

# Licensing Committee



Forest Heath  
District Council

<b>Title of Report:</b>	<b>Revised Dress Code for Private Hire and Hackney Carriage Drivers</b>	
<b>Report No:</b>	<b>LIC/FH/15/004</b>	
<b>Report to and date/s:</b>	Licensing Committee	28 September 2015
<b>Portfolio holder:</b>	Councillor James Waters Portfolio Holder for Planning and Growth <b>Tel:</b> 07771 621038 <b>Email:</b> <a href="mailto:james.waters@forest-heath.gov.uk">james.waters@forest-heath.gov.uk</a>	
<b>Lead officer:</b>	Tom Wright Business Regulation and Licensing Manager <b>Tel:</b> 01638 719223 <b>Email:</b> <a href="mailto:tom.wright@westsuffolk.gov.uk">tom.wright@westsuffolk.gov.uk</a>	
<b>Purpose of report:</b>	The purpose of this report is to request that the Licensing Committee considers revising the dress code for drivers of private hire cars and taxis.	
<b>Recommendation:</b>	<p><b>It is recommended that Members:</b></p> <ol style="list-style-type: none"> <li><b>1. Approve the revised dress code condition for consultation with current licence holders; or</b></li> <li><b>2. Reject the revised dress code for drivers; or</b></li> <li><b>3. Amend the proposed dress code condition prior to consultation.</b></li> </ol>	
<p><b>Key Decision:</b></p> <p><i>(Check the appropriate box and delete all those that <b>do not</b> apply.)</i></p>	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>Yes, it is a Key Decision - <input type="checkbox"/></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p>	

<p><i>The decisions made as a result of this report will usually be published within <b>48 hours</b> and cannot be actioned until <b>five clear working days of the publication of the decision</b> have elapsed. This item is included on the Decisions Plan.</i></p>			
<b>Consultation:</b>		<ul style="list-style-type: none"> <li>To be carried out</li> </ul>	
<b>Alternative option(s):</b>		<ul style="list-style-type: none"> <li>None applicable</li> </ul>	
<b>Implications:</b>			
<p>Are there any <b>financial</b> implications? If yes, please give details</p>		<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> <li></li> </ul>	
<p>Are there any <b>staffing</b> implications? If yes, please give details</p>		<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> <li></li> </ul>	
<p>Are there any <b>ICT</b> implications? If yes, please give details</p>		<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Are there any <b>legal and/or policy</b> implications? If yes, please give details</p>		<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <ul style="list-style-type: none"> <li>See body of report</li> </ul>	
<p>Are there any <b>equality</b> implications? If yes, please give details</p>		<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> <li></li> </ul>	
<b>Risk/opportunity assessment:</b>		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
<b>Risk area</b>	<b>Inherent level of risk</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
	Low/Medium/ High*		Low/Medium/ High*
Implementing any policy or code which fails to meet current legislative or good practice requirements could leave this Licensing Authority open to a challenge.	High	Ensuring relevant licence holders are consulted and ensuring that they are informed of any.	
<b>Ward(s) affected:</b>		All	
<b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i>		<p>Town Police Clauses Act 1847 <a href="http://www.legislation.gov.uk/ukpga/Vict/10-11/89">http://www.legislation.gov.uk/ukpga/Vict/10-11/89</a></p> <p>Local Government (Miscellaneous Provisions) Act 1976 <a href="http://www.legislation.gov.uk/ukpga/1976/57">http://www.legislation.gov.uk/ukpga/1976/57</a></p> <p>Forest Heath DC Hackney Carriage and Private Hire Handbook <a href="http://www.westsuffolk.gov.uk/Business/Regulation_and_Licensing/Licensing/Taxi_licensing/upload/FHDC-hackney-carriage-handbook.pdf">http://www.westsuffolk.gov.uk/Business/Regulation_and_Licensing/Licensing/Taxi_licensing/upload/FHDC-hackney-carriage-handbook.pdf</a></p>	
<b>Documents attached:</b>		None	

## **1. Key issues and reasons for recommendation(s)**

- 1.1 The appearance of licensed drivers can create a lasting impression on visitors to this area. Portraying a professional image is good for business and good for the image of the district.
- 1.2 Recently Officers have been alerted to licensed drivers wearing clothing that is considered inappropriate and presents a potentially negative impression, for example, Bermuda style shorts/swim trunks and vest tops.
- 1.3 The Council's current conditions for all drivers states the following:  
  
24 (d) Drivers are expected to be smart and clean in appearance at all times. They must maintain a high standard of personal hygiene and not dress in a manner which is likely to embarrass or offend. Tracksuits, torn jeans, sleeveless T-shirts or similar are not considered appropriate clothing.
- 1.3 Any driver found to be in breach of the dress requirements would normally be dealt with in a graduated manner in accordance with the current disciplinary code and the corporate enforcement policy. Typically a written warning in the first instance followed by the issuing of penalty points on the drivers licence issued by the council for more persistent offenders.
- 1.4 A balance must be found between drivers presenting a good image for the district without impacting on an individual's freedom to wear clothes that are not too prescriptive. It is proposed that current condition can be enhanced and should be amended to incorporate guidance as follows:

### **Condition:**

All drivers are required to dress smartly and to maintain a clean and tidy appearance at all times with a high standard of personal hygiene.

Clothing should not be dirty, ripped, snagged or holed or contain words or graphics that are offensive or suggestive.

### **As a guide to what the council consider "dress smartly" the following guidance is provided:**

#### **ITEMS OF CLOTHING ALLOWED:**

- Shirt
- Polo shirts,
- Sensible trousers – i.e. Tailored knee length shorts, Chinos, quarter length trousers
- Knee length skirts,
- Shoes, Footwear should fit around the heel of the foot

#### **ITEMS OF CLOTHING NOT ALLOWED:**

- Dirty clothing
- T-shirts, collarless tops
- Jogging bottoms,
- Tracksuit,

- Singlet,
- Sports shirts, like football, rugby or cricket tops and or shorts,
- Mules, Flip-flops and other beach-type footwear
- Short skirts,
- Bare midriff and similar clothes,
- Baseball caps
- Swimwear

## 2.0 **Legal considerations**

- 2.1 The Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976 provide the legislative framework for the various aspects of licensing for hackney carriages and private hire.
- 2.2 Human Rights - The First Protocol 1 Article 1 is engaged in that applying a revised dress code and taking enforcement action is an additional control on vehicle and driver licences. However, there is derogation if the control is in the public interest. A fair balance has to be achieved. The issues are the effect on the drivers business, the nature of the public interest, whether the public interest could be secured in another way, and if not whether there is a fair balance.