.
- d. Not be permitted to drive any other type of private hire vehicle unless the relevant application, tests and assessments are undertaken and passed and the correct licence held.

7. Licence Requirements

Drivers of Pedicabs and Tuk Tuks must;

- a. hold a full DVLA driving licence

8. Functioning Cashless Payment Facility in Vehicles

Proprietors must ensure their vehicles are equipped with a functioning cashless payment facility. These cashless facilities must be registered as a "transport" provider or similar with the payment card reader provider.

9. Vaping

Drivers are prohibited from vaping in Private Hire Vehicles.

Hackney Carriage Vehicle Proprietors Conditions of Licence

1. A proprietor shall be engaged in a full time capacity in the business of letting for hire one or more hackney carriages.
2. A proprietor shall keep proper records in the form approved by the city council of all journeys undertaken by drivers engaged by him/her and of the hours worked by such drivers.
3. A proprietor shall provide and thereafter maintain in respect of the licence granted a hackney carriage of the metropolitan type which shall be of one colour approved by the city council.
4. A proprietor shall cause to be delivered to him and shall retain in his possession the licence of any driver engaged by him and shall ensure that such driver is in possession of the appropriate driver's badge issued by the city council.
5. A proprietor shall keep the licensed hackney carriage in a fit and road-worthy condition at all times and shall clean the same inside and outside daily.
6. A proprietor shall inform the Taxi Licensing Office of Coventry City Council of the name and address of all licensed drivers engaged by him/her and of any such driver ceasing to be so engaged within seven days of the date of appointment or termination as the case may be.
7. The licence granted shall remain in force for one year.
8. Advertisements shall not be displayed on any hackney carriage, either internally or externally, (including upon any window), without the written approval of the city council.
9. Where approval for the display of advertisements has been granted, the proprietor shall ensure the advertisement(s) are displayed in the prescribed manner and maintained in a clean and tidy condition.
10. Stickers identifying the vehicle as a licensed hackney carriage (including current plate number) and issued by the City Council shall be adhered directly to the vehicle to which they relate as follows:
 - a. One to the nearside quarterlight and one to the offside quarterlight, located towards the bottom when viewed from outside and readable from outside the vehicle.
 - b. One located at the top of the windscreen and readable from outside the vehicle.
 - c. If the information on any of the stickers is inaccurate or not clearly readable the vehicle must not be used for hire until replacement stickers have been issued by the City Council and adhered to the vehicle. The information on the stickers must not be altered or obliterated other than by the City Council. Stickers must not be located elsewhere on the vehicle without prior written approval from the City Council.
11. Proprietors must ensure their vehicles are equipped with a functioning cashless payment facility. These cashless facilities must be registered as a "transport" provider or similar with the payment card reader provider.
12. Drivers are prohibited from vaping in Private Hire Vehicles.