

Licensing and Registration Committee

18 January 2017

Report of Corporate Director (Operational Services)

A.2. Report recommending change to format of Hackney Carriage and Private Hire Driver Badges granted by Tendring District Council

(Report prepared by Simon Harvey)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

The Licensing and Registration Committee is asked to agree an amendment to the format of the Council's Hackney Carriage and Private Hire Driver Badges so that the name of the driver is displayed prominently on the front of the badge to accompany the photo of the driver concerned.

EXECUTIVE SUMMARY

- Currently our hackney and private hire driver's badges show the serial number of the licence, a photograph of the driver, the expiry date of the licence/badge and our Tendring District Council crest.
- It is proposed to amend the format of the driver's badge to include the driver's name prominently on the front of the badge to accompany the photograph in order to aid our licensing officers in communicating with drivers and also in identifying them when carrying out roadside or taxi rank compliance checks of drivers and vehicles.

RECOMMENDATION(S)

It is recommended that Members:

- a) Agree to include the title, initial(s) and surname of the licence holder prominently on the front of the Council's Hackney Carriage and Private Hire Drivers Badges with immediate effect.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Changing the format of the current Hackney Carriage and Private Hire Drivers Badge granted by Tendring District Council will help augment the Council's Corporate Plan 2016 – 2020 by assisting and enhancing the engagement that our licensing officers have with the taxi and private hire community, particularly when they are carrying out driver and vehicle compliance checks out on the street and on taxi ranks.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

Risk

There is a financial and reputational risk to the Council of any successful legal challenge made against its policies or decisions in relation to the grant of hackney carriage/private hire driver, vehicle or operators licences. In the event of an appeal being allowed by these Courts, the costs of any such hearing or challenge could be awarded against the Council.

LEGAL

Any decision made by the Licensing and Registration Committee in regards to matters of grant, renewal, suspension or revocations of licences and attachment of policies or conditions to individual hackney carriage and private hire licences can be appealed to the Magistrates' Court and from there to the Crown Court.

In the event of the appeal being allowed by these Courts, the costs of any such hearing could be awarded against the Council.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Consultation/Public Engagement.

CRIME AND DISORDER

There are no particular crime and disorder connotations attached to this proposal or resulting from it, but having the name of the driver clearly identified on the badge would assist passengers or enforcement agencies such as the Council, Police or VOSA in this regard if needed.

EQUALITY AND DIVERSITY

The proposed change to the Council's hackney carriage and private hire driver's badges will apply to all new applicants and existing licence holders.

AREA/WARDS AFFECTED

All

CONSULTATION

The hackney carriage and private hire trades have been invited to comment on the proposal if they wish to do so by way of a short consultation that was detailed and publicised in the December 'Taxi Newsletter' that was sent out to all Tendring licensed drivers early in December. The deadline for written comments or responses to be made to the consultation was the 5 January 2017. (See attached as Appendix 1).

There have been no responses received at all from the taxi and private hire trades to this consultation at the time that this report was sent for printing on the 6 January.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

Tendring District Council grants dual hackney carriage and private hire driver's licences

and badges.

The Council's byelaws and driver licence conditions state the following in relation to drivers licences:

9. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage he shall, when standing or plying for hire, and when hired, wear that badge in such a position and manner as to be plainly visible.

Section 54 of the Local Government (Miscellaneous Provisions) Act 1976 advises the following in relation to the grant of drivers badges by a Council:

54 Issue of drivers' badges.

(1)When granting a driver's licence under section 51 of this Act a district council shall issue a driver's badge in such a form as may from time to time be prescribed by them.

(2)(a) A driver shall at all times when acting in accordance with the driver's licence granted to him wear such badge in such position and manner as to be plainly and distinctly visible.

(b) If any person without reasonable excuse contravenes the provisions of this subsection, he shall be guilty of an offence.

CURRENT POSITION

Currently our badges only show a serial number of their licence and a photograph of the driver, along with the expiry date of the licence/badge and also our Tendring District Council crest.

It is unknown as to why historically our TDC hackney carriage and private hire badge has not included the name of the driver on it, but this has been the case for a number of years now.

Not having the name of the driver on the badge can and does make communication with the driver and recognition of the driver difficult for licensing officers carrying out roadside or taxi rank compliance checks of the driver and/or the vehicle they are driving.

TDC officers have our name and photograph prominently on the front of our identity badges so that we can be readily identified by all persons for example.

It is therefore proposed to amend the format of our TDC hackney carriage and private hire drivers badge to include the title, initial(s) and surname of the driver in question. E.g. 'Mr J M Smith'.

This will aid our licensing officers to communicate more easily and readily with drivers when carrying out roadside and taxi rank compliance checks and also assist with identifying drivers for other agencies such as the Police or VOSA for example.

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

Appendix 1 - Copy of Taxi Newsletter December 2016