

Taxis Committee – 7th January 2010

Report of the Director of Corporate Resources

Fleet Insurance Policy

Purpose of Report

1. To inform the committee of representations made to both the council and the Ombudsman in relation to the councils fleet insurance policy.

Background

2. On the 15th of September 1989, the then Administration, Property and Legal Committee considered a revision in policy in relation to the licensing of hackney carriage and private hire. The committee resolved to accept the proposals in this review and as a consequence, guidance booklets and a leaflet were issued to the trade, detailing the requirements for licensees when submitting insurance. Both these documents have been updated on a regular basis and the most recent leaflet is attached as appendix 1 to this report.
3. On the 19th of November a letter addressed to Martin Hanson Licensing Clerk was received from a Mr D. Cole, who had concerns in relation to the council's policy in respect of the submission of fleet insurance. A copy of that letter together with Mr Hanson's reply is attached to this report as appendix 2.
4. The council received copies of a letter from Mr Cole to the Ombudsman, a LGO advice team response to him and a letter to the council from the LGO advice team, on the 23rd of November 2009. These letters are attached as appendix 3 to this report.'
5. The Licensing Officer replied to Mr. Cole's letter to the Ombudsman, in accordance with the council's complaint procedure, as advised by the LGO advice Team. Enclosed with this letter were copies of a letter to all operators dated the 28th of November 2007 and the current Insurance leaflet. A copy of all this correspondence is attached to this report as appendix 4.
6. Whilst investigating Mr Cole's concerns the Licensing Officer contacted neighbouring council's to ascertain their policy in relation to fleet insurance. These policies are detailed below.

Council	Policy
Dudley	<ul style="list-style-type: none"> • The wording on the policy must read 'Any Driver or vehicle as per attached schedule'. • The Schedule must form part of the cover note/certificate of insurance and be issued by the insurance company. • The schedule must clearly define the use for which each vehicle is covered. • Accident damage companies must submit a signed original letter on behalf of the company giving permission for the named client to drive the vehicle • Produce cover notes, which clearly show the named driver who is to use the vehicle during the period of hire. • A full insurance policy may be produced in advance stating 'Any Driver' but must be supported by documentation from the insurance company that clearly restrict the insurance to a named licence driver.
Solihull	<ul style="list-style-type: none"> • Do not accept fleet insurances for hackney carriage and private hire vehicles licensed by them. Only named driver policies are accepted. • Fleet insurance policies with the words 'any driver' are accepted in relation to accident damage companies but this insurance must be supported by documentation from the insurance company that clearly restrict the insurance to a named licensed driver.

Birmingham	<ul style="list-style-type: none"> • Accept only named driver policies. • If the policy holder of the vehicle differs from the driver of the vehicle a letter of authority from the insurance company must be submitted with the insurance confirming that the named driver is insured to drive the vehicle.
Sandwell	<ul style="list-style-type: none"> • If any person produces an 'any driver' policy it must be accompanied by a schedule issued by the insurance company naming vehicles and drivers • Alternatively a twelve months 'any driver' policy may be submitted but licensed plates will only be released to drivers on the production of cover notes naming individual drivers and vehicles.

7. This application falls within the Council's responsibility for Taxi and Private Hire Licensing, which has a direct link to the Council's key corporate priority that safety matters.

Finance

8. There are no financial implications.

Law

9. Section 48(1)b of the Local Government (Miscellaneous) Provisions Act states that the council can only grant a private hire vehicle licence if there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of (Part V1 of the Road Traffic Act 1988).
10. Section 47(1) of the Town Police Clauses Act 1847 states that the council may attach to the grant of a hackney carriage under the 1847 Act such conditions as the council may consider reasonably necessary.
11. Condition 2 of a hackney carriage licence states that this licence shall lapse immediately there shall cease to be in force in respect of the hackney carriage to which it applies such a policy of insurance or such a security in respect of third party risks as complies with Part V1 Of the Road Traffic Act 1988.
12. 11. Section 57(1) of the Local Government (Miscellaneous) Provisions Act 1976 states that the council may require any applicant for a licence under the Act of 1847 or under this part of the Act to submit such information as they might reasonably consider necessary to enable them to determine whether the licence

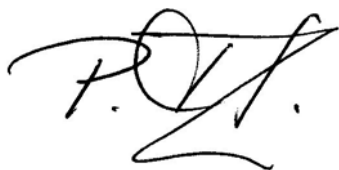
should be granted and whether conditions should be attached to any such licence.

Equal Opportunities

13. This report takes into account the Council's policy on equal opportunities.
14. The licensing of private hire and hackney carriage vehicles and drivers will impact on children and young people through their transportation in licensed vehicles.
15. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

16. That the committee consider the content of this report and consider whether they wish to make any variation to their current policy.



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers