

Report of: Head of Licensing and Registration

Report to: Licensing Committee

Date: 4 August 2015

Subject: Information Report :- The emergence of the 'App' booking facility for the Taxi & Private Hire Services

Are specific electoral wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity or cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for call-in?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If 'yes', access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The legislation relating to how taxi services are provided within a licensing regime dates back to 1847. The provision of Private Hire bookings was introduced in 1976.
2. The most apparent issue relative to these licensed passenger transport services is the change in available technology and how that has created opportunities for the general public to obtain the service through the use of technology.
3. This briefing report is intended to give an overview of the legislation and how it applies to the most recent technology taken up by the trades; the 'App'.

Recommendations

4. That Members note the report.

1 Purpose of this report

- 1.1 To brief Members on the available technology and how it fits in with legislation around Taxi & Private Hire licensing.

2 Background information

- 2.1 The starting point is the legislation because it is that which defines what is a lawful practice or otherwise.
- 2.2 Members will be aware that Taxis can be 'hailed' on the streets or can provide their services at designated taxi ranks. The covering legislation is the Town Police Clauses Act of 1847.
- 2.3 In 1976 the Local Government (Miscellaneous Provisions) Act, (Part II) was introduced to deal with the emergence of the private hire trade and bring it within regulatory control for both safety purposes and also to define how the service could be taken up by a customer; thereby drawing a clear distinction between the trades by pre-booking only through a licensed Private Hire operator.

3 Main issues

- 3.1 This particular report focusses on how private hire bookings are made and the relevant part of the legislation is:-

Section 56 (1) Operator of Private Hire vehicles.

There is no stipulation in the Act on how the booking has to be communicated to the Operator. At the time the Act was created that could be, by telephone, personal visit to the booking office or even letter. That progressed to email and text messaging and then onto web based booking arrangements, all of which, in principle, did not conflict with the legislation. The most recent technology advance has been the 'App' which is accessible via an icon on a smartphone or tablet.

- 3.2 This of course makes a booking facility much more 'portable' to the customer and constantly accessible. This report is not about the benefits or concerns of such applications, that is an operational matter for separate discussion, but the legality of the 'App'.
- 3.3 Officers take the view that there is nothing in the Act to prevent the technological advance being part of a licensable activity under the controlling legislation, providing there is compliance across the board with all the relevant parts of the legislation. Locally there are a number of Private Hire Operators who use 'Apps' to receive bookings and that position is magnified nationally. Taxis are users of 'Apps', but it is a matter of personal choice whether or not they choose to use them.
- 3.4 The Council can apply conditions to Private Hire Operator licences and the following standard condition is in place in relation to telephone bookings: -

17. TELEPHONE VOICE RECORDING OF BOOKINGS

- i. Private Hire Operators (not sole Operators) shall utilise an approved voice recording system for incoming advance bookings which corresponds with the required detail in the booking records. The recordings must be kept securely, as directed by Authorised Officers,

and in a manner that enables a speedy recovery of transactions. The technology must be approved in writing by the Council.

ii. Private Hire Operators are not permitted to accept telephone bookings forwarded by their PHDs.

3.5 This condition has been in place for many years and was not an intention to restrict the introduction of new technology that can satisfactorily meet the pre-booking requirements. The council clearly recognises that an app gives benefits to the customer and can be used to meet the pre-booking requirements. As such an exception to this condition has been made for those PH Operators who make use of apps. This is considered to be a proportionate and reasonable variation to the conditions.

4 Corporate considerations

4.1 Consultation and engagement

4.1.1 No consultation has been undertaken on this information report.

4.2 Equality and diversity, cohesion and integration

4.2.1 There are no issues affecting this report.

4.3 Council policies and the best council plan

4.3.1 There are no issues affecting this report.

4.4 Resources and value for money

4.4.1 Not applicable.

4.5 Legal implications, access to information and call-in

4.5.1 There are no legal implications.

4.6 Risk management

4.6.1 Consideration is given on an individual basis at the time of application for a Private Hire Operator licence if applicable.

5 Conclusions

5.1 That the Use of 'Apps', in the format presented to the Council up to this point appears to meet primary legislation.

6 Recommendations

6.1 That Members note the report.

7 Background documents¹

7.1 None.

¹ The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

